of the “more grave crimes” against church law, called “delicta graviora,” including for the first time the “attempted sacred ordination of a woman.” Sexual abuse of a minor by a priest was added to the classification of “delicta graviora” in 2001, and at that time the Vatican established norms to govern the handling of such cases, which were reserved to the Congregation for the Doctrine of the Faith. The norms affect how church law treats sex abuse cases; civil law deals with the crime separately. The latest revisions, approved by Pope Benedict XVI May 21 and released July 15, for the most part codify practices that have been implemented through special permissions granted over the last nine years and make them part of universal law. Vatican translations of three doctrinal congregation texts follow: a letter to bishops announcing the revised norms, a brief note describing the changes introduced in the revised norms (both translated from Italian) and the norms themselves (translated from Latin). All three are copyright © 2010 by Libreria Editrice Vaticana.

“The Congregation for the Doctrine of the Faith … judges delicts against the faith as well as the more grave delicts committed against morals and in the celebration of the sacraments.”

Revised Norms on Dealing With Clerical Sex Abuse of Minors and Other Grave Offenses

The Vatican has revised its procedures for handling priestly sex abuse cases, streamlining disciplinary measures, extending the statute of limitations and defining child pornography as an act of sexual abuse of a minor. Vatican officials said the changes allow the church to deal with such abuse more rapidly and effectively, often through dismissal of the offending cleric from the priesthood. The Vatican also updated its list

Letter to the Bishops

ine years after the promulgation of the apostolic letter motu proprio data Sacramentorum Sanctitatis Tutela regarding the norms de gravioribus delictis reserved to the Congregation for the Doctrine of the Faith, this dicastery held it necessary to proceed with a reform of the

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Vatican officials emphasized that simply because women’s ordination is treated in the same document as priestly sex abuse does not mean the two acts are somehow equivalent in the eyes of the church.

“There are two types of ‘delicta graviora’: those concerning the celebration of the sacraments, and those concerning morals. The two types are essentially different and their gravity is on different levels,” said Msgr. Charles Scicluna, an official of the Vatican’s doctrinal congregation.

The norms essentially restated a 2007 decree from the doctrinal congregation that said a woman who attempts to be ordained a Catholic priest and the person attempting to ordain her are automatically excommunicated.

The norms added that if the guilty party is a priest, he can be punished with dismissal from the priesthood. For those wondering why an excommunicated priest would also be laicized, Vatican sources said they were two different kinds of penalties.

“Excommunication is a medicinal penalty which has to be remitted once the person repents; dismissal (from the priesthood) is an additional expiatory penalty which remains in place permanently, even if the excommunication is lifted,” Msgr. Scicluna explained.

The norms are revisions to Pope John Paul II in his 2001 apostolic letter “Sacramentorum Sanctitatis Tutela.” The letter reviewed some aspects of the history of church law to explain why certain cases would be reserved to the doctrinal congregation.

The norms themselves were not published, and Vatican sources said the norms would be sent to local bishops on a case-by-case basis. However, the norms were discussed and explained in a letter above-mentioned text, emending it not in its entirety but only in certain areas in order to render the text more useful.

After a thorough and attentive study of the proposed modifications to the norms, the fathers of the Congregation for the Doctrine of the Faith presented the Roman pontiff with a draft. The Holy Father approved and ordered the promulgation of these revised norms on May 21, 2010.

Attached with this letter is a brief description of the changes and amendments of the normative text Sacramentorum Sanctitatis Tutela. In this way, the modifications are rendered more immediately accessible.


Cardinal William Levada
Prefect
Archbishop Luis F. Ladaria, SJ
Secretary

A Brief Note

The new text of the normae de gravioribus delictis as revised by Pope Benedict XVI on May 21, 2010, contains modifications to both the substantial and the procedural norms found in the original text of Sacramentorum Sanctitatis Tutela.

The following are the changes introduced into the text:

A) The following faculties, originally granted by Pope John Paul II to the Congregation for the Doctrine of the Faith and later confirmed by his successor, Pope Benedict XVI, on May 6, 2005, have been introduced into the text:

1. The right, as mandated by the Roman pontiff, to judge cardinals, patriarchs, legates of the Apostolic See, bishops and other physical persons found in the Code of Canon Law [CIC], Canon 1405 §3 and the Code of Canons of the Eastern Churches [CCEO], Canon 1061 (Art. 1 §2).

2. The extension of the term of prescription of a criminal action to 20 years, maintaining the right of the Congregation for the Doctrine of the Faith to derogate from prescription on a case-by-case basis (Art. 7).

3. The faculty to dispense from the requirement of priesthood and the requirement of a doctorate in canon law for the personnel of the tribunal, advocates and procurators (Art. 15).

4. The faculty to sanate acts in cases where only procedural laws have been violated by an inferior tribunal, guaranteeing always the right to a proper defense (Art. 18).

5. The faculty to dispense from a judicial trial and therefore to proceed per decretum extra iudicium. In these cases the Congregation for the Doctrine of the Faith, after a careful examination of the facts, decides on a case-by-case basis when to authorize an extrajudicial (administrative) process at the request of the ordinary or local hierarch or ex officio (in any of these cases the imposition of a perpetual, expiatory penalty requires the mandate of the Congregation for the Doctrine of the Faith) (Art. 21 §2 n. 1).

6. The faculty to present cases directly to the Holy Father for dimissio e statu clericali or depositio, una cum dispensatione a lege caeli batus; to proceed in this manner, in addition to the extreme gravity of the particular case, the commission of the delict in question must be manifest and the right to a proper defense of the accused must be guaranteed (Art. 21 §2 n. 2).

7. The faculty to make recourse to the ordinary session of the Congregation for the Doctrine of the Faith against administrative acts issued or approved by the same congregation in a lower grade of judgment in cases of reserved delicts (Art. 27).

B) The following modifications have also been introduced into the text:

8. The delicta contra fides (heresy, apostasy and schism) have been included; for these delicts, the norms indicate a particular competence for the local ordinary to proceed ad normam iuris, either in a judicial manner or extra iudicium in the first instance, maintaining the right of appeal or recourse to the Congregation for the Doctrine of the Faith (Art. 1 §1 and Art. 2).

9. Regarding the Eucharist, the two delicts of attentatio liturgicae eucharistici sacrificii actionis (CIC Canon 1378 § 2 n.1) and the sim-
ulation of the same (CIC Canon 1379; CCEO Canon 1443) are now considered under separate numbers (Art 3 § 1 nn. 2 and 3).

10. Also concerning delicts against the Eucharist, with respect to the previous version of the text, the phrase "alterius materiae sine altera" has been replaced with the expression "unius materiae vel utriusque" and the phrase "aut etiam utriusque extra eucharisticam celebrationem" has been replaced with "aut extra eam" (Art. 3 §2).

11. Regarding the sacrament of penance, the crimes specified in CIC Canon 1378 §2 (attempting to impart sacramental absolution or hearing a sacramental confession when one cannot do so validly) and CIC Canon 1379 and CCEO Canon 1443 (simulation of sacramental absolution) have been included in the text (Art. 4 §1 nn. 2 and 3).

12. Also included among the delicts are the indirect violation of the seal (Art. 4 §1 n. 5), the recording and divulgation of a sacramental confession done with malice (decree of the Congregation for the Doctrine of the Faith, Sept. 23, 1988) (Art. 4 §2).

13. The attempted ordination of a woman has also been introduced as a delict in the new text, as established by the decree of the Congregation for the Doctrine of the Faith on Dec. 19, 2007 (Art. 5).

14. Among the delicta contra mores: a person over 18 years of age who is developmentally disabled is equated to a minor exclusively in regards to Art. 6 §1 n. 1.

15. Also added as delicts are the acquisition, possession or distribution of pornographic images of minors under the age of 14, a clerico turpe patrata, in any way and by any means (Art. 6 §1 n. 2).

16. It is clarified that the munera processui praefinalaria may be, but need not necessarily be, undertaken directly by the Congregation for the Doctrine of the Faith (Art. 17).

17. The possibility of taking the cautionary measures foreseen in CIC Canon 1722 and CCEO Canon 1473 during the preliminary investigation is allowed (Art. 19).

Given at the Congregation for the Doctrine of the Faith.

Cardinal William Levada
Prefect
Archbishop Luis F. Ladaria, SJ
Secretary

Norms

PART ONE
SUBSTANTIVE NORMS

Article 1

§1. The Congregation for the Doctrine of the Faith, according to Article 52 of the apostolic constitution Pastor Bonus, judges delicts against the faith as well as the more grave delicts committed against morals and in the celebration of the sacraments and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, with due regard for the competence of the Apostolic Penitentiary and in keeping with agendi ratio in doctrinarum examine. §2. With regard to the delicts mentioned above in §1, the Congregation for the Doctrine of the Faith, by mandate of the Roman pontiff, may judge cardinals, patriarchs, legates of the Apostolic See, bishops as well as other physical persons mentioned in Canon 1405 §3 of the Code of Canon Law and in Canon 1061 of the Code of Canons of the Eastern Churches. §3. The Congregation for the Doctrine of the Faith judges the reserved delicts mentioned in §1 according to the following norms.

Article 2

§1. The delicts against the faith referred to in Article 1 are heresy, apostasy and schism according to the norm of Canons 751 and 1364 of the Code of Canon Law and Canons 1436 and 1437 of the Code of Canons of the Eastern Churches.

§2. In the above-mentioned cases referred to in §1, it pertains to the ordinary or hierarchy to remit, by norm of law if it be the case, the latae sententiae excommunication and likewise to undertake a judicial trial in the first instance or issue an extrajudicial decree with due regard for the right of appeal or of recourse to the Congregation for the Doctrine of the Faith.

Article 3

§ 1. The more grave delicts against the sanctity of the most holy sacrifice and sacrament of the Eucharist reserved to the Congregation for the Doctrine of the Faith for judgment are:

1° The taking or retaining for a sacrilegious purpose or the throwing away of the consecrated species, as mentioned in Canon 1367 of the Code of Canon Law and in Canon 1442 of the Code of Canons of the Eastern Churches.

2° Attempting the liturgical action of the eucharistic sacrifice spoken of in Canon 1378 §2, n. 1, of the Code of Canon Law.

3° The simulation of the same, spoken of in Canon 1379 of the Code of Canon Law and in Canon 1443 of the Code of Canons of the Eastern Churches.
of the Holy See in 2002 with the establishment of the 
Essential Norms and we are 
strengthened even more as 
the measures outlined in this 
document build on and go 
beyond what has been par-
ticular law for the church in 
the United States since then. 

“The seriousness with which 
the church views sexual 
abuse of a minor by a cleric 
cannot be understated. By 
putting child sexual abuse by 
clergy in the same context as 
the safeguarding of the sacra-
ments, the church is making 
it clear that such misconduct 
violates the core values of our 
faith and worship.

“Today the Congregation for 
the Doctrine of the Faith notes 
that the abuse of the mentally 
impaired, no matter what 
the person’s age, is horrific. 
Abuse of someone who cannot 
defend himself or herself is 
creepy, cowardly behavior.

“Welcome too is the recogni-
tion that the crime of child 
pornography damages not 
just those who pursue it, but 
any child degraded in the 
making of it. Child pornog-
raphy is a degradation of 
any child of God. A priest’s 
involvement with it is par-
ticularly offensive.

“The document makes 
law of measures that have 
already been in use by the 
Congregation of the Doctrine 
of the Faith to facilitate han-
dling of cases brought to the 
Vatican. This is an important 
step in the continuing effort 
to achieve justice for inno-
cent people whose trust in a 
cleric was violated.

“The adoption of these 
modifications to the original 
norms of the apostolic let-
ter, “The Safeguarding of the 
Sanctity of the Sacraments” 
(“Sacramentorum Sanctitatis 
Tutela”), issued in April 2001, 
furthers our strong resolve to 
do all that is possible to see 
that children are protected 
and safe, especially in the 
church. We apologize to those 
who have been hurt in the 
past. We are doing everything 
possible to prevent such 
harm in the future.”

Archbishop Donald W. Wuerl 
of Washington, chairman of 

4° The concelebration of the eucha-
ristic sacrifice prohibited in Canon 908 of the 
Code of Canon Law\(^{18}\) and in Canon 702 of the 
Code of Canons of the Eastern Churches,\(^ {17}\) 
spoken of in Canon 1365 of the Code of Canon 
Law\(^ {19}\) and in Canon 1440 of the Code of Canons 
of the Eastern Churches,\(^ {19}\) with ministers of 
ecclesial communities which do not have 
apostolic succession and do not acknowledge 
the sacramental dignity of priestly ordin-
ation.

§ 2. Also reserved to the Congregation for 
the Doctrine of the Faith is the delict which 
consists in the consecration for a sacrilegious 
purpose of one matter without the other or 
even of both, either within or outside of the 
eucharistic celebration.\(^ {20}\) One who has perpe-
trated this delict is to be punished according 
to the gravity of the crime, not excluding 
dismissal or deposition.

Article 4

§ 1. The more grave delicts against the 
sanctity of the sacrament of penance reserved 
to the Congregation for the Doctrine of the 
Faith are:

1° The abolution of an accomplice in a sin against the Sixth Commandment of the Decalogue, mentioned in Canon 1378 §1 of the Code of Canon Law\(^ {21}\) and in Canon 1457 of the Code of Canons of the Eastern Churches.\(^ {22}\)

2° Attempted sacramental absolu-
tion or the prohibited hearing of confession, 
mentioned in Canon 1378 §2, 2° of the Code of 
Canon Law.\(^ {23}\)

3° Simulated sacramental absolu-
tion, mentioned in Canon 1379 of the Code of 
Canon Law\(^ {24}\) and in Canon 1443 of the Code 
of Canons of the Eastern Churches.\(^ {25}\)

4° The solicitation to a sin against the Sixth Commandment of the Decalogue in the act, on the occasion or under the pretext of confession, as mentioned in Canon 1387 of the Code of Canon Law\(^ {26}\) and in Canon 1458 of the Code of Canons of the Eastern Churches,\(^ {27}\) if it is directed to sinning with the confessor 
himself.

5° The direct and indirect violation 
of the sacramental seal, mentioned in Canon 
1388 §1 of the Code of Canon Law\(^ {28}\) and in 
Canon 1456 §1 of the Code of Canons of the 
Eastern Churches.\(^ {29}\)

§ 2. With due regard for § 1, n. 5, also 
reserved to the Congregation for the Doctrine 
of the Faith is the more grave delict which 
consists in the recording, by whatever tech-
nical means, or in the malicious diffusion 
through communications media of what 
is said in sacramental confession, whether 
true or false, by the confessor or the peni-
tent. Anyone who commits such a delict is to 
be punished according to the gravity of the 
crime, not excluding, if he be a cleric, dis-
missal or deposition.\(^ {30}\)

Article 5

The more grave delict of the attempted 
sacred ordination of a woman is also reserved 
to the Congregation for the Doctrine of the 
Faith:

1° With due regard for Canon 1378 
of the Code of Canon Law, both the one who 
Attempts to confer sacred ordination on 
a woman and she who attempts to receive 
sacred ordination incurs a \textit{latae sententiae} 
excommunication reserved to the Apostolic 
See.

2° If the one attempting to confer 
sacred ordination or the woman who attempts 
to receive sacred ordination is a member of 
the Christian faithful subject to the Code of 
Canons of the Eastern Churches, with due 
regard for Canon 1443 of that code, he or she 
is to be punished by major excommunication 
reserved to the Apostolic See.

3° If the guilty party is a cleric he may 
be punished by dismissal or deposition.\(^ {31}\)

Article 6

§ 1. The more grave delicts against morals 
which are reserved to the Congregation for 
the Doctrine of the Faith are:

1° The delict against the Sixth 
Commandment of the Decalogue 
committed by a cleric with a minor below the age of 18 
years; in this case, a person who habitually 
lacks the use of reason is to be considered 
equivalent to a minor.

2° The acquisition, possession or dis-
tribution by a cleric of pornographic images 
of minors under the age of 14 for purposes 
of sexual gratification, by whatever means or 
using whatever technology.

§ 2. A cleric who commits the delicts 
mentioned above in § 1 is to be punished ac-
cording to the gravity of his crime, not excluding 
dismissal or deposition.

Article 7

§ 1. A criminal action for delicts reserved 
to the Congregation for the Doctrine of the 
Faith is extinguished by prescription after 
20 years, with due regard to the right of the 
Congregation for the Doctrine of the Faith 
to derogate from prescription in individual 
cases.

§ 2. Prescription runs according to the norm 
of Canon 1362 §2 of the Code of Canon Law\(^ {32}\) 
and Canon 1152 §3 of the Code of Canons of
the Eastern Churches. However, in the delict mentioned in Article 6 §1 n. 1, prescription begins to run from the day on which a minor completes his 18th year of age.

PART TWO
PROCEDURAL NORMS
Title I
The Constitution and Competence of the Tribunal

Article 8
§ 1. The Congregation for the Doctrine of the Faith is the supreme apostolic tribunal for the Latin church as well as the Eastern Catholic churches for the judgment of the delicts defined in the preceding articles.
§ 2. This supreme tribunal also judges other delicts of which a defendant is accused by the promoter of justice, by reason of connection of person and complicity.
§ 3. The sentences of this supreme tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the supreme pontiff.

Article 9
§ 1. The members of the Congregation for the Doctrine of the Faith are ipso iure the judges of this supreme tribunal.
§ 2. The prefect of the congregation presides as first among equals over the college of the members, and if the office of prefect is vacant or if the prefect himself is impeded, the secretary of the congregation carries out his duties.
§ 3. It is the responsibility of the prefect of the congregation to nominate additional stable or deputed judges.

Article 10
It is necessary that such appointed judges be priests, of mature age, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. Such priests may at the same time exercise a judicial or consultative function before another dicastery of the Roman Curia.

Article 11
To present and sustain an accusation a promoter of justice is to be appointed who is to be a priest possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. He is to carry out his office in all grades of judgment.

Article 12
For the functions of notary and chancellor, priests are appointed, whether or not they are officials of this congregation.

Article 13
The role of advocate or procurator is carried out by a priest possessing a doctorate in canon law. He is to be approved by the presiding judge of the college.

Article 14
Indeed, in the other tribunals dealing with cases under these norms, only priests can validly carry out the functions of judge, promoter of justice, notary and patron [procurator and advocate].

Article 15
With regard to the provisions of Canon 1421 of the Code of Canon Law and Canon 1087 of the Code of Canons of the Eastern Churches, the Congregation for the Doctrine of the Faith may dispense from the requirements of the priesthood and of a doctorate in canon law.

Article 16
Whenever the ordinary or hierarch receives a report of a more grave delict which has at least the semblance of truth, once the preliminary investigation has been completed he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the ordinary or hierarch how to proceed further, with due regard, however, for the right to appeal, if the case warrants, against a sentence of the first instance only to the supreme tribunal of this same congregation.

Article 17
If a case is referred directly to the congregation without a preliminary investigation having been undertaken, the steps preliminary to the process, which fall by common law to the ordinary or hierarch, may be carried out by the congregation itself.

Article 18
With full respect for the right of defense, the Congregation for the Doctrine of the Faith may sanate acts in cases lawfully presented to it if merely procedural laws have been violated by lower tribunals acting by mandate of the same congregation or according to Article 16.

Article 19
With due regard for the right of the ordinary to impose from the outset of the preliminary investigation those measures which are established in Canon 1722 of the Code of Canon Law or in Canon 1473 of the Code of
Canons of the Eastern Churches, the respective presiding judge may, at the request of the promoter of justice, exercise the same power under the same conditions determined in the canons themselves.

**Article 20**  
The supreme tribunal of the Congregation for the Doctrine of the Faith judges in second instance:  
1° Cases adjudicated in first instance by lower tribunals.  
2° Cases decided by this same supreme apostolic tribunal in first instance.

**Title II**  
*The Procedure to Be Followed in the Judicial Trial*

**Article 21**  
§ 1. The more grave delicts reserved to the Congregation for the Doctrine of the Faith are to be tried in a judicial process.  
§ 2. However, the Congregation for the Doctrine of the Faith may:  
1° Decide, in individual cases, ex officio or when requested by the ordinary or hierarch, to proceed by extrajudicial decree, as provided in Canon 1720 of the Code of Canon Law and Canon 1486 of the Code of Canons of the Eastern Churches. However, perpetual expiatory penalties may only be imposed by mandate of the Congregation for the Doctrine of the Faith.  
2° Present the most grave cases to the decision of the Roman pontiff with regard to dismissal from the clerical state or deposition, together with dispensation from the law of celibacy, when it is manifestly evident that the delict was committed and after having given the guilty party the possibility of defending himself.

**Article 22**  
The prefect is to constitute a *turnus* of three or five judges to try the case.

**Article 23**  
If in the appellate stage the promoter of justice brings forward a specifically different accusation, this supreme tribunal can admit it and judge it as if at first instance.

**Article 24**  
§ 1. In cases concerning the delicts mentioned of in Article 4 §1, the tribunal cannot indicate the name of the accuser to either the accused or his patron unless the accuser has expressly consented.  
§ 2. This same tribunal must consider the particular importance of the question concerning the credibility of the accuser.  
§ 3. Nevertheless, it must always be observed that any danger of violating the sacramental seal be altogether avoided.

**Article 25**  
If an incidental question arises, the college is to decide the matter by decree most expeditiously [expeditissime, cf. Canons 1629, n.5° CIC; 1310, n. 5° CCEO].

**Article 26**  
§ 1. With due regard for the right to appeal to this supreme tribunal, once an instance has been finished in any manner before another tribunal, all of the acts of the case are to be transmitted ex officio to the Congregation for the Doctrine of the Faith as soon as possible.  
§ 2 The right of the promoter of justice of the congregation to challenge a sentence runs from the day on which the sentence of first instance is made known to this same promoter.

**Article 27**  
Recourse may be had against singular administrative acts which have been decreed or approved by the Congregation for the Doctrine of the Faith in cases of reserved delicts. Such recourse must be presented within the pre-emptory period of 60 canonical days to the ordinary session of the congregation (the *Feria IV*) which will judge on the merits of the case and the lawfulness of the decree. Any further recourse as mentioned in Article 123 of the apostolic constitution *Pastor Bonus* is excluded.

**Article 28**  
A *res iudicata* occurs:  
1° If a sentence has been rendered in second instance.  
2° If an appeal against a sentence has not been proposed within a month.  
3° If in the appellate grade the instance is abated or is renounced.  
4° If the sentence has been rendered in accord with the norm of Article 20.

**Article 29**  
§ 1. Judicial expenses are to be paid as the sentence has determined.  
§ 2. If the defendant is not able to pay the expenses, they are to be paid by the ordinary or hierarch of the case.

**Article 30**  
§ 1. Cases of this nature are subject to the pontifical secret.  
§ 2. Whoever has violated the secret, whether deliberately (ex dolo) or through grave negligence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher *turnus* at the insistence of the injured party or even ex officio.

**Article 31**  
In these cases, together with the precripts of these norms, by which all tribunals of the Latin church and Eastern Catholic churches are bound, the canons concerning delicts and penalties as well as the canons concerning the penal process of each code also must be applied.

*Ed. note: The Vatican did not translate the footnotes of this document. Origins has translated as many footnotes as possible, using official Vatican translations and the *Canon Law Society of America’s translations of the Latin and Eastern codes*.*

**Notes**
1 John Paul II, Apostolic Constitution *Pastor Bonus*, The *Notion of the Roman Curia*, June 28, 1988, Article 52, in *Acta Apostolicae Sedis* 80 (1988) 874: “The congregation examines offenses against the faith and more serious ones both in behavior or in the celebration of the sacraments which have been reported to it and, if need be, proceeds to the declaration or imposition of canonical sanctions in accordance with the norms of common or proper law.”  
2 Ibid., Article 118: “For the internal forum, whether sacramental or non-sacramental, it grants absolutions, dispensations, commutations, validations, condonations and other favors.”  
4 Code of Canon Law, Canon 1405 — §3. Judgment of the following is reserved to the Roman Rota:  
1° Bishops in contentious matters, without prejudice to the prescript of Canon 1419, §2.  
2° An abbot primate or abbot superior of a monastic congregation and a supreme moderator of religious institutes of pontifical right.  
3° Dioceses or other physical or juridic ecclesiastical persons which do not have a superior below the Roman pontiff.  
5 Code of Canons of the Eastern Churches, Canon 1881 — Persons who do not have a superior authority below the Roman pontiff, whether they are physi-
cal persons who are not constituted in the order of the episcopacy or juridic persons, must be brought before the tribunals of the Apostolic See, without prejudice to Canon 1063, §4, nos. 3 and 4.

Code of Canon Law, Canon 751 — Hereby is the obstinate denial or obstinate doubt after the reception of baptism of some truth which is to be believed by divine and Catholic faith; apostasy is the total repudiation of the Christian faith; schism is the refusal of submission to the supreme pontiff or of communion with the members of the church subject to him.

Code of Canon Law, Canon 1364 — §1. Without prejudice to the prescript of Canon 194, §1, no. 2, an apostate from the faith, a heretic or a schismatic incurs a latae sententiae excommunication; in addition, a cleric can be punished with the penalties mentioned in Canon 1336, §1, nos. 1, 2, and 3. §2. If confraternity of long duration or the gravity of scandal demands it, other penalties can be added, including dismissal from the clerical state.

Code of Canons of the Eastern Churches, Canon 1436 — §1. A person who denies some truth that must be believed by divine and Catholic faith, or who calls it into doubt, or totally rejects the Catholic faith and does not reconsider the doctrine it has been taught, is to be punished as a heretic or an apostate with a major excommunication; moreover a cleric can be punished with other penalties, not excluding deposition.

Code of Canons of the Eastern Churches, Canon 1437 — A person who refuses submission to the supreme authority of the church or communion with the Christian faithful subject to it, and, though legitimately warned, does not obey, is to be punished as a schismatic with a major excommunication.


D. Utrum in Canon 1367 CIC et 1442 CCEO verbum "abicere" intelligatur tantum ut actus proiciendi necem.

R. Negative et ad mentem. Mensest quamlibet actionem sacris specier voluntate et gravis sufficiente consensum esse inclusum in verbo "abicere."

Code of Canon Law, Canon 1367 — A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a latae sententiae excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

Code of Canons of the Eastern Churches, Canon 1442 — A person who has thrown away the divine Eucharist or taken it or retained it for a sacrilegious purpose is to be punished with a major excommunication and, if a cleric also with other penalties, not excluding excommunication.

Code of Canon Law, Canon 1378 — §2. The following incur a latae sententiae penalty of interdict or, if a cleric, a latae sententiae penalty of suspension: 2° apart from the case mentioned in §1, a person who, though unable to give sacramental absolution validly, attempts to impart it or who hears sacramental confession.

Code of Canon Law, Canon 1379 — In addition to cases mentioned in Canon 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

Code of Canons of the Eastern Churches, Canon 1443 — A person who has simulated the celebration of the Divine Liturgy or the other sacraments is to be punished with an appropriate penalty, not excluding excommunication.

Code of Canon Law, Canon 1380 — §1. A confessor who directly violates the sacred minister incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the severity of the delict.

Code of Canons of the Eastern Churches, Canon 1456 — §1. A confessor who has directly violated the sacred minister incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the severity of the delict.

Code of Canon Law, Canon 1387 — A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the Sixth Commandment of the Decalogue is to be punished, according to the severity of the delict, by suspension, prohibitions and privations; in graver cases he is to be dismissed from the clerical state.

Code of Canons of the Eastern Churches, Canon 1458 — A priest who in the act on the occasion or under the pretext of confession solicits a penitent to sin against chastity is to be punished with an appropriate penalty, not excluding deposition.

Code of Canon Law, Canon 1388 — §1. A priest who directly violates the sacred minister incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the severity of the delict.

Code of Canons of the Eastern Churches, Canon 1459 — §1. A confessor who has directly violated the sacred minister incurs a latae sententiae excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the severity of the delict.


Code of Canon Law, Canon 1392 — §2. Prescription runs from the day on which the delict is continuous or habitual, from the day on which it ceased.

Code of Canons of the Eastern Churches, Canon 1152 — §3. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

Code of Canon Law, Canon 1422 — §1. In a diocese the bishop is to appoint diocesan judges, who are to be clerics.

§2. The conference of bishops can also permit the appointment of laypersons as judges; when it is necessary, one of them can be selected to form a college.

§3. Judges are to be of unimpaired reputation and doctors or at least licensed in canon law.

Code of Canons of the Eastern Churches, Canon 1087 — §1. In an eparchy, the episcopal bishop is to appoint episcopal judges, who are to be clerics.

§2. The patriarch, having consulted the permanent synod or the metropolitan who presides over a metropolitan church sui iuris, having consulted the two episcopal bishops senior by episcopal ordination, can permit that other members of the Christian faithful also be appointed judges. When it is necessary, one of them can be allowed to form a collegiate tribunal; in other cases the Apostolic See is to be approached regarding this matter.

§3. Judges are to be of unimpaired reputation and doctors or at least licensed in canon law and be known for prudence and zeal for justice.

Code of Canon Law, Canon 1722 — To prevent scandals, to protect the freedom of witnesses and to guard the course of justice, the ordinary, after having heard the promoter of justice and the accused, at any penal degree of the penal trial can exclude the accused from the exercise of sacred orders, an office, a ministry or another function, can impose or forbear residence in some place or territory, or can prohibit public participation in the most holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

Code of Canons of the Eastern Churches, Canon 1473 — To prevent scandals, to promote the freedom of witnesses and to guard the course of justice, the hierarch, after having heard the promoter of justice and cited the accused, at any penal degree of the penal trial can exclude the accused from the exercise of sacred orders, an office, a ministry or another function, can impose or forbear residence in some place or territory or can prohibit public reception of the eucharistic sacrifice. In an oral discussion held between the hierarch or his delegate and the accused with the promoter of justice and a notary present.

§3. It is explained in the decree itself the reasons in fact and law on which the penalty is based.

§2. However, the penal trial provided in Canon 1426, §1, can be imposed without this procedure, provided their acceptance by the offender is established in writing.

John Paul II, Pastor Bonus, Article 123: “§1. The signature of the representatives lodges within the peremptory limit of 30 calendrical days against singular administrative acts whether issued by the dicasteries of the Roman Curia or approved by them, whenever it is contended that the impugned act violated some law either in the decision-making process or in the procedure used. §2. In these cases, in addition to the judgment regarding illegality of the act, it can also adjudicate, at the request of the plaintiff, the reparation of damages incurred through the unlawful act. §3. The signature also adjudicates other administrative controversies referred to it by the Roman pontiff or by dicasteries of the Roman Curia, as well as conflicts of competence between these dicasteries.”


4) Denuntiationes extra iudicium acceptae circa delicatis et graviter despicientem censendam esse inclusam et latae sententiae adhibeatur:"
The Code of Canon Law promulgated by Pope Benedict XV in 1917 recognized the existence of a number of canonical crimes or delicts reserved to the exclusive competence of the Sacred Congregation of the Holy Office which, as a tribunal, was governed by its own proper law (cf. Canon 1555 CIC 1917).

A few years after the promulgation of the 1917 Code, the Holy Office issued an instruction Crimen Sollicitationis (1922), which gave detailed instruction to local dioceses and tribunals on the procedures to be adopted when dealing with the canonical delict of solicitation. This most grave crime concerned the abuse of the sanctity and dignity of the sacrament of penance by a Catholic priest who solicited the penitent to sin against the Sixth Commandment, either with the confessor himself or with a third party. The norms issued in 1922 were an update, in light of the Code of Canon Law of 1917, of the apostolic constitution Sacramentorum Poenitentiae promulgated by Pope Benedict XIV in 1741.

A number of concerns had to be addressed, underlining the specificity of the legislation (with implications which are less relevant from the perspective of civil penal law): the respect of the dignity of the sacrament, the inviolable seal of the confessional, the dignity of the penitent and the fact that in most cases the accused priest could not be interrogated fully on what occurred without putting the seal of confession in danger.

This special procedure was based therefore on an indirect method of achieving the moral certitude necessary for a definitive decision in the case. This indirect method included investigating the credibility of the person accusing the priest and the life and behavior of the accused priest.

The accusation itself was considered the most serious accusation one could bring against a Roman Catholic priest. Therefore, the procedure took care to ensure that a priest who could be a victim of a false or calumnious accusation would be protected from infamy until proven guilty. This was achieved through a strict code of confidentiality, which was meant to protect all persons concerned from undue publicity until the definitive decision of the ecclesiastic tribunal.

The 1922 instruction included a short section dedicated to another canonical delict: the crimen pessimum, which dealt with same-sex clerical misconduct. This further section determined that the special procedures for solicitation cases should be used for crimen pessimum cases, with those adaptations rendered necessary by the nature of the case. The norms concerning the crimen pessimum also extended to the heinous crime of sexual abuse of prepubescent children and to bestiality.

The instruction Crimen Sollicitationis was therefore never intended to represent the entirety of the policy of the Catholic Church regarding sexual improprieties on the part of the clergy. Rather, its sole purpose was to establish a procedure that responded to the singularly delicate situation that is a sacramental confession, in which the duty of complete confidentiality on the part of the priest corresponds, according to divine law, to the complete openness of the intimate life of the soul on the part of the penitent.

Over time and only analogously, these norms were extended to some cases of immoral conduct of priests. The idea that there should be comprehensive legislation that treats the sexual conduct of persons entrusted with the educational responsibility is very recent; therefore, attempting to judge the canonical norms of the past century from this perspective is gravely anachronistic.

The 1922 instruction was given as needed to bishops who had to deal with particular cases concerning solicitation, clerical homosexuality, sexual abuse of children and bestiality. In 1962 Blessed Pope John XXIII authorized a reprint of the 1922 instruction, with a small section added regarding the administrative procedures to be used in those cases in which religious clerics were involved. Copies of the 1962 reprint were meant to be given to the bishops gathering for the Second Vatican Council (1962-1965). A few copies of this reprint were handed out to bishops, who in the meantime needed to process cases reserved to the Holy Office, but most of the copies were never distributed.

The reforms proposed by the Second Vatican Council required a reform of the 1917 Code of Canon Law and of the Roman Curia. The period between
1965 and 1983 (the year when the new Latin Code of Canon Law appeared) was marked by differing trends in canonical scholarship as to the scope of canonical penal law and the need for a decentralized approach to cases with emphasis on the authority and discretion of the local bishops. A “pastoral attitude” to misconduct was preferred and canonical processes were thought by some to be anachronistic.

A “therapeutic model” often prevailed in dealing with clerical misconduct. The bishop was expected to “heal” rather than “punish.” An overoptimistic idea of the benefits of psychological therapy guided many decisions concerning diocesan or religious personnel, sometimes without adequate regard for the possibility of recidivism.

Cases concerning the dignity of the sacrament of penance remained with the Congregation for the Doctrine of the Faith (formerly the Holy Office; its name changed in 1965) after the council, and the instruction *Crimen Sollicitationis* was still used for such cases until the new norms established by the *motu proprio Sacramentorum Sanctitatis Tutela* in 2001.

A small number of cases concerning sexual misconduct of clergy with minors was referred to the Congregation for the Doctrine of the Faith after the Second Vatican Council. Some of these cases were linked with the abuse of the sacrament of penance, while a number may have been referred as requests for dispensations from the obligations of priesthood, including celibacy (sometimes referred to as *laicization*), which were dealt with by the Congregation for the Doctrine of the Faith until 1989 (From 1989 to 2005 the competence in these dispensation cases was transferred to the Congregation for Sacraments and Divine Worship; from 2005 to the present the same cases have been treated by the Congregation for the Clergy).

The Code of Canon Law promulgated by Pope John Paul II in 1983 updated the whole discipline: *Canon 1395, §2:* “A cleric who in another way has committed an offense against the Sixth Commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of 16 years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.”

According to the 1983 Code of Canon Law, canonical trials are held in the dioceses. Appeals from judicial sentences may be presented to the Roman Rota, whereas administrative recourses against penal decrees are presented to the Congregation for the Clergy.

In 1994 the Holy See granted an *indult* to the bishops of the United States: “The age for the canonical crime of sexual abuse of a minor was raised to 18. At the same time, *prescription* (canonical term for statute of limitations) was extended to a period of 10 years from the 18th birthday of the victim. Bishops were reminded to conduct canonical trials in their dioceses. Appeals were to be heard by the Roman Rota. Administrative recourses were heard by the Congregation for the Clergy. During this period (1994—2001) no reference was made to the previous competence of the Holy Office over such cases.

The 1994 *indult* for the U.S. was extended to Ireland in 1996. In the meantime the question of special procedures for sexual abuse cases was under discussion in the Roman Curia. Finally Pope John Paul II decided to include the sexual abuse of a minor under 18 by a cleric among the new list of canonical delicts reserved to the Congregation for the Doctrine of the Faith.

Prescription for these cases was of 10 years from the 18th birthday of the victim. This new law was promulgated in the *motu proprio Sacramentorum Sanctitatis Tutela* on April 30, 2001. A letter signed by Cardinal Joseph Ratzinger and Archbishop Tarcisio Bertone, respectively prefect and secretary of the Congregation for the Doctrine of the Faith, was sent to all the Roman Catholic bishops on May 18, 2001. This letter informed the bishops of the new law and the new procedures which replaced the instruction *Crimen Sollicitationis*.

The acts that constitute the most grave delicts reserved to the congregation were specified in this letter, both those against morality and those committed in the celebration of the sacraments. Also given were special procedural norms to be followed in cases concerning these grave delicts, including those norms regarding the determination and imposition of canonical sanctions.

The *delicta graviora* reserved to the Congregation for the Doctrine of the Faith were as follows:

Delicts against the sanctity of the most holy sacrament and sacrifice of the Eucharist:

1. Throwing away, taking or retaining the consecrated species for a sacrilegious purpose or profaning the consecrated species (Latin Canon 1367; Eastern Canon 1442).

2. Attempting the liturgical action of the eucharistic sacrifice or the simulation thereof (Latin Canons 1378 §2 no. 1, Canon 1379; Eastern Canon 1443).

3. Concelebrating the eucharistic sacrifice together with ministers of ecclesial communities which do not have apostolic succession nor recognize the sacramental dignity of priestly ordination (Latin Canon 908, 1365; Eastern Canon 792, 1440).

4. Consecrating one matter without the other in a eucharistic celebration or both outside of a eucharistic celebration (cf. Latin Canon 927).

Delicts against the sanctity of the sacrament of penance:

1. Absolution of an accomplice in the sin against the Sixth Commandment of the Decalogue (Latin Canon 1378 §1; Eastern Canon 1457).

2. Solicitation to sin with the confessor against the Sixth Commandment of the Decalogue, in the act of, context of or pretext of the sacrament of penance (Latin Canon 1387; Eastern Canon 1458).

3. Direct violation of the sacramental seal (Latin Canon 1388 §1; Eastern Canon 1456).

Delicts against morality:

1. The violation of the Sixth Commandment of the Decalogue, committed by a cleric with a minor under the age of 18.

The procedural norms to be followed in these cases were as follows:

—Whenever an ordinary or hierarch had at least probable knowledge (notitiam saltem verisimilem habeat) of the commission of one of the reserved grave delicts, after having carried out the preliminary investigation he was to inform the Congregation for the Doctrine of the Faith, which unless it called the case to itself because of special circumstances would indicate to the ordinary or hierarch how to proceed.
The right of appeal against a sentence of the first instance was to be exercised only before the supreme tribunal of the congregation.

—Criminal action in the cases reserved to the Congregation for the Doctrine of the Faith was extinguished by a prescription of 10 years. It was also foreseen that prescription would be computed according to the norms of Latin Canon 1362 §2 and Eastern Canon 1152 §3, with the singular exception of the delict contra sextum cum minore, in which case prescription would begin to run from the day when the minor had completed his 18th year of age.

—In tribunals established by ordinaries or hierarchs, for the cases of the more grave delicts reserved to the Congregation for the Doctrine of the Faith, the functions of judge, promoter of justice, notary and legal representative could be validly performed only by priests. Furthermore, upon completion of the trial in the tribunal in any manner, the acts of the case were to be transmitted ex officio as soon as possible to the congregation.

It was also established that all of the tribunals of the Latin church and of all Eastern Catholic churches were to observe the canons on delicts, penalties and the penal process of both codes respectively. These were to be followed together with the special norms given by the Congregation for the Doctrine of the Faith.

Nine years after the promulgation of the motu proprio Sacramentorum Sanctitatis Tutela, the Congregation for the Doctrine of the Faith felt it necessary to propose certain changes to these norms, not modifying the text in its entirety but rather only in a few areas in an effort to improve the application of the law.

After a serious and attentive study of the proposed changes, the cardinals and bishops members of the Congregation for the Doctrine of the Faith presented the results of their decisions to the supreme pontiff and, on May 21, 2010, Pope Benedict XVI gave his approval and ordered the promulgation of the revised text.

The text of the norms on delicta graviore currently in force is the text approved by the Holy Father Benedict XVI on May 21, 2010.

The Significance of the Revised Norms on Dealing With Clerical Sex Abuse of Minors and Other Grave Offenses

Father Lombardi, SJ

The publication of the revised norms on dealing with clerical sex abuse of minors provides “an official and updated legal text which is valid for the whole church” the Vatican spokesman said in pointing out the significance of the revised norms. Jesuit Father Federico Lombardi said that one important aspect of the revised norms is that the statute of limitations has been raised from 10 years to 20 years beyond when the alleged victim turns 18 years old. Father Lombardi also pointed out that priestly sexual abuse of mentally disabled adults is now considered just as grave as abuse of minors. He said that while the new norms do not mention the reporting to civil authorities of cases of priestly sex abuse, it is important to realize that the Vatican has previously noted the requirement of complying with laws on reporting such cases to the civil authorities. He said, “It is right, then, that there should be complete clarity concerning the regulations currently in force in this field, and that these regulations be presented organically so as to facilitate the work of the people who deal with these matters.” Father Lombardi’s remarks follow.

In 2001 the Holy Father John Paul II promulgated a very important document, the motu proprio Sacramentorum Sanctitatis Tutela, which gave the Congregation for the Doctrine of the Faith responsibility to deal with and judge a series of particularly serious crimes within the ambit of canon law. This responsibility had previously been attributed also to other dicasteries or was not completely clear.

The motu proprio (the “law” in the strict sense) was accompanied by a series of practical and procedural norms, known as normae de gravioribus delictis. Over the nine years since then, experience has naturally suggested that these norms be integrated and updated so as to streamline and simplify the procedures and make them more effective, and to take account of new problems. This has been achieved principally by the pope attributing new “faculties” to the Congregation for the Doctrine of the Faith; faculties which, however, were not organically integrated into the initial norms. This has now come about within the context of a systematic revision of those norms.

The serious crimes to which the regulations referred concerned vital aspects of church life: the sacraments of the Eucharist and of penance, but also sexual abuse committed by a priest against a minor under the age of 18.

The vast public echo this latter kind of crime has had over recent years has attracted great attention and generated intense debate on the norms and procedures applied by the church to judge and punish such acts.

It is right, then, that there should be complete clarity concerning the regulations currently in force in this field and that these regulations be presented organically so as to facilitate the work of the people who deal with these matters.

An initial clarification — especially for use by the media — was provided recently with the publication on the Holy See website of a brief “Guide to Understanding Basic CDF Procedures Concerning Sexual Abuse Allegations.” The publication of the new norms is, however, quite a different thing, providing us with an official and updated legal text which is valid for the whole church.

In order to facilitate the reading of the norms by a nonspecialist public particularly interested in the problems of sexual abuse, we will seek to highlight a number of important aspects:

Among the novelties introduced with respect to the earlier norms, mention must be made, above all, of measures intended to accelerate procedures such as the possibility of not following the “judicial process” but proceeding by “extrajudicial decree,”
or that of presenting (in particular circumstances) the most serious cases to the Holy Father with a view to dismissing the offender from the clerical state.

Another norm intended to simplify earlier problems and to take account of the evolution of the situation in the church concerns the possibility of having not only priests but also laypersons as members of the tribunal staff or as lawyers or prosecutors. Likewise, in order to undertake these functions it is no longer strictly necessary to have a doctorate in canon law, but the required competency can also be proved in another way, for example, with a licentiate.

Another aspect worthy of note is the increase of the statue of limitations from 10 years to 20 years, with the possibility of extension even beyond that period.

Another significant aspect is establishing parity between the abuse of mentally disabled people and that of minors, and the introduction of a new category: pedophile pornography. This is defined as “the acquisition, possession or disclosure” by a member of the clergy, “in any way and by any means, of pornographic images of minors under the age of 14.”

Regulations concerning the secrecy of trials are maintained in order to safeguard the dignity of all the people involved.

One point that remains untouched, though it has often been the subject of discussion in recent times, concerns collaboration with the civil authorities. It must be borne in mind that the norms being published today are part of the penal code of canon law, which is complete in itself and entirely distinct from the law of states.

On this subject, however, it is important to take note of the “Guide to Understanding Basic CDF Procedures Concerning Sexual Abuse Allegations,” as published on the Holy See website. In that guide the phrase “civil law concerning reporting of crimes to the appropriate authorities should always be followed” is contained in the section dedicated to “preliminary procedures.” This means that in the practice suggested by the Congregation for the Doctrine of the Faith it is necessary to comply with the requirements of law in the various countries, and to do so in good time, not during or subsequent to the canonical trial.

Today’s publication of the norms makes a great contribution to the clarity and certainty of law in this field, a field in which the church is today strongly committed to proceeding with rigor and transparency so as to respond fully to the just expectations of moral coherence and evangelical sanctity nourished by the faithful and by public opinion, and which the Holy Father has constantly reiterated.

Of course, many other measures and initiatives are required from the various ecclesiastical bodies. The Congregation for the Doctrine of the Faith is currently examining how to help the bishops of the world formulate and develop, coherently and effectively, the indications and guidelines necessary to face the problems of the sexual abuse of minors, either by members of the clergy or within the environment of activities and institutions connected with the church, bearing in mind the situation and the problems of the societies in which they operate.

This will be another crucial step on the church’s journey as she translates into permanent practice and continuous awareness the fruits of the teachings and ideas that have matured over the course of the painful events of the “crisis” engendered by sexual abuse by members of the clergy.

In order to complete this brief overview of the principal novelties contained in the “norms,” mention must also be made of those that refer to crimes of a different nature. In this case too it is not so much a case of introducing new substance as of integrating rules that are already in force so as to obtain a better ordered and more organic set of regulations on the “most serious crimes” reserved to the Congregation for the Doctrine of the Faith.

These include crimes against the faith (heresy, apostasy and schism) for which competency normally falls to ordinaries, although the congregation becomes competent in the case of an appeal; the malicious recording and disclosure of sacramental confession about which a decree of condemnation was published in 1988; and the attempted ordination of women, about which a decree was published in 2007. 

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**Bishop as Father to His Priests**

Archbishop Vlazny

“As fathers, we need to be agents of reconciliation” when there are disagreements among priests, Archbishop John G. Vlazny of Portland in Oregon said June 15 in an address at the U.S. bishops’ spring meeting in St. Petersburg, Fla. Speeches at the meeting focused on the relationships between bishops and priests, and Archbishop Vlazny discussed the bishop’s role as father to the priests of his diocese. He said that “one of my own saddest experiences as a bishop is dealing with some of the criticisms and misunderstandings that occur among priests. The archbishop pointed out the importance of the bishop creating an atmosphere of trust and affection in a diocese. He also said it is important for the bishop as father to stick up for priests when they are picked on, as he said has been done in recent reporting on the clerical sex abuse crisis. He pointed to three moments that are especially important for the bishop to act as father to priests: ordination, the first assignment as pastor and resignation from assigned duties. Archbishop Vlazny said, “We can’t simply put a man in a job and then ignore him. He will often need our guidance, support and encouragement.” The archbishop’s address follows.

The Directory for the Pastoral Ministry of Bishops, in addressing the relationship of a bishop to his presbyterate, proposed this all-important relationship in this way: “the bishop — father, brother and friend of diocesan priests.”

Just last fall, in addressing new bishops who had gathered in Rome, our Holy Father Pope Benedict reminded our junior confreres that “the bishop will always strive to relate to his priests as a father and brother who loves them, listens to them, welcomes them, corrects them, supports them, seeks their cooperation and, as much as possible, is concerned for their human, spiritual, ministerial and financial well-being.”

In addition to all of that, of course, in his spare time, a good bishop will
teach, sanctify and shepherd the flock entrusted to his care.

Now, I have to be honest with you. When I received the invitation to speak about the relationship of a bishop as a father to his priests, I recalled the day when I was going to the movies and the woman selling tickets asked me if I was a senior citizen. At the time I was only 56 and I was somewhat taken aback. I quickly said, “No.” I paid the full price, but then when I walked into the theater I noticed that the senior rates were extended to those 55 years of age and older. My pride was a bit costly that day.

When I was ordained an auxiliary bishop in Chicago nearly 27 years ago, I found it somewhat awkward to look upon myself as the father of my brother priests back in my home archdiocese. They were very affirming as I began this new ministry, but I felt the affirmation was more like “Nice going, little brother. Keep up the good work!”

Then when I had my first opportunity to ordain a priest, he was a 69-year-old Alexian brother, Maro Cannon. I told him before the ceremony that I was going to have a hard time addressing him as “my son,” I figured he wouldn’t mind if I edited that text just a bit. This was, of course, before Liturgiam Authenticam. At the time I was still operating in the spirit of Comme le prevoit.

**Personal Experiences**

But over the years I have gradually, hopefully more faithfully, assumed the role of father to my priests. Just at the time I was putting these thoughts together, I seized an opportunity to be Dad, much the same as a father will do for his son when the neighborhood bullies are ganging up on the boy or he needs a little support because he didn’t make the football team.

Just before Easter I concluded that our local newspaper was really piling it on with respect to the continuing fallout of the child sexual abuse scandal here in our church. After they had shredded my brother bishops on one day, then ridiculed the pope on the next and finally, with considerable arrogance in my judgment, derided priestly celibacy as pretentious at best and harmful at worst, I thought it was time to take them on. I paid the price, but I felt good about it because I really thought I had acted as a father should. When the “big guys” are manhandling your son, you don’t just stand around and watch.

There were other occasions over the years when my paternal instincts went to work. It happened back in Minnesota where one of my young priests was really having struggles with his pastor. And it wasn’t all the pastor’s fault. One day he came to me, nearly in tears, and I sensed he felt that he really had blown it as ever becoming a pastor himself was concerned. He seemed to do great work outside the parish and was talented, generous and prayerful. I did my best to encourage him.

Eventually he did become a pastor and a great one. Then cancer struck, pancreatic cancer, but he was sure he could beat it. After six months the doctors told him to prepare for death. It was just two days before Christmas. I really didn’t know what to do. So I got in my car and drove over 200 miles to be with him, to celebrate Mass with the parishioners on a Saturday evening and then drove back home that night for Christmas Eve.

My presence meant much to him and the parishioners. He died two months later. When I came back to celebrate his funeral, his parishioners and his family readily acknowledged me as a father.

One of my senior priests in Portland had gone through a couple of serious surgeries, first for his heart, more recently because of cancer. He kept coming back, but he never seemed to come all the way back. He needed reassurance and support, and I tried my best to give it to him. He died in May.

My auxiliary bishop, Ken Steiner, is especially helpful in reaching out to our elderly and infirm priests. All the priests know it and appreciate it. Obviously Ken and I have become a lot more comfortable in our role as dad, and we don’t worry about the fact that we are still younger than some of our sons, a worry that somehow impeded my effectiveness in the early years of my episcopacy.

One more example will suffice for now. The departure of priests from active ministry is a time that challenges every bishop. It is a moment that mirrors somewhat the struggle of the father in the parable of the prodigal son, when the younger man decides to leave home and pursue his personal fulfillment elsewhere. This just happened to me earlier this year.

By the time this midlife priest came to see me, I sensed it was too late. I tried to slow him down. Others became involved in helping him through his decision. But the decision had already been made.

One month later he came and told me it was over. I felt I had failed him. I had not seen any signs of diminishing commitment. I was unaware of his personal struggles with the promises of obedience and celibacy that all of us make.

I had not visited his parish in a few years, and I really felt badly about that. I loved him and I still do, but he is gone. I’d like to think that, after a time away from home, he will return. But over the years I humbly admit that most similar departures have been permanent.

I rejoice in the return of a prodigal son and, as father, I never lose my affection or concern for those who are gone, and I keep them in my prayers every day. I console myself with the sentiments of those who participate in Al-Anon, “I didn’t cause it. I can’t control it. I can’t change it.” Only my son can, with the help of God. Being dad isn’t always easy.

**Shared Wisdom**

In preparing these remarks I returned to a few sources just to see what wiser people over the years have suggested. In addition to the Directory for the Pastoral Ministry of Bishops, which I mentioned earlier, I also reviewed Pastores Gregis, the apostolic exhortation following the synod on bishops. I looked at the Rule of St. Benedict to see what he advised concerning the role of an abbot in a monastery. I also turned to Cardinal Mahony’s interesting address on what he described as “effective priestly fraternity.” And, as I mentioned earlier, I also reviewed what Pope Benedict told our young bishops last fall.

The directory, revised after Pastores Gregis, underscores the importance of our personal love and solicitude for each and every priest, not just priests in general. Yet how hard that must be for those of you who are in the larger archdioceses.

I remember Cardinal Bernardin’s efforts in this regard when he came to Chicago back in 1982. He really tried to familiarize himself with as many of
good relationships among them. Roger Mahony’s suggestion that common prayer and table fellowship are important for priestly fraternity is well worth considering.

That was easy for me as a priest in Chicago when I lived in a rectory with other priests, sometimes as many as five other priests. It is much harder in western Oregon when most of our men live alone. That’s why Jesus Caritas groups, vicariate priestly gatherings, coming together weekly for lunch with good neighbors and other activities such as these need to be promoted and supported.

This reminds me of those cautions before takeoff when passengers are instructed to grab oxygen masks for themselves first before they start helping others. You can’t help someone else if you don’t take care of yourself when it comes to the necessities of life. To be an agent of pastoral charity, the charism of parish priests, one needs to experience a little pastoral charity himself.

When I looked at the Rule of St. Benedict for some insights with respect to abbatial leadership, which in some ways parallels our relationship to our priests, St. Benedict states that in the life of an abbot discretion is the mother of all virtues. He went on to say that an abbot must manage everything in the monastery in such a way that the strong have ideals to inspire them and the weak are not frightened by excessive demands. It sounds like good advice for any bishop in working with his presbyterate.

St. Benedict goes on to say that in all things, the ministry of an abbot, a “father,” must reflect a balanced approach to life, supervision and service.

St. Benedict also tells the abbot that he takes the place of Christ in the community and must therefore become a leaven of holiness. Can that not be said to us bishops in our role as fathers? The way we preside at the Eucharist, how we pray, what we say in our homilies, our own personal private devotions and attentiveness to the diverse spiritualities of our people are all noticed by the priests and affect them significantly.

Benedict also insists that abbots must hold their men accountable. The same is true of us. Admittedly, a presbyterate is very much like tenured faculty at a university, but nonetheless the duties of priestly ministry are too important to exclude them from responsible and reasonable supervision.

And Benedict, like the authors of the directory, cautions against playing favorites. Abbots need to be somewhat stern with those who are unruly. And when they are consulting, he says it is wise to hear not only the seniors but also the juniors, because sometimes the Lord chooses to speak through those from whom we least expect to hear what is wise, prudent and expedient.

Let me conclude with this final bit of wisdom from Pope John Paul II in Pastores Gregis. He says there are three moments which are especially important in serving our brother priests as good fathers: ordination, the first assignment as pastor and resignation from assigned duties.

Pope Benedict, in addressing our young confreres last fall, spoke specifically about the moment during the ordination rite when a priest places his hands in the hands of the bishop and promises obedience. The new priest then chooses to entrust himself to the bishop, and the bishop, for his part, obliges himself to look after those hands.

Conferring a pastoral mission is also a significant moment of paternal responsibility toward our priests. We can’t simply put a man in a job and then ignore him. He will often need our guidance, support and encouragement. That’s why making sure folks working at the diocesan pastoral center are eager and equipped to assist new pastors.

The third moment occurs when a priest, because of advanced age, resigns the actual pastoral leadership of a parish or another position of similar responsibility. It is important to express gratitude in our own name and in the name of our people for the service of that priest in the local church. Then, as gently and as prudently as possible, it is also important to remind the priest that he remains a member of the presbyterate and still has a relationship with his bishop. He still contributes, by whatever more limited duties he is able to assume in assisting other pastors and by his life of prayer and sacrifice in the service of the church’s evangelizing mission. The same is true, of course, when a man is seriously ill or affected with some form of persistent disability.
In conclusion, I don't think I need to remind you that most good fathers require the assistance and support of good mothers in the care of their sons. We bishops wisely turn to Mary, the mother of Jesus and the mother of the church, to intercede to the Father of us all on our behalf as we go about carrying out our paternal responsibilities toward our priests. We are never better fathers for our priests than when we pray for them with dedication and love. God bless you, my brothers, in your generous and faithful service as fathers of our families back home.

The Relationship of Priests and Bishops Today

Msgr. Rossetti

“One of the most powerful predictors of a priest’s happiness is how he perceives his relationship to his bishop,” Msgr. Stephen J. Rossetti said in a June 18 speech on the relationship between priests and bishops at the U.S. bishops’ spring meeting in St. Petersburg, Fla. Msgr. Rossetti, a clinical associate professor of pastoral studies at The Catholic University of America in Washington, was president and CEO of St. Luke Institute in Silver Spring, Md., from 1996 until October 2009. The institute is a residential treatment center for priests and religious with addictions or psychological disorders. Msgr. Rossetti said that while it is often assumed that priests and bishops do not have strong relationships, his recent research reveals that 77 percent of priests feel they have a good relationship with their bishop, a much higher percentage than is seen between employees and supervisors in the secular world. Msgr. Rossetti noted that “most Americans can function relatively well in their jobs if they do not have a great relationship with their bosses. But for a priest, this relationship carries so much valence, so much importance, it is critical that it be exceptionally strong.” He said the U.S. bishops’ zero-tolerance policy in the wake of the clerical sexual abuse crisis, while necessary, has left many priests wondering if their bishop will be there for them in time of need. Msgr. Rossetti’s address follows.

In recent days much has been said about the relationship of bishops and priests. But the question remains: How bad, or how good, is this relationship today?

With all the rumblings these past few years, particularly in the media, one might think that the relationship is on the rocks. We are given the impression that this bond has been irreparably damaged.

However, I have just finished a large research study of 2,482 priests from 23 dioceses around the country. I looked into their mental and spiritual health, what makes a happy priest and, of course, I asked them about their relationship to their bishops. The results, the facts, are interesting and important.

First, the findings clearly showed that our priests, by and large, are a happy, committed group. They like being priests, are generally psychologically healthy and feel fulfilled in their celibate lives. Their average mental health scores are as good, even slightly better, than their lay male counterparts.

I personally was not surprised. As I travel from diocese to diocese around the country, I meet thousands of committed priests, strong in psyche and strong in spirit.

But in my study I did find a few surprises. One of those surprises involved the importance of the relationship between priests and bishops. It turns out that one of the most powerful predictors of a priest’s happiness is how he perceives his relationship to his bishop. If he says he has a good relationship with his bishop, he is much more likely to be a happy priest ($r = 0.364$, $p < 0.001$).

Are you that important in the lives of your priests? The answer, as clearly demonstrated in this study, is yes. You can see this truth when you visit a diocese that is sede vacante. The presbyterate is like a group of cats stepping lightly on a hot tin roof. They are anxious, nervous ... and with good reason. Much of their future satisfaction lies in the new shepherd they will receive.

When we dive more deeply into the spirituality of priesthood, we can begin to see why this is so. The relationship of priest and bishop is, of course, much more profound than simply that of employer-employee. It is a deep sacramental bond visibly demonstrated during the ordination rite.

The bishop, with the laying on of hands, imparts the gift of the Spirit and then the priest, placing his hands inside those of his bishop, promises perpetual obedience. To the secular world this must seem horribly arcane but not to our priests. In my study fully 73 percent of the priests surveyed affirmed that obedience to religious authority is an important value for them. The strong majority of priests consciously believes in and practices obedience to their bishop.

Given the centrality of this relationship, it is important that we understand how it is perceived today by our priests. Do they have a poor relationship with their bishop, as is sometimes presumed? Again, the study results were clear. The answer is decidedly no.

Seventy-seven percent of priests surveyed said they have a good relationship with their bishop; 16 percent were unsure and only 7 percent said it was not good. This is a very strong approval rating for a superior.

Just last year the Conference Board conducted a poll of 5,000 Americans, asking laity to rate their secular bosses; only 51 percent, about half, were positive. Moreover, if American presidents have approval ratings in the 60s, that is 60 percent-69 percent, they are considered to be wildly popular. Your approval ratings are much higher; they are in the high 70s. If you were running for re-election for bishop, you’d win in a landslide!

Nevertheless, because of the centrality of this relationship in the life of a priest, it is critical to make it as strong as possible for all priests. Most Americans can function relatively well in their jobs if they do not have a great relationship with their bosses. But for a priest, this relationship carries so much valence, so much importance, it is critical that it be exceptionally strong.

We are all aware that in the wake of the Dallas charter there have been intimations that this relationship has changed. The Dallas charter sent a message to priests that in cases of abuse the needs of victims will come first. Priests are now on notice that the bishop will not protect his priests in all situations; there are limits. Child abuse is one of them. And these limits have been
recently extended to other egregious situations such as financial malfeasance and child pornography.

The message is, such criminal behavior must have public consequences and your bishop will not protect you from them. I personally believe we were long overdue to make such changes. Nevertheless, this has had a chilling effect throughout the presbyterate. The question in the back of every priest's mind is, Will my spiritual father stand up for me in my hour when I need him?

The relationship between bishop and priest in this country, and soon to be in the rest of the world, is shifting as the child sexual abuse problem sweeps the globe. And the Holy See has recently made it plain: Child sexual abuse is a crime, and civil reporting laws must be followed. In previous days priests who were accused would often confide the truth to their bishops, believing that their conversation was completely protected. This is no longer the case.

This issue is actually part of a larger one: the relationship between church and state. Again, the Holy See has made it clear that our priests and bishops are not exempt from the law. We indeed must be obedient sons of the church, but we also must be good citizens of our nation as appropriate. If there was a day when this was questioned, it cannot be any longer. And thus comes the shift in relationship between bishops and priests. It is currently still in flux, and the sometimes imposition of the state in this relationship is a new factor which has influenced this disequilibrium. I do not think that this flux and shifting will be devastating, but coupled with some priests’ questioning their priestly identity in the wake of Vatican II, it can be temporarily destabilizing for some.

Overall, is this shift bad? Again I do not think so. There are things that needed to change.

We hear new words today from recent papal statements like accountability and transparency. Indeed, we needed more of both, and we are beginning to see the change: for example, dioceses publishing their financial statements in their newspapers and diocesan review boards of laity advising the bishop. These are changes for the better.

But there must be limits. We cannot simply take on all the values of secular society without reservation. There are values which we as church hold that must be maintained, albeit appropriately molded for the societal setting. American society and media give the impression that everything needs to be open to the public; the media profess a right to see everything, and any examples to the contrary are labeled as cover-ups. They suggest that our values should be subject to the shifting winds of public opinion.

It is tempting for us to succumb to such secular ideas, hoping for positive headlines on the front page. But these are excessive Americanisms which we do not adopt, and bishops and priests together need to resist.

The relationship between bishop and priest is unique. The bishop is more than a boss, even more than a biological father. They are bound together by the sacrament of orders. The priest shares in the ministry of his bishop, and the same grace that courses through the spiritual veins of the bishop runs through his priests as well. They are one in the ministry of Jesus and together share the same spiritual lifeblood. This is a relationship which transcends the shifting sands of public opinion and cannot be fully understood in sound bites.

There must be a personal and confidential aspect to their relationship. The priest needs to place his trust in his bishop; he needs to see the will of the bishop for him as an expression of the Spirit's will for him. In times of difficulty he needs to be able to talk honestly and plainly with his father. If not, at such critical times he becomes a man without a home and left to fend for himself. This is not the spirituality of the Catholic priesthood.

And on a personal level, each priest wants his bishop to care for him — not just materially and not just ministerially. He wants it to come from his bishop's heart, as from the heart of Christ.

I was recently in a diocese giving a convocation. At one point I was speaking to the priests about the relationship of priests and bishop, and I offhandedly mentioned that they were fortunate to have such a fine bishop in their diocese. The priests spontaneously burst into a warm and rousing round of applause. They enthusiastically affirmed him. It was very clear that they loved their bishop, and well they should.

It was only a few hours earlier that he and I were chatting over a meal. The bishop said he was happy in his diocese and hoping that the nuncio wasn't looking his way. He specifically mentioned one of the major reasons for his happiness, "I love my priests," he said. "They are a great bunch of guys. And I think that they know that I love them." That morning it was obvious that they did indeed know it.

The relationship between priest and bishop in this country is currently in flux partly in the wake of the crisis but also due to the larger shifting relationship of church and state. It is happening in this country; it will spread throughout the world. I believe this shifting is necessary, and it creates some unrest and anxiety. But the priestly foundation is strong.

Priests support their bishops, and they are standing behind you. So many years ago they promised obedience to you and your successors; they said it and they meant it, and their promise has not wavered.

There are many things I could suggest you do for your priests such as sending them cards on the anniversaries of their ordinations or birthdays; attending the funerals of their parents; visiting them in the hospitals and nursing homes; stopping by their parishes or simply a random act of calling just to see how he's doing. These are all good and important. But the core of what is wanted and needed remains the same: love your priests. And let them know it.

Ultimately, this is what the priests want from you. The presbyterate is hoping you'll be a good administrator, but you may not be. The priest is hoping that you'll be a strong leader, but you may not be. He is hoping that you will bring a dynamic plan for the future, but you may not have one.

But he will know and he will always remember that you loved him. In this you will show yourself to have followed in the footsteps of the Good Shepherd.

On behalf of our priests, I thank you for your tireless labors, your fatherly concern, your dedication to us and to the people. We priests pledge to you our support and our obedience. It is a privilege and a joy to serve under you as sons and beside you as brothers.

Most especially, we want you to know that we love you. In this they will know that you are my disciples, that you love one another.
Aug. 1-4

Aug. 5-7

Aug. 10-13

*Sept. 9-12

*Sept. 13-17

*Sept. 14-15

*Sept. 16-19
Pope Benedict visits Great Britain. Theme: “Cor ad Cor Loquitur — Heart Speaks Unto Heart.” http://thepapalvisit.org.uk

*signifies new entry

On File

Pope Benedict XVI has accepted the resignation of Bishop William S. Skylstad of Spokane, Wash., and named Bishop Blase J. Cupich of Rapid City, S.D., to succeed him. Bishop Skylstad, 76, has been a bishop since 1977 and head of the Spokane Diocese since 1990. He’s a former president of the U.S. Conference of Catholic Bishops. Bishop Cupich, 61, has been bishop of Rapid City since 1998. He currently chairs the USCCB Committee on the Protection of Children and Young People.

The national assembly of the Church of England, the mother church of the Anglican Communion, has voted to approve the creation of women bishops by 2014. Diocesan synods have now been asked to scrutinize a scheme where women bishops would have the authority to make alternative governance arrangements for people and parishes who object to women bishops. If the resolution is supported by a majority of the diocesan synods, it will be returned to the General Synod for ratification in 2012. Some media reports have indicated that many English Anglicans could convert to Catholicism because of the decision.

Following a July 7 meeting with Cuban President Raul Castro, Cardinal Jaime Ortega Alamino of Havana said the release of 52 political prisoners is under way and will continue over the next four months. An announcement on the cardinal’s website said the process leading to the release began with a May 19 meeting with Castro by Cardinal Ortega and Archbishop Dionisio Garcia Ibanez of Santiago, president of the Cuban bishops’ conference. Spanish diplomatic sources July 8 said Spain’s foreign minister has agreed to take in the 52 prisoners set for release.

Pope Benedict XVI named Italian Archbishop Velasio De Paolis, an expert in church law who specializes in religious institutes, to be his personal delegate with authority over the Legionaries of Christ. The 74-year-old canon lawyer will act as an interim leader while the Vatican investigation of the order proceeds. The Vatican announced the appointment July 9 but provided no specifics of Archbishop De Paolis’ role.

Pope Benedict XVI has established an apostolic exarchate for the Syro-Malankara Catholic Church in the United States and appointed Father Thomas Naickamparampil as its first eparch. Bishop-designate Naickamparampil is a priest of the Archeparchy of Trivandrum, India. An apostolic exarchate is the Eastern Catholic Church equivalent of an apostolic vicariate. It is not a full-fledged eparchy (diocese), but is established by the Vatican for the pastoral care of Eastern Catholics in an area outside the territory of the Eastern Catholic Church to which they belong.