



PONTIFICIUM CONSILIUM
DE LEGUM TEXTIBUS

Vatican City, 26 July 2011

Prot. N. 12350/2011

Your Excellency,

In the course of these last three years the Pontifical Council for Legislative Texts has worked to prepare a *textus emendatus* of Book VI of the *Code of Canon Law*, promulgated in 1983, *De sanctionibus in Ecclesia*, in accord with the indications given to it by the Holy Father. Faced with various occurrences it was deemed necessary to reformulate the penal norms of the Code in light of the changed needs of the Church and to provide Pastors throughout the world with a suitable instrument to exercise the responsibilities entrusted to them.

In this light, the Pontifical Council for Legislative Texts formed a commission of canonists resident in Rome for the review of Book VI that met monthly for approximately two years. It proceeded initially to list problematic aspects, both general and particular, which had come to light in recent years, and it formulated alternative proposals in response. At a later moment, when the first draft of Book VI was ready to be prepared, the study was expanded to a group of 30 canonists from around the world with expertise in this particular field which punctually provided its observations. At the conclusion of these consultations, after various meetings of the Commission of experts and the *congresso* of this Dicastery, the resulting *textus emendatus* of Book VI *De sanctionibus in Ecclesia* is now forwarded to your Bishops' Conference, for its study and for its observations.

This revision of Book VI was prepared with a view, above all, to maximum respect for the structure of the text and the enumeration of the canons, seeking as well to make explicit various provisions that, up to now, were overly condensed, recovering various of the perspectives found in the *Codex* of 1917 and inserting certain prescriptions according to the new problems which have emerged in recent years. This revision has also aimed to make penal law more useful in the hands of the Ordinary and the judge, seeking to find in the uniqueness of the Church appropriate means which might ensure, on the one hand, the rights of individuals and which might assist, on the other hand, in reaching efficacious decisions, which must take into account the common good.

The Pontifical Council has also proposed that alongside the promulgation a revised Book VI of the *Code of Canon Law* a Directory would also be published, which, in a simplified manner, might orient the Ordinary and the judge in the various choices that they will need to make or are able to make in particular circumstances, and likewise might guide them in the formalities to be observed in each case.

Bearing in mind the relevance of this material for the life of the Church, it is necessary to hear the opinions and the observations of the consultative organs and concretely of the individual Dicasteries of the Roman Curia, of the individual Bishops' Conferences, of the Faculties and of the Institutes of Canon Law and of the Unions of Major Superiors. In examining and evaluating the proposed *schema*, it is to be borne in mind that its redaction was carried out with a view to enabling each Pastor to be able to put the penal law of the Church into

practice as an ordinary pastoral instrument, to which he might make recourse, whenever necessary, in a timely and efficacious fashion, in order to guide his flock, without risk of scandal and seeking to rehabilitate the one accused whenever possible, prior to moving to the application of sanctions.

Consequently, obliged to delineate a just, pastoral and truly functional system of law, it is particularly important that your Bishops' Conference would express itself concerning the solutions adopted in the *schema*, proposing whatever corrections that may be deemed appropriate.

In a particular way it will be useful to know of opinions: 1) concerning the suitability of the proposed system of recourse to the Metropolitan for the confirmation of definitive administrative decrees of the Bishop; 2) concerning the risk of confusion in the Pastor that must apply the law should an adjustment in the enumeration of canons 1364-1389 be introduced; 3) concerning the suitability of inserting various definitions (of delict, of penalty, etc.) into the text of the canons themselves or in the successive Directory; concerning the nature, penal or otherwise, of dismissal from a religious institute.

The request is that observations made in relation to the present schema be submitted to the Pontifical Council for Legislative Texts no later than the end of the month of February 2012, so that the Pontifical Council might move forward to a review of the text, in light of the responses received, up to that date.

In order for the observations submitted by the aforementioned consultative bodies to be incorporated in an orderly fashion, it is asked that the comments be differentiated according to the following system:

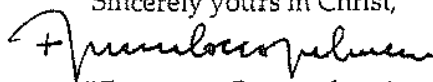
- I. General observations relating to the entire *Schema* of Book VI.
- II. General observations concerning Title I, Title II, Title III, etc.
- III. Observations relating to the individual canons (indicating the number of the canon and, subsequently, in separate paragraphs for each canon, the observations, proposed modifications to the text, new additions, etc.

Responses are to be submitted to the Pontifical Council for Legislative Texts by email (vati494@legtxt.va), and subsequently in hard copy, signed by the President or Vice-President of the respective entities. Naturally, for any detail, contact may be made directly to the Pontifical Council, either by fax 06.69884710 or by telephone 06.69884008.

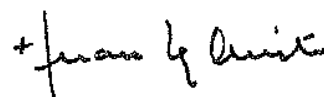
Thanking you in advance for the observations of your Bishops' Conference, I take this opportunity express my esteem for Your Excellency.

With every good wish and kind regard, I am

Sincerely yours in Christ,



✱ Francesco Coccopalmerio
President



✱ Juan Ignacio Arrieta
Secretary