

Bishop Accountability

CONGREGATION FOR THE DOCTRINE OF THE FAITH LETTER

**sent from the Congregation for the Doctrine of the Faith
to Bishops of the entire Catholic Church
and other Ordinaries and Hierarchs having an interest
REGARDING THE MORE SERIOUS OFFENSES**

reserved to the Congregation for the Doctrine of the Faith

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In order to fulfill the ecclesiastical law, which states in Article 52 of the apostolic constitution on the Roman Curia, "[The Congregation for the Doctrine of the Faith] examines delicts against faith and more grave delicts both against morals and committed in the celebration of the sacraments which have been reported to it and, if necessary, proceeds to declare or impose canonical sanctions according to the norm of common or proper law,"(1) it was necessary first to define the method of proceeding in delicts against the faith: This was accomplished through the norms titled *Agendi Ratio in Doctrinarum Examine*, ratified and confirmed by the supreme pontiff, Pope John Paul II, together with Articles 28-29 approved in *forma specifica*.(2)

At approximately the same time, the Congregation for the Doctrine of the Faith, through an *ad hoc* commission established, devoted itself to a diligent study of the canons on delicts both of the Code of Canon Law and the Code of Canons of the Eastern Churches in order to determine "more grave delicts both against morals and in the celebration of the sacraments" and in order to make special procedural norms "to declare or impose canonical sanctions," because the instruction *Crimen Sollicitationis*, issued by the supreme sacred Congregation of the Holy Office on March 16, 1962,(3) in force until now, was to be reviewed when the new canonical codes were promulgated.

Having carefully considered opinions and having made the appropriate consultations, the work of the commission finally was completed. The fathers of the Congregation for the Doctrine of the Faith examined the commission's work carefully and submitted to the supreme pontiff conclusions on the determination of more grave delicts and the manner of proceeding to declare or impose sanctions, with the exclusive competence in this of the apostolic tribunal of this congregation remaining firm. All these things, approved by the supreme pontiff himself, were confirmed and promulgated by the apostolic letter given *motu proprio* beginning with the words *Sacramentorum sanctitatis tutela*.

The more grave delicts both in the celebration of the sacraments and against morals reserved to the Congregation for the Doctrine of the Faith are:

-Delicts against the sanctity of the most august eucharistic sacrifice and the sacraments, namely:

1. Taking or retaining the consecrated species for a sacrilegious purpose or throwing them away.(4)
2. Attempting the liturgical action of the eucharistic sacrifice or simulating the same.(5)
3. Forbidden concelebration of the eucharistic sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not recognize the sacramental dignity of priestly ordination.(6)
4. Consecrating for a sacrilegious purpose one matter without the other in the eucharistic celebration or even both outside a eucharistic celebration.(7)

-Delicts against the sanctity of the sacrament of penance, namely:

1. Absolution of an accomplice in sin against the Sixth Commandment of the Decalogue.(8)
2. Solicitation in the act, on the occasion or under the pretext of confession, to sin against the Sixth Commandment of the Decalogue, if it is directed to sin with the confessor himself.(9)
3. Direct violation of the sacramental seal.(10)

-A delict against morals, namely: the delict committed by a cleric against the Sixth Commandment of the Decalogue with a minor below the age of 18 years.

Only these delicts, which are indicated above with their definition, are reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith.

As often as an ordinary or hierarch has at least probable knowledge of a reserved delict, after he has carried out the preliminary investigation he is to indicate it to the Congregation for the Doctrine of the Faith, which unless it calls the case to itself because of special circumstances of things, after transmitting appropriate norms, orders the ordinary or hierarch to proceed ahead through his own tribunal. The right of appealing against a sentence of the first instance, whether on the part of the party or the party's legal representative, or on the part of the promoter of justice, solely remains valid only to the supreme tribunal of this congregation.

It must be noted that the criminal action on delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by a prescription of 10 years.⁽¹¹⁾ The prescription runs according to the universal and common law;⁽¹²⁾ however, in the delict perpetrated with a minor by a cleric, the prescription begins to run from the day when the minor has completed the 18th year of age.

In tribunals established by ordinaries or hierarchs, the functions of judge, promoter of justice, notary and legal representative can validly be performed for these cases only by priests. When the trial in the tribunal is finished in any fashion, all the acts of the case are to be transmitted ex officio as soon as possible to the Congregation for the Doctrine of the Faith.

All tribunals of the Latin church and the Eastern Catholic churches are bound to observe the canons on delicts and penalties, and also on the penal process of both codes respectively, together with the special norms which are transmitted by the Congregation for the Doctrine of the Faith for an individual case and which are to be executed entirely. Cases of this kind are subject to the pontifical secret.

Through this letter, sent by mandate of the supreme pontiff to all the bishops of the Catholic Church, to superiors general of clerical religious institutes of pontifical right and clerical societies of apostolic life of pontifical right, and to other interested ordinaries and hierarchs, it is hoped not only that more grave delicts will be entirely avoided, but especially that ordinaries and hierarchs have solicitous pastoral care to look after the holiness of the clergy and the faithful even through necessary sanctions.

Rome, from the offices of the Congregation for the Doctrine of the Faith, May 18, 2001.

Cardinal Joseph Ratzinger
Prefect

Archbishop Tarcisio Bertone, SDB
Secretary

[Notes added from the Latin text]

[1] Ioannes Paulus PP. II, Constitutio Apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 52, in AAS 80 (1988) 874.

[2] Congregatio pro Doctrina Fidei, Agendi ratio in doctrinarum examine, 29 iunii 1997, in AAS 89 (1997) 830-835.

[3] Suprema Sacra Congregatio Sancti Officii, Instructio Crimen sollicitationis, Ad omnes Patriarchas, Archiepiscopos, Episcopos aliosque locorum Ordinarios "etiam Ritus Orientalis": De modo procedendi in causis sollicitationis, 16 martii 1962, Typis Polyglottis Vaticanis MCMLXII.

[4] Cf. Codex Iuris Canonici, can. 1367; Codex Canonum Ecclesiarum Orientalium, can. 1442. Cf. et Pontificium Consilium De Legum Textibus Interpretandis, Responsio ad propositum dubium, 4 iunii 1999.

[5] Cf. Codex Iuris Canonici, can. 1378 § 2 n. 1 et 1379; Codex Canonum Ecclesiarum Orientalium, can. 1443.

[6] Cf. Codex Iuris Canonici, can. 908 et 1365; Codex Canonum Ecclesiarum Orientalium,

can. 702 et 1440.

[7] Cf. Codex Iuris Canonici, can. 927.

[8] Cf. Codex Iuris Canonici, can. 1378 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1457.

[9] Cf. Codex Iuris Canonici, can. 1387; Codex Canonum Ecclesiarum Orientalium, can. 1458.

[10] Cf. Codex Iuris Canonici, can. 1388 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1456 § 1.

[11] Cf. Codex Iuris Canonici, can. 1362 § 1 n. 1; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 2 n. 1.

[12] Cf. Codex Iuris Canonici, can. 1362 § 2; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 3.