with others. It often seems that the people expect the priest to keep up with the sacramental life in their own parish as though he had only them under his care.

Another common idea floated is that there can be lay people appointed as 'managers' of parishes, who then arrange for priests to visit the parish and administer the sacraments. To some, this is an appealing idea because it removes much of the administrative burden from priests and allows them to concentrate on 'what they were ordained for'. On the other hand, it makes priests something like 'sacrament machines' rather than shepherds who know their sheep.

There are many issues involved in the altering of parishes, with the processes for doing so outlined by the Holy See. The merger of parishes is complex and needs to be done carefully. It can be done well. The reduction of churches to profane use is another discussion. The parish is a model of pastoral care that has been successful much of the history of the Church. Based on this rich history and understanding of the parish and its place in the life of the Church, it would seem that larger, united parishes, with reduced administrative load through the merger of key parish bodies, and with a priest who is clearly the pastor, would be more suited to preserving the best aspects of the parish than some of the other models available.

The Law of Secrecy in the Latin Church

Ian Waters*

Introduction

In Australia at present there is a Royal Commission into Institutional Responses to Child Sexual Abuse. It was established by the Commonwealth Government of Australia in 2013 and is expected to complete its task in 2017. Prior to this Royal Commission an Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organizations was held in the State of Victoria. This Parliamentary Inquiry was established by the State Parliament and the report was presented to the Parliament on 13 November 2013. Also in 2012 the State Parliament of New South Wales established a Special Commission of Inquiry Concerning the Investigation of Certain Child Abuse Allegations in the Hunter Region of that State. This inquiry only investigated allegations pertaining to the Diocese of Maitland-Newcastle and the report was delivered to the State Governor on 30 May 2014.

In the course of the Royal Commission and these inquiries a great deal has been said about secrecy and the Catholic Church. Notwithstanding the meaning of secrecy in the teaching and legislation of the Church, it has been represented in the public forum as the Church's means for covering up crimes of sexual abuse. The purpose of this article is to consider the law of secrecy in the Latin Church.

Accordingly it is noted that after the first Ecumenical Council held at the Vatican in 1869-1870 the Church's legislation was completely reorganized, a task commenced by Pope Pius X in 1904 and completed by Pope Benedict XV in 1917. In the process of reform it was decided to adopt a codified approach to canon law, a decision in large part influenced by the codification of civil legislation in Europe in the Eighteenth and Nineteenth Centuries. Pope Benedict XV promulgated the Code of Canon Law - Codex Iuris Canonici - on 27 May 1917 and decreed that it come into force on 17 May 1918. The 1917 Code of Canon Law remained in force until 27 November 1983.

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See Piacenza, 211-219.
On 25 January 1959 when Pope John XXIII convened the second Ecumenical Council to be held at the Vatican (1962-1965) he said it would be accompanied and completed by the revision of the 1917 Code of Canon Law.4 On 25 November 1967 Pope Paul VI inaugurated the work of the Pontifical Commission for the Revision of the 1917 Code of Canon Law that was brought to completion on 22 April 1982. On 25 January 1983 Pope John Paul II promulgated the revised Code of Canon Law and decreed that it come into force on 27 November 1983.5

Both the 1917 Code and 1983 Code pertain only to the Latin Church. For the Eastern Churches of the Catholic Church, Pope John Paul II on 18 October 1990 promulgated the Code of Canons of the Eastern Churches - Codex Canonum Ecclesiæ Orientalis - that came into force on 1 October 1991.

In canon law the Latin noun secretum - secrecy and the adjective secretus - secret are derived from the verb secerno which means "to put apart, to sunder, sever, separate".

Foundations of the law

One cannot come to an understanding of the law of secrecy in the Church without reference to the moral teaching of the Church on the Eighth Commandment of the Decalogue - Thou shalt not bear false witness against thy neighbour - that provides the foundations for the legislation.

According to traditional Catholic teaching on the Eighth Commandment offences against truth include: lying; detraction and calumny; contumely; rash judgement; and the violation of secrecy. In the Latin moral theology texts the word secretum is used when speaking of secrecy. A secret is the knowledge of a thing which, by its very nature or by virtue of a special contract, may not be divulged.6 Secrecy is the obligation not to reveal what is known and is not intended to be divulged.

Moral teaching traditionally distinguishes between three categories of secret: natural, promised and committed. First, "the natural secret includes all hidden truths or facts whose revelation by the very nature of the case would here and now violate justice or charity".7 Second, "the promised secret embraces all hidden truths or facts which one has lawfully promised not to disclose, even though apart from the promise there may be no obligation to secrecy".8 Third, "the committed secret" also referred to as an 'entrusted' secret, "embraces all the knowledge that one has obtained under conditions and activities which, by their nature, require secrecy".9 Within this third category of secret, particular attention is paid to the "professional secret", that is the secrecy which applies to people such as "political office holders, soldiers, physicians, lawyers,"10 psychologists, psychiatrists and counsellors.

The category of professional secret has particular relevance within the Church. Clerics, lay persons and religious who exercise a ministry of spiritual direction or counselling come to know of matters pertaining to a person's spiritual, family, social or professional life and are therefore bound to observe secrecy in respect of all these matters. These persons are bound also by the teaching of the Church that, even if the information they acquire was not given to them under the obligation of secrecy, "private information prejudicial to another is not to be divulged without a grave and proportionate reason".11

The obligation to observe secrecy ceases in the following circumstances: "the person concerned reasonably permits or is obliged to permit disclosure; the matter has ceased to be a secret because of disclosure by others; and disclosure effects a greater good for all concerned".12

Finally, there is the secret of the sacrament of penance, that is, the "sacramental seal". The Church's doctrinal teaching is that Christ instituted the sacrament of penance, so that the members of the Church who commit sin may be reconciled with God and the Church. The Church exercises the ministry of the sacrament of penance through bishops and priests.

In the celebration of this sacrament the penitent, after examining his or her conscience, confesses his or her sins to the priest. It is the teaching of the Church that conscience is the most intimate core and sanctuary of the human person, in which he or she is alone with God, whose voice echoes within their depths.13

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8 Sabetti — Barrett, 309.
As the minister of God the confessor - in persona Christi - in the person of Christ comes to know the secrets of another's conscience. Acknowledging that the obligation to observe the secrecy of the confessional arises from both the natural law and divine positive law, the canonical legislation in canon 983 §1 states that "the sacramental seal is inviolable. Accordingly, it is absolutely wrong for a confessor in any way to betray the penitent, for any reasons whatsoever, whether by word or in any other fashion." The violation of the secret of the sacrament of penance constitutes a canonical offence. Indeed, it constitutes one of the more serious offences - graviora delicta - reserved to the competence of the Congregation for the Doctrine of the Faith. 18

Laws on secrecy

The laws on secrecy in the 1917 and 1983 Codes are, generally speaking, comparable and pertain predominantly to matters of governance, and for present purposes the 1983 Code in respect of these matters will be the point of reference.

The 1983 Code, Pope John Paul II said, "is to be regarded as a complement to the authentic teaching proposed by the Second Vatican Council" including the teaching on the universal and inviolable rights of the human person among which is the right to a good reputation and the right to safeguard one's privacy. 20 As these are rights of every human person they apply in every society, be it civil or ecclesial. The obligation to respect and not violate these rights is a matter of the moral law and therefore of conscience. However these rights and the correlative obligations do have a particularity within the community of the People of God and hence they are listed among the obligations and rights of all Christ's faithful. 21

Accordingly canon 220 states: "No one may unlawfully harm the good reputation which a person enjoys, or violate the right of every person to protect his or her privacy."

In the exercise of these rights canon 223 §1, reiterating the teaching of Vatican II, provides that in the exercise of rights all members of the Church, "both individually and in associations, must take account of the common good of the Church, as well as the rights of others and their own duties to others". 22 It is the responsibility, in accordance with canon 223 §1, of "ecclesiastical authority to regulate in view of the common good, the exercise of the rights which are proper to Christ's faithful".

In canonical elections canon 172 §1 22 provides that for a vote to be valid it must be "secret", that is, the person casting the vote and the person for whom the vote is cast is not identified. Pope Benedict XVI established the most recent norms in regard to perpetual secrecy for the papal election in his Apostolic Letter Normas nonnullas issued motu proprio on 22 February 2013.

Canonical legislation makes provision for ‘superiors’, for example diocesan bishops and leaders of religious institutes, to obtain either the advice or consent of certain bodies or individuals before making a decision. Canon 127 §3 establishes the principle of governance that all those who are to give advice or consent are “if the seriousness of the matter requires it, obliged carefully to maintain secrecy, and the superior can insist on this obligation”. 23

In regard to the exercise of executive power of governance, canon 471 1° requires that “all those who are admitted to an office in the diocesan curia must observe secrecy”. The principle of governance is that all those who are admitted to an office in the diocesan curia must observe secrecy and according to the manner determined by law or by the Bishop. The diocesan curia comprises “those institutes and persons who assist the Bishop in governing the entire diocese, especially in directing pastoral action, in providing for the administration of the diocese, and in exercising judicial power”. 24

The personnel include the vicar(s) general, Episcopal vicar(s), chancellor and other notaries, and the financial administrator. The institutes include the council of priests, the college of consultants and the financial council.

In regard to the exercise of judicial power of governance, canon law imposes on judges and tribunal personnel the obligation to observe the secrecy of office. This professional secrecy always pertains to a penal trial and in other trials “it is limited to cases in which disclosure of the acts of the process may result in harm to the parties”. 25

Penalty for violation of the obligation is in canon 1457. The judge can, as provided for in canon 1455 §3, oblige “witnesses, experts, and the parties and their advocates or procurators to swear an oath to observe secrecy”. The circumstances in which a judge can do so are stated in the law: “if the nature of the case or of the evidence is such that revelation of the sect or evidence would put at risk the..."
reputation of others, or give rise to quarrels, or cause scandal or have any similarendanted consequence".

Canon law makes provision for the governance of a diocese if the diocesan Bishop is completely prevented from exercising his pastoral office, that is, “the episcopal see is impeded”. In respect of such a situation arising, canon 413 §1 obliges a diocesan bishop to draw up a list, in order, of those who are to govern the diocese. The Bishop, who is to revise the list every three years, communicates the list to the Metropolitan Archbishop and it is “to be kept under secrecy by the chancellor” of the diocese.

**Diocesan archives**

Canons 486-491 regulate ecclesiastical archives in respect of a diocese. The law refers to three types of archives: general, secret and historical.

Each diocesan curia must have a general archive where documents relating to the diocese and its parishes are to be properly filed and securely kept. The custody of the general archive is the responsibility of the Bishop and the chancellor and permission is required to access the general archive. It is not permitted to remove documents from the general archive except for a short time and only with permission.

Canon 489 §2 establishes the obligation that each diocesan curia must have “a secret archive” which is separate from the general archive or by way of exception it can be located in a specially secured portion of the general archive, provided that it cannot be removed. The nature of the secret archive is determined by reason of the documents which are to be kept in it, the custody of the archive, access to the archive and the prohibition against removal of documents from the archive.

The law determines certain documents which are to be kept in the secret archive. In the 1983 Code canons 269 2°, 377 §2, 413 §1, 489 §2, 1082, 1133, 1339 §2, and 1719 §3 indicate documentation to be kept in the secret archive. The Bishop has the authority to determine other documentation which is to be kept in the secret archive. The documentation to be kept in the secret archive is usually highly confidential personal and may include matters of conscience.

Canon 1719 §3 explicitly states that the documentation pertaining to the preliminary investigation into an alleged canonical offence, in accordance with canon 1717 §1 must be kept in the secret archive “unless they are necessary for the penal process”. This documentation remains perpetually in the secret archive.

In accordance with the norm of law in canon 490 §1 “only the Bishop is to have the key of the secret archive” and in canon 490 §3 “documents are not to be removed from the secret archive”. Only the Bishop has the right to access the secret archive and the permission of the Bishop is required for any other person, including the chancellor, to access the secret archive.

Canon 489 §2 regulates the retention of documents in the secret archive by way of identifying what, and when, certain documents are to be destroyed:

Each year documents of criminal cases concerning moral matters are to be destroyed whenever the guilty parties have died, or ten years have elapsed since the condemnation sentence concluded the affair. A short summary of the facts is to be kept, together with the text of the definitive judgement.

The only documents in the secret archive which are to be destroyed in accordance with this norm of law are those pertaining to an ecclesiastical penal or criminal trial which reached a definitive judgement in respect of moral matters. This occurs when either the person who was found guilty of the canonical offence has died or ten years have elapsed since the definitive judgment was executed.

In these instances, however, not all the information is destroyed because the law requires “a short summary of the facts is to be kept, together with the text of the definitive judgement”. The judgment must set out the facts of the particular case, the law that is applicable, and the arguments and reasons by which the tribunal reached the decision. This documentation remains perpetually in the secret archive.

The **Roman Curia**

The 1917 Code, in canons 242-264, presented the Congregations, Tribunals and Offices constituting the Roman Curia and described the functions of each dicastery. In so doing the 1917 Code with slight modifications adopted the Constitution *Sapienti consilio* of Pope Pius X of 29 June 1908 whereby he reorganized the Roman Curia.

Canon 243 stated:

*In each of the Congregations, Tribunals and Offices, that discipline shall be preserved and those rules for the transaction of business followed which have been prescribed, either in general or particular, by the Roman Pontiff. All who belong to any of Congregations, Tribunals and Offices of the Roman Curia are bound to secrecy within the limits and according to the laws laid down for each.*

Among the Congregations was the Sacred Congregation of the Holy Office, formerly known as the Supreme Universal Inquisition. The obligation of secrecy pertaining to

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26 Canon 412: The episcopal see is understood to be impeded if the diocesan Bishop is completely prevented from exercising the pastoral office in the diocese by reason of imprisonment, banishment, exile or incapacity so that he is not able to communicate with those in his diocese even by letter.

27 Canon 413 §1.


The Canonist

Doctrine of the Faith over which the Pope had presided since 1908 now had its own Office. Roman Curia. All Congregations are juridically equal and the Congregation for the Doctrine of the Faith was presided over by the Pope assisted by a Cardinal Secretary. Pope John Paul II is his Apostolic Constitution Regimini Ecclesiae universae, 15 August 1967. English translation in Canon Law Digest Vol. 7: 147-176.

Pope Paul VI following the Second Vatican Council undertook a further reform of the Roman Curia. In December 1965 Paul VI changed the name of the Holy Office to the Congregation for the Doctrine of the Faith and restated its competency. By virtue of his Apostolic Constitution Regimini Ecclesiae universae, issued on 15 August 1967 and effective from 1 March 1968, Paul VI established the reorganization of the Roman Curia. All Congregations are juridically equal and the Congregation for the Doctrine of the Faith over which the Pope had presided since 1908 now had its own Cardinal Prefect.

Without prejudice to the norm of law in canon 243 and in keeping with the Apostolic Constitution Chapter One n.12, the general regulations for the Roman Curia were approved by Pope Paul VI and issued by the Cardinal Secretary of State on 22 February 1968.

The obligation to observe secrecy was addressed in Article 39 with the distinction between segreto d'afficio - secrecy of office or professional secrecy and segreto pontificio - pontifical secrecy. The matters in respect of which pontifical secrecy obliged were those indicated in the rules pertaining to the particular dicastery. The violation of the obligation resulted in suspension for professional secrecy and dismissal in the case of pontifical secrecy.

On 4 February 1974 Pope Paul VI, at an audience with Cardinal Villot, the Secretary of State, approved an Instruction Secreta continere in regard to pontifical secrecy and

30 Ibid., 80.
32 Ibid., Art. 39 §2 stated: Any kind of violation of pontifical secrecy relative to the obligation spelled out in special instructions, carries with it dismissal from office in addition to other sanctions provided for in the said instructions. Every violation of ordinary secrecy relative to other matters, carries with it the sanctions in articles 61-62 of the Regolamento. In the Regolamento issued on 4 February 1992 and 30 April 1999 the comparable article read: §1 All are obliged to observe rigorously the secrecy of office - il segreto d'afficio; and §2 With particular care pontifical secrecy - il segreto pontificio - shall be observed in accordance with the norms of the Instruction Secreta continere of 4 February 1974.

33 Ibid., 80.
34 Ibid., 80.
35 Ibid., Art. 39 §2 stated: Any kind of violation of pontifical secrecy relative to the obligation spelled out in special instructions, carries with it dismissal from office in addition to other sanctions provided for in the said instructions. Every violation of ordinary secrecy relative to other matters, carries with it the sanctions in articles 61-62 of the Regolamento. In the Regolamento issued on 4 February 1992 and 30 April 1999 the comparable article read: §1 All are obliged to observe rigorously the secrecy of office - il segreto d'afficio; and §2 With particular care pontifical secrecy - il segreto pontificio - shall be observed in accordance with the norms of the Instruction Secreta continere of 4 February 1974.

In its introduction the Instruction recalls the foundations for secrecy at the core of which are the inviolable rights of individuals and communities. The right of privacy protects the private lives of families and individuals. There is the right of secrecy, which obtains if necessity or professional duty or the common good itself requires it.

The Instruction comprises four articles of which the first enumerates the matters which are subject to pontifical secrecy, whilst the second provides the list of those persons who are bound by this obligation. There are ten categories of matters that are subject to pontifical secrecy several of which relate to the processes concerning the appointment of persons such as cardinals, papal legates and bishops. There is also the investigations into denunciations made to the Congregation for the Doctrine of Faith in respect of doctrines and published writings. Of relevance for present purposes is the fourth category:

Extrajudicial denunciations received regarding delicts against faith and against morals, and regarding delicts perpetrated against the sacrament of Penance. Likewise, the process and decision which pertain to those denunciations, always safeguarding the right of him who has been reported to authorities to know of the denunciation, if such knowledge is necessary for his own defense. However, it will be permissible to make known the name of the denouncer then only when authorities think it opportune that the denounced and the denouncer come face to face.

The Instruction in Article II stipulates clearly the four categories of those persons obliged to observe pontifical secrecy, of which one is: “all those on whom the observance of pontifical secrecy is imposed in special cases”.

37 Pope Benedict XV, Motu proprio Cum iuris canonici 15 September 1917 explained with clarity the function of the Congregations, noting that they “shall hereafter enact no new General Decrees, unless some grave necessity of the universal Church require it. Their ordinary function in this matter will therefore be not only to see that the prescriptions of the Code are religiously observed, but also to issue Instructions, as need arises, whereby those prescriptions may be more fully explained and appropriately enforced”.

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38 Secretariat of State, Instruction Secreta continere, 4 February 1972. English translation in Canon Law Digest Vol. 8: 205-210. [Hereafter Secreta continere]
40 Secreta continere, 205.
42 Secreta continere, 207-208.
43 Ibid., 208.
The law of secrecy in the Church provides for different levels of secrecy of which the most serious relates to those matters regulated by the pontifical secret. Degrees of confidentiality are used in secular society. The use of secrecy in law is not confined to the Church. In New Zealand the Official Secrets Act of 1951 was repealed and the Official Information Act of 1982 came into effect. Its purpose was to protect official information to the extent consistent with the public interest and the preservation of personal privacy. In Australia, the Australian Law Reform Commission in December 2009 completed a report on Secrecy Laws and Open Government in Australia. The Commonwealth Government of Australia enacted the Privacy Act 1988 and the Privacy Amendment (Enhancing Privacy Protection) Act 2012 was enacted to strengthen privacy protection and became effective on 12 March 2014. One could k

The Instruction of the Holy Office - Crimen solicitationis

In respect of secrecy in the Church, in an opinion published in the Newcastle Herald on 9 June 2014, it was stated that “pontifical secrecy allows abuse to go unpunished”. Among the documents referred to was the Instruction issued by the Congregation of the Holy Office on 16 March 1962. In fact, the Instruction was originally issued by the Holy Office on 9 June 1922. The two documents are identical except for one addition that the Instruction applied also to priests who were members of religious institutes. Both documents contained the directive: “To be kept carefully in the secret archive of the Curia for internal use. Not to be published or augmented with commentaries.”

To what extent the Instruction was distributed is a matter of some conjecture. It is known that no copy of either the 1922 Instruction or 1962 revised Instruction has ever been discovered in any archive in Australia. According to the Congregation for the Doctrine of the Faith “the 1922 Instruction was given as needed to bishops who had to deal with particular cases. Copies of the 1962 re-print were meant to be given to the Bishops gathering for the Second Vatican Council. A few copies ... 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”.

It is to be noted here that Pope John Paul II said the Instruction “had the force of law” because the Pope in accordance with canon 247 §1 of the 1917 Code “presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority”.

As the Latin title of the Instruction indicated its primary subject was the crime of solicitation. Pope Benedict XIV had addressed this issue in his Apostolic Constitution Sacramentum Poenitentiae on 1 June 1741, which document was published with the 1917 Code as an Appendix. Solicitation is committed when a priest in connection with the sacrament of penance attempts to seduce a penitent to commit a sin against the sixth commandment either with the priest or with another or solitarily.

Canon 904 required the penitent to denounce the priest to the local Bishop or the Congregation of the Holy Office within one month. The Instruction Crimen solicitationis set out the procedures to be followed when such a denunciation was made, and these “were an update in the light of the 1917 Code of the 1741 Apostolic Constitution of Benedict XIV.”

The Instruction also spoke of another crime - crimen pessimum - the foulest crime which was described as “any external obscene act, gravely sinful, perpetrated or attempted by a cleric in any way whatsoever with a person of his own sex”. The Instruction provided that “everything laid down up to this point concerning the crime of solicitation is also valid, with the change only of those things which the nature of the matter necessarily requires, for the crimen pessimum.”

Finally, the Instruction said that “equalled with the crimen pessimum, with regard to penal effects, is any external obscene act, gravely sinful, perpetrated or attempted by a cleric in any way with pre-adolescent children [impuberes] of either sex or with brute animals [bestialitas]”. It is the crime of the sexual abuse of children that has been the focus of investigations by the civil authorities in Australia.

In respect of secrecy, the Instruction n.11 required that all those involved in the process of trials in respect of the crime of solicitation were bound by the secret of the Holy Office. And in n.13 it stated that “the oath to maintain secrecy must always be taken in these cases also by the accusers or complainants and the witnesses”.

The crime of solicitation can be committed only by a cleric ordained to the priesthood. The other crimes can be committed by a priest whilst the other crimes could be committed by any cleric. Both in the 1917 Code and as provided for in canon 1395 §2 of the 1983 Code only clerics can commit the canonical office of

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41 Opinion: Pontifical secrecy allows abuse to go unpunished, by K. Tapsell 9 June 2014.
http://www.vatican.va/roman_curia/congregations/cfaith/doc_dis_index_it.htm
http://www.vatican.va/resources/resources_introd-storica_it.html
44 Pope John Paul II, motu proprio, Sacramentorum Sanctitatis Tutela, 2001;
45 Historical Introduction, 2.
46 Crimen solicitationis, n.71: 12.
47 Ibid., n.72.
48 Ibid., n.73.
49 Ibid., n.11: 3.
50 Ibid., n.13.
sexual abuse of person under the age of eighteen years. Therefore members of
religious institutes who are not ordained do not commit the canonical offence.
The crime of solicitation was a canonical offence and therefore pertained only to the
Church's legal system and was to be determined only before ecclesiastical tribunals
in accordance with the law. The other crimes referred to in the Instruction Crimen
sollicitationis were not only canonical offences but also crimes in the civil law.
Accordingly, such crimes could be prosecuted in an ecclesiastical court and in a
secular court.
Canon 120 §3 of the 1917 Code provided that “all lawsuits against clerics must
be brought before the ecclesiastical court, unless other provisions have been lawfully
made for some countries”. This was known as the privilege of the forum and was not
retained in the 1983 Code.
Under the 1917 Code the privilege of the forum did not apply in those countries for
which other provisions were made by either a concordat between the Holy See and the
particular nation or established custom which was relevant to Australia and New
Zealand.
Neither the 1917 Code nor the Instruction Crimen sollicitationis prevented a priest
accused of sexual abuse of a child appearing before the secular courts in Australia or
New Zealand. Moreover, neither prohibited a bishop from reporting sexual abuse if
such reporting was required by the civil law.

The present canon law
On 30 April 2001 Pope John Paul II issued an Apostolic Letter motu proprio whereby
new norms were promulgated in regard to the more serious canonical offences
including those concerning the Sacraments of the Eucharist and Penance and offences
against morals. The most recent norms in regard to these more serious offences
— graviora delicta — were promulgated on 21 May 2010. By contrast with the norms of
secrecy with regard to the Instruction Crimen sollicitationis the present norms are
readily available for all to see.

The norms comprise both substantive and procedural norms, the latter governing the
competence and constitution of the tribunal to hear these cases for they are to be tried
in a judicial process. The procedural norms also establish the procedures to be
followed in the judicial trial.

Among these procedural norms is Art. 30 which states “cases of this nature are
subject to the pontifical secret”. This is the only reference to the law of secrecy in the
present norms. Given the context in which this norm appears it is evident that the
obligation to observe secrecy, albeit in its strongest form, obliges only those tribunal
officials who are involved in respect of a particular case being heard in an
ecclesiastical tribunal.

Without prejudice to the norms of canon law regarding the inviolability of the secret of
the sacrament of penance, the present canonical legislation has no provisions which prohibit a bishop or any other Church authority from reporting sexual abuse of
minors to civil authorities even where such reporting is not mandatory.

Cardinal Sean O'Malley, President of the Pontifical Commission for the Protection of
Minors, said on 20 February 2016:

our obligations under civil law must certainly be followed, but even beyond
these civil requirements, we all have a moral and ethical responsibility to
report suspected abuse to the civil authorities who are charged with
protecting our society.

sex_abuse/1208856.