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THE PENALTY OF A LIFE OF PRAYER AND PENANCE ACCORDING TO *SACRAMENTORUM SANCTITATIS* *TUTELA AND THE ESSENTIAL NORMS*

In dealing with offending members of the clergy, ecclesiastical authorities are often faced with a dilemma: whether to completely sever the ties with the offending cleric and therefore avoid any further civil liability for his actions or whether according to the principles of Christian mercy and forgiveness, to seek a way of satisfying both. When the recent clerical sex abuse of minors by members of the clergy of unprecedented proportions erupted in 2002, the Church found itself challenged to cope with the aftermath.

1. The context of the modern understanding of the penalty

Within the broader context of the Catholic Church in the United States, the American bishops were learning of the unfortunate and heinous sexual abuse of minors by members of the clergy. Their early responses to the crisis have been fairly well documented in the Bishops' Committee Report, "Brief History: Handling Child Sexual Abuse Claims"¹.

The 1917 Code of Canon Law², promulgated by Pope Benedict XV, contained a number of canonical delicts that were reserved to the competence of the Sacred Congregation of the Holy Office (can. 1555).

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¹ See: United States Conference of Catholic Bishops, *Brief History: Handling Child Sexual Abuse Claims*, "Origins" 23/38 (March 10, 1993), p. 666-70.

² *Codex Iuris Canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, p. 1-593 [henceforth cited as: CIC/17].

Five years later after the promulgation of the code, the Holy Office issued an Instruction, *Crimen sollicitationis* (1922), that provided the norms and procedures for dealing with delicts of solicitation. In itself, the Instruction constituted an update to the 1741 apostolic constitution of Pope Benedict XIV *Sacramentorum Poenitentiae*³. In 1962, the Instruction was subsequently updated again and reprinted with the permission of Pope John XXIII. Copies were given to the bishops who were attending the Second Vatican Council.

The post-conciliar reforms focused on de-centralization of the new code with an emphasis on subsidiarity and episcopal discretion. However, cases regarding the dignity of the Sacrament of Penance remained in the competence of the new Congregation for the Doctrine of the Faith – a successor of the Holy Office with the Instruction remaining in force up until 2001 promulgation of *Sacramentorum sanctitatis tutela*⁴.

In 1994, the U.S. Conference of Catholic Bishops petitioned and was granted, an indult to raise the canonical age for the crimes against the sixth commandment, from 16 to 18. At the same time, the prescription for a crime was extended to 10 years from the 18th birthday of the victim.

Pope John Paul II, in response to the rampant crisis of clergy sexual abuse of minors, promulgated in April 2001, a *motu proprio*, *Sacramentorum sanctitatis tutela*, that provided the norms in dealing with more grave delicts reserved to the Congregation of the Doctrine of the Faith. In May 2001, the CDF issued a letter to bishops and religious superiors explaining the norms in more detail and informing them that *Crimen sollicitationis* was no longer in force⁵. SST changed universally the

³ Benedictus PP. XIV, *Constitutio apostolicae Sacramentum poenitentiae* (1.06.1741), AAS 9 (1917), pars II, p. 505-508.

⁴ Ioannes Paulus PP. II, *Litterae apostolicae motu proprio datae quibus Normae de gravioribus delictis Congregationi pro Doctrina Fidei reservatis promulgantur Sacramentorum sanctitatis tutela* (30.04.2001), AAS 93 (2001), p. 737-39 [henceforth cited as: SST]. This *motu proprio* promulgated norms (divided into Substantive and Procedural Norms) not published with the papal text but available as needed through the Congregation for the Doctrine of the Faith [henceforth cited as: CDF].

⁶ Congregation for the Doctrine of the Faith, *On More Grave Delicts Reserved to the Same Congregation for the Doctrine of the Faith*, “Origins” 31/32 (January 24, 2002), p. 528-29.

age of a minor to be 18, and the prescription for the delict *contra sextum* was also increased to 10 years beginning with the victim's 18 birthday. The more grave delicts reserved to the CDF were: delicts against the sanctity of the Eucharist; against the Sacrament of Penance; and against morality. SST provided procedural norms to be followed in these cases. Whenever an Ordinary or a Hierarch had a least probable knowledge (*saltem verisimilem habeat*) of a commission of a delict and after having carried out a preliminary investigation, he was to inform the CDF of that allegation (Art. 16). The CDF would in turn decide how to proceed further. The appeal against a sentence could have only been lodged before the Supreme Tribunal of the Congregation. The promulgation of SST clarified the competencies of the CDF in regard to the more grave delicts, especially that of clerics with the minors below the age of 18.

Nine years later a revision of SST took place; and on May 21, 2010, Pope Benedict XVI approved and ordered its promulgation. Commenting on the promulgation of SST, Archbishop Scicluna says that he considers the document timely and prophetic in facilitating the response to crisis of sexual abuse of minors by members of the clergy [Scicluna 2013, 16]. Initial work on the document began in 1997 with one task being to determine which delicts were to be included in the *graviora delicta* category. Additionally, there were numerous inconsistencies in the universal law and a number of particular derogations. The 1983 Code of Canon Law⁶ did not anymore contain sodomy as a grave delict. Also, the code increased the age of the victim from 14 to 16 in cases of abuses of minors in canon 1395 § 2. The American bishops obtained an indult increasing that age to 18 in 1994.

The 2010 revision changed the prescription time from 10 years to 20. It runs from the completion of the 18th year of the victim in sexual abuse of minors' cases. The CDF is authorized to derogate from that prescription in individual cases (Art. 7 § 1). In addition to that change, a canonical delict of acquisition, possession, or distribution of child pornography has been added (Art. 6 § 1, no. 2). Furthermore, a person who habitually lacks the

⁶ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, p. 1-317 [henceforth cited as: CIC/83].

use of reason is for the purpose of canonical delict considered equivalent to a minor regardless of his or her actual age (Art. 6 § 1, no. 1).

The United States Conference of Catholic Bishops had subsequently issued particular norms for the United States addressing the policy of dealing with such abuse in light of the SST. These particular norms initially received their *recognitio* of the Holy See on December 8, 2002. They were subsequently revised on June 17, 2005 with a *recognitio* of the Holy See on January 1, 2006.

Archbishop Scicluna, who had been the Holy See's promotor of justice, comments: "The Church is first of all committed to a humble acknowledgment of the problem with total unequivocal respect for the truth in fairness and justice... The Church will address the established occurrence of sexual abuse of a minor by a cleric in terms of working for the healing of victim, and the just punishment of the cleric" [Scicluna 2004, 15].

Boccafola further comments that these norms are a general decree of the United States Conference of Catholic Bishops. Having received the *recognitio* of the Holy See, they constitute the particular law of the conference. They are not retroactive except when specifically provided for [Boccafola 2005, 265]. Kevin McKenna points to the letter of Cardinal Giovanni Battista Re, then Prefect of the Congregation for Bishops, who commented that the norms were hastily assembled by the US bishops in their June 2002 Plenary meeting in Dallas, Texas, in response to the of sexual abuse of minors by members of the clergy [McKenna 2011, 163]. McKenna comments: "Although an urgent response was needed, some canon lawyers had raised concern about the lack of due process for accused clergy in the norms... Cardinal Re's letter pointed to some of these same issues, observing that the application of the policies adopted at Dallas could be the "source of confusion and ambiguity." He noted the difficulty in reconciling the provisions of the Dallas norms with the universal law of the Church, especially when the terminology used was "vague or imprecise" [ibid. 163-64].

A mixed commission composed of four American bishops and four curial officials of the Holy See was established. The role of the commission was to revise the norms originally approved in Dallas in June 2002. The Holy See noticed that the draft had been difficult and ambiguous in relation

to the universal law and therefore confusing. Meetings were held and amendments were recommended. Among them were clarifications on the role of the review board and its duties, and the terminology was modified in places where it had been deemed vague. A specification of procedures in virtue of the code and SST was also implemented. Furthermore, the norms emphasized the existence of a written policy on sexual abuse of minors in every diocese and eparchy. Among other concerns that the revised norms addressed were prescription, the terms of psychological testing, and the definition of sexual abuse. This definition, however, did not provide any possibility of a gradation of penalties. These were some of the positive developments in the norms. The norms were sent to Rome for review that was granted on December 8, 2002. The first revision had been univocally criticized by many canonists, especially by Ladislav Orsy. He writes: “The lack of exactness may have been due to the external circumstances of the drafting of the *Norms*, circumstances that compelled the bishops to act under pressure and with unusual haste – hardly a favorable environment for the exercise of prudence” [Orsy 2003, 1006].

One of the biggest challenges that faced the bishops in the drafting process was the definition of abuse. Pressured by the media and concerned about displaying their commitment to protect minors, the bishops used the general terms of moral theology. That subsequently had resulted in ambiguities in defining an actual delict. The updated and revised edition of the *Essential Norms* was approved in 2006⁷. Norm 8B of the *Essential Norms* reads as follows: “If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest”.

As a result of a decree either through a judicial or administrative process a penalty of life of prayer and penance may be imposed upon the cleric.

⁷ United States Conference of Catholic Bishops, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (8.12.2002), http://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20021216_recognitio-usa_en.html [accessed: 15.12.2018].

The norms do not provide an actual definition of what a life of prayer and penance is. One may derive from the reading of the norm that there are some elements that would constitute a general framework of the penalty. There is a proven delict that has been committed by a cleric. Therefore, though sounding benign, the imposition of a life of prayer and penance is a penalty. The penalty contains also restrictions of personal liberty, rights and privileges due to the sacerdotal ordination (cc. 273ff). The cleric is instructed not wear his clerics, which at least implicitly entails a dispensation from can. 284.

At the same time, the norm provides the offender with housing and sustenance or at least some other means of support. Can. 281 CIC/83 reflects, as James Donlon points out, the teaching of Vatican II. It is especially clearly pronounced in *Presbyterorum Ordinis* and *Ecclesiae Sanctae* [Donlon 2004, 96] The Council fathers, as Donlon writes, were in favor of reminding the faithful that it is their duty to support their priests [ibid.]. The current canon differs in its understanding of the source of priest's right to support from CIC/17 in can. 979 and 981. Can. 979 § 1 provided three sources of a title of support: benefice, patrimony or pension⁸. Associated with the canonical incardination, the title to receive support stemmed from that fact. Donlon observes: "In the 1917 code a cleric's support stemmed from his title of ordination – service to the diocese or service to the missions – or from the title of benefice, patrimony or pension. When a man was ordained to the priesthood, he was to have one of these titles so as to assure his livelihood and that proper support was provided" [Donlon 2004, 95].

2. The general composition of the penalty

While looking at the penalty of a life of prayer and penance, one must keep in mind that although an offender is found guilty through a canonical process, he still remains an incardinated cleric. Therefore, it is more than appropriate to take into consideration the provisions of can. 384. It belongs, according to the canon, to the duties of a diocesan bishop to take care of his

⁸ "Pro clericis seacularibus titulus canonicus est titulus beneficii, eoque deficiente, patrimonii aut pensionis" (can. 979 § 1 CIC/17).

priests, even those who have sinned and committed delicts. Especially, in light of can. 1350 § 1, that states that as long as a cleric is not dismissed from the clerical state, the bishop must see to it that the offender does not lack those things that are necessary for their decent support. The norms seem to at least take that into consideration in providing the option of the penalty. The canonical situation of the offending cleric does change with the imposition of the actual penalty. Nevertheless, that offender still retains his right to a decent support of some kind. Beal comments on the vagueness of the issue of decent support: “A cleric implicated in sexual misconduct with minors cannot simply be cut loose with five thousand dollars and told to “have a nice life.” Although, the diocese’s obligation to provide for the financial support of an accused or a guilty cleric cannot be neglected, equally important and more often overlooked is the diocese’s obligation to provide the cleric with moral, emotional, and spiritual support” [Beal 1992, 669].

The conditions of the penalty of a life of prayer and penance put the offender into the category of can. 195. Such a person remains a cleric but is removed by a formal decree from any office⁹. In contrast with can. 194, a person who was removed from office by law itself such as a cleric who left the Church or attempted marriage, does not possess same right to support. The term “suitable support”, is for obvious reasons, going to differ from someone subject to the conditions of life of prayer and penance penalty.

It can be, then, safely assumed that a complete withdrawal of support may only be accomplished through a penal dismissal from the clerical state as per can. 1350 § 2. This is not the case in the application of the penalty of a life of prayer and penance and it will not be discussed here. The obligation to provide support remains in place due to the bond of the offender and his diocese of incardination. Upon the formal decree of imposition of the penalty, both the diocese and the subject of the penalty

⁹ “Si quis, non quidem ipso iure, sed per decretum auctoritatis competentis ab officio amoveatur quo eiusdem subsistentiae providetur, eadem auctoritas curet ut ipsius subsistentiae per congruum tempus prospiciatur, nisi aliter provisum sit” (can. 195 CIC/83).

come to a mutual agreement. The diocese will support the offender who in turn will obey, follow and honor all of the conditions of the sanction.

John P. Beal comments in his 1993 article on the looming scandal of sexual abuse of minors: “Those who studied and practiced canon law while the 1917 Code was in effect did not have to deal with the sense of urgency generated by recent revelations of sexual misconduct by clerics with minors. Had they been compelled to ply their trade in the present climate, however, they would have been well armed for the task. Canon 222, §2, of the 1917 Code, of which cc. 1956-1958 were particular applications, authorized legitimate superiors to preclude or repair scandal by employing their extrajudicial coercive powers to prohibit clerics from exercising orders already received” [Beal 1993, 305].

The penalty of a life of prayer and penance very closely resembles the 1917 code’s penal remedy of surveillance. As it was discussed above, many of the elements of the present penalty coincide with the former penal remedy. What is more, can. 6 § 2 CIC/83 teaches that the law ought to be interpreted within the broader context of the canonical tradition. Therefore, it seems appropriate to examine the concept of surveillance or vigilance in the former code in an attempt to understand the life of prayer and penance penalty. The former penal remedy allowed for the tailoring of the application of the penalty to the local circumstances and to the specific offender.

The concept of surveillance of the former code, as is evident, provides a useful guideline on how to proceed in the practical application of the penalty of a life of prayer and penance in local circumstances¹⁰. Sadly, the lack of existence of more detailed literature might be caused by two factors: the nature of the penalty and its application are always specific and concern the specific offender, and, second, the fact that all Christians are called to

¹⁰ The current political climate in the United States is highly unfavorable the Church’s institutional failure in the area of clerics who abused minors. Although, there are many reasons as to why the bishops had failed to recognize the scope of the problem, any action now is perceived as dishonest. In its own right, the Church’s leaders ignored the laws in place in their dealings with offending clerics. Perception of abuse of clerics as moral rather than medical problem has led to wrong decisions with catastrophic consequences with billions of dollars paid out in restitution to victims and bankruptcies of several archdioceses and dioceses in the United States.

ongoing prayer and penance in their own spiritual lives. That lack of understanding of the nature of the penalty as well as the fact that it is imposed by the CDF and tailored to an individual and his institute or diocese also makes it difficult to analyze.

The climate of unrest in the Church does not allow for a balanced approach toward a solution. A local bishop faced with one or more of his priests penalized with the life of prayer and penance, must take into consideration many factors. Mary Edlund points out to a shift of emphasis on how to address problems of misconduct of clerics: “Until more recently, much of the emphasis among canonists has been on the protection of the clergy from «unjust procedures (and) cavalier dismissals...» Perhaps an over-exaggerated image and doctrine of the priest’s connection to and dependence on the institution helped to shape a corporate culture which advocated keeping the priest on board at all costs” [Edlund 2004, 16].

Regrettably, although a lot has been written on the matter of the sexual misconduct of priests and the abuse of minors, there has not been, to the author’s knowledge, anything that would address the life of prayer and penance penalty. In the absence of such literature, one must look to the places where some principles may be found. CIC/17 contains a well-developed section on penal remedies, and specifically, the remedy of surveillance could be very enlightening in the understanding of the perpetual penalty of a life of prayer and penance.

The actual decrees of imposition of such penalty upon offending clerics are confidential. Therefore, the author is unable to cite any specific resources. However, from unofficial documents available on the Internet, it is clear that the local circumstances are taken into consideration. The decree is tailored to the individual as well as his diocese or institute of incardination. The offender is remanded to a specific place of residence and subjected to other mandatory conditions such as restricted use of the phone, computer or other means of communication. Additionally, there is also a restriction of travel etc. It is the author’s belief that the local bishop or his delegate are consulted regarding the means the diocese has, prior to the imposition of the penalty. Often too, the offender is remanded to live at a monastery of a religious community where can be supervised better.

As regards clerical support, the penalty calls for, an application of can. 1350. The cleric has violated the law and committed a delict. However, the dismissal from the clerical state has not been applied due to some extenuating circumstances. That is why the bishop is bound by the prescriptions of the said canon. Nevertheless, the cleric is the subject of the penalty. Green points out that only dismissal can extinguish the cleric's rights for support. Nonetheless, even then the dismissed cleric is not totally beyond the diocesan bishop's pastoral care and charity; and the latter has a juridical obligation to see to it that the dismissed individual who is truly in need because of the penalty [Green 2000, 1564]. There is no doubt that the issue at hand is challenging

3. Comments and Practical Considerations on the Application of the Penalty

In spelling out the meaning of *Essential Norms* 8B and understanding the penalty, it is useful to consider can. 1337 § 2 that calls for among other things, an establishment of a house of penance for clerics. The canon reads as following: “§ 2. To impose an order to reside in a certain place or territory requires the consent of the ordinary of that place unless it is a question of a house designated for clerics doing penance or being rehabilitated even from outside the diocese”¹¹.

Such a house of penance for clerics might be either diocesan or interdiocesan. If it is interdiocesan, then the local ordinary does not have to express his consent for a cleric to live there. The establishment of an official house of penance in a diocese might serve toward a greater good for the presbyterate providing an environment to make retreats, etc. It would be wise to investigate local civil laws and ordinances prior to its erection. Some of the laws might prohibit convicts, especially, sexual offenders, to live in the proximity of a school. Such house of penance might be a former rectory or a convent in a remote location. The remoteness of the facility could serve well to provide for protection of the community and seclusion

¹¹ “Ut praescriptio commorandi in certo loco vel territorio irrogetur, accedat oportet consensus Ordinarii illius loci, nisi agatur de domo extradiocesanis quoque clericis paenitentibus vel emendandis destinata” (can. 1337 § 2).

of the offenders. Furthermore, the penalty of a life of prayer and penance seems to include what can. 1336 § 1, 1°, enumerates, that is a prohibition or an order or restriction of residence in certain place or territory.

The primary focus of the imposition of the penalty of a life of prayer and penance is for the cleric to do penance for his sins. Additionally, he is to pray for his victims and likewise the Church. The secondary focus of the penalty is the prevention of recidivism on the part of the cleric through various means. This may be done by monitoring him and promotion of a spiritually and mentally healthy style of life of the offender. These naturally must be tailored to specific individuals and their needs.

The said penalty is a reflection of the mercy and charity of the Church. Offenders who committed heinous delicts of sexual nature against minors do not have a place in the ranks of the clergy. However, due to various circumstances the Church exercises mercy. Such is the case with this particular perpetual penalty. Therefore, it cannot be a retirement; but it ought to be truly penitential and spiritual in its nature. The offenders are to be submitted to individual monitoring programs. A development of a diocesan policy on the subject in relation to *Essential Norms* seems to be necessary.

It is evident from this analysis, that there can be no “one size fits all” type of answer to the question of what is a penalty of a life of prayer and penance. Within the confidential context of its imposition the penalty must be looked on in relation to local circumstances. There are numerous factors and principles involved.

Another important factor to be considered is the liability of the diocese for the actions of such clerics. William Bassett and Patrick Shea provide a comment: “A serious problem faced by many dioceses and religious congregations is the situation of a priest or religious who has been determined to be ‘unassignable.’ In civil law terms, such a person has been ‘terminated’ and is no longer an ‘agent.’ However, there is a *residuum* of rights and responsibilities that continue to bind the individual to the diocese or congregation... (Some) might argue that there is an on-going relationship based on the fact that they are perduring canonical and/or fraternal obligations and relationships” [Bassett and Shea 1999, 49-51].

Alesandro and Placa offer a similar civil and canonical solution that can effectively deal with the liability aspect. The same solution can be used in regard to those subject to a prayer and penance penalty. They write that the priest and the bishop ought to sign a letter that would spell out the terms of severance. It can then, “effectively and completely terminate all civil and secular duties, responsibilities and liabilities of the former employment relationship. This termination can be civilly complete...and...canonically, the acts accompanying the letter of acceptance or resignation or letter of termination lay out a practical way of fulfilling the perduring obligation of decent support” [Alesandro and Placa 1996, 51]. It would seem prudent to develop a policy in dealing with priests subject to the penalty to include such a protocol with a measure that would address the matters of civil liability for the actions. Furthermore, Norm 2 of *Essential Norms*, already requires a written policy in every diocese and eparchy in the United States. Morrissey points out that such a policy would clearly define authority, duties and responsibilities of the authority figure monitoring the delinquent cleric [Morrissey 1992, 51-52].

Conclusion

The above comments may provide a legitimate ecclesiastical superior with some understanding of the penalty of prayer and penance. As the number of new allegations slowly goes down, the age of the offenders tends to be higher. Approaching retirement and often with poor health, these offenders are going to be most likely subject to this penalty. It is within the competence of the bishop or superior to implement a penal decree of the CDF in the local ecclesiastical context.

Finally, it might be highly beneficial for the topic of the penalty of a life of prayer and penance to be developed further. Building upon the well-esteemed canonical traditions of the past and the modern advancements of theology and pastoral ministry, one perhaps will be able to define it in more detail in the future. At the moment, the Church and its hierarchy must do their best in seeking ways of ensuring accurate and just application of the penal sanction within the context of the local conditions.

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The Penalty of Lifelong Prayer and Penance According to *Sacramentorum sanctitatis tutela* and the *Essential Norms*

Summary

The article deals with a penalty which is applied in cases of clerics molesting minors in the context of two major regulatory documents: *motu proprio Sacramentorum sanctitatis tutela* by John Paul II and the *Essential Norms* of the United States Conference of Catholic Bishops. The first section provides an analysis of the modern understanding of the penalty. Due to the 2002 scandal involving sex abuse of minors perpetrated by Catholic priests in the USA, it became obvious that this issue needs to be addressed urgently. The author focuses his attention on the penalty that is applied when it is not possible to dismiss a cleric from the clerical state. Selected legal documents are examined, starting with the 1917 Code of Canon Law until the present time. The second section provides an analysis of the structure of the penalty, in particular with respect to can. 384 and can.1350 §1-2 of the 1983 Code of Canon Law. The third section provides comments and some examples of the practical application of the penalty within the context of the Church in the United States of America.

Key words: life of prayer and penance, *graviora delicta*, minors, crimes of the clerics, application of the penalty, delicts, offenders

Kara dożywotniej modlitwy i pokuty według *Sacramentorum sanctitatis tutela* oraz *Norm Podstawowych*

Streszczenie

Artykuł dotyczy kary wymierzanej w przypadku molestowania nieletnich przez duchownych w kontekście dwóch dokumentów: *motu proprio Sacramentorum sanctitatis tutela* promulgowanego przez Jana Pawła II oraz *Norm Podstawowych* promulgowanych przez Konferencję Biskupów Katolickich Stanów Zjednoczonych. Pierwszy punkt to analiza kontekstu współczesnego rozumienia tejże kary. W związku z wybuchem skandalu w 2002 r. zaistniała konieczność właściwego podejścia do karania tych duchownych, którzy molestowali nieletnich, ale wobec których nie jest możliwe bądź wskazane usunięcie ze stanu duchownego. Autor skupia się na wybranych kościelnych dokumentach prawnych, które mają odniesienie do tej kary począwszy od Kodeksu Prawa Kanonicznego z 1917 r. do stanu obecnego. Autor podkreśla również, iż kara ta, aczkolwiek pod inną nazwą, zawsze istniała w życiu Kościoła. Punkt 2 to spojrzenie na ogólną strukturę kary dożywotniej modlitwy i pokuty. Autor skupia się na praktycznych aspektach tejże kary biorąc pod uwagę szczególnie kan. 384 Kodeksu Prawa Kanonicznego z 1983 r., jak również kan. 1350 § 1-2. Duchowni, na których nałożona jest ta sankcja kanoniczna, pozostają inkardynowani do swoich instytutów i diecezji w związku z czym, to na ich przełożonych spoczywa

odpowiedzialność czuwania nad wykonaniem kary. Punkt 3 to komentarze oraz praktyczne wskazówki autora odnośnie do aplikacji i wdrażania kary w kontekście amerykańskim. Dynamika Kościoła w Stanach Zjednoczonych oraz prawa cywilne, federalne bądź stanowe muszą być każdorazowo wzięte pod uwagę przy nakładaniu tej kary. Istotne jest również to, czy diecezja bądź instytut posiadają praktyczne możliwości do wypełnienia warunków tejże kary czy też mimo wszystko w duchu sprawiedliwości chrześcijańskiej wobec wspólnoty Kościoła oraz duchownego, który dopuścił się takiego czynu z nieletnim, wykluczenie ze stanu duchownego jest jedyną opcją.

Słowa kluczowe: kara dożywotniej modlitwy i pokuty, *graviora delicta*, nieletni, przestępstwa duchownych, delikty, aplikacja kary

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