

**The significance of the publication of the new "Norms concerning the most serious crimes". Note by Fr. F. Lombardi.**

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 eighteen.

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 non-specialist 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 lay persons 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 statute of limitations from ten years to twenty 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: paedophile 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 fourteen".

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 rigour 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.