

Additions, Omissions and Modifications in Book VI of CIC, *Sanctionibus Poenalibus in Ecclesia* (Penal Sanctions in the Church)

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1 Change of the Title of Book VI: *De Sanctionibus in Ecclesia* (Sanctions in the Church) to *Sanctionibus Poenalibus in Ecclesia* (Penal Sanctions in the Church)

The title of the book VI of CIC was until now ‘Sanctions in the Church’ (*De Sanctionibus in Ecclesia*). When the CCEO was promulgated in 1990 the canonists of the Eastern Churches preferred the title, ‘Penal Sanctions in the Church’ (CCEO 1401-1487). Now Pope Francis with the amendment through *Pascite Gregem Dei* changed the title of Book VI of CIC as ‘Penal Sanctions in the Church’ (*Sanctionibus Poenalibus in Ecclesia*) as in CCEO to bring a uniformity of both the codes.

Part I: Offences and Punishments in General

Title I: The Punishment of Offences in General (cann. 1311-1312)

Can. 1311 § 2: Responsibility of the head of a church (new)

The one who is at the head of a Church must safeguard and promote the good of the community itself and of each of Christ’s faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal.

CCEO: Since God employs every means to bring back the erring sheep, those who have received from Him the power of loosing and binding, are to treat appropriately the illness of those who have committed offenses, by correcting, reproofing, appealing, constantly teaching and never losing patience, and are even to impose penalties in order to ensure that the wounds inflicted by the offense may receive a cure and to preclude the offender from being given to dissoluteness of life and contempt of the law (can. 1401).

Title II: Penal Law and Penal Precept (cann. 1313-1320)

Penal law: Penal laws are laws which impose certain penalties at the transgression or committance of an offence. A penal law directly obliges or prohibits a specific individual or several specific individuals (e.g. Physical force against Pope - *latae sententiae* excommunication reserved to the Apostolic See, can. 1370 §1)

Penal precept: A precept differs from a law, that it is concerned with the welfare of a specific person or persons as opposed to the common good of the community. A singular precept is a decree by which an obligation directly and lawfully imposed on a specific person or persons to do or to omit something, especially in order to urge the observance of law (e.g. a cleric is asked to reside in a particular place for the violation of a penal law).

Can 1315 (modified): Higher legislator & lower legislator in penal laws

CIC 1315 §1: Whoever has power to issue penal laws (~~a person who has legislative power~~) may also reinforce a divine law with a fitting penalty.

§ 2 (new): A lower legislator, taking into account can.1317, can also:

1° reinforce with a fitting penalty a law issued by a higher authority, observing the limits of his competence in respect of territory or persons;

2° add other penalties to those laid down for a certain offence in a universal law;

3° determine or make obligatory a penalty which a universal law establishes as indeterminate or discretionary.

§3 (this was § 2 earlier): The law itself can determine a penalty, or its determination can be left to the prudent decision of a judge.

~~§3. Particular law also can add other penalties to those established by universal law for some delict; however, this is not to be done except for very grave necessity. If universal law threatens an indeterminate or facultative penalty, particular law can also establish a determinate or obligatory one in its place.~~

Title III: Those who are liable to Penal Sanctions (cann. 1321-1330)

Can. 1321 (modified): Innocent until proved guilty

Can. 1321 § 1: Any person is considered innocent until the contrary is proved (addition). No one can be punished unless the commission by him or her of an external violation of a law or precept is gravely imputable by reason of malice or of culpability.

Can. 1324 (modified): Circumstances diminishing Penalty

§ 3: In the circumstances mentioned in § 1 (nn. 1°-10°), the offender is not bound by a *latae sententiae* penalty, but may have lesser penalties or penances imposed for the purposes of repentance or repair of scandal (addition).

Can. 1325 (modified): Ignorance in committing offences

Can. 1325: Crass, supine, or affected ignorance can never be considered in applying the precepts of cann. 1323 (no penalty) and 1324 (diminishing penalty); ~~likewise drunkenness or other disturbances of mind cannot be considered if they are sought deliberately in order to commit or excuse a delict, nor can passion which is voluntarily stimulated or fostered (removed).~~

Can. 1326 § 1 (modified): More serious punishments

A judge must (~~may~~) inflict a more serious punishment than that prescribed in the law or precept when (circumstances, nn. 1°-4°)

Can. 1326, § 1, 4° (addition): a person who committed an offence in a state of drunkenness or other mental disturbance, if these were deliberately sought so as to commit the offence or to excuse it, or through passion which was deliberately stimulated or nourished (taken from can. 1325 and added here).

Can. 1326, § 3 (new): In the same cases, if the penalty constituted is discretionary, it becomes obligatory.

Title IV: Penalties and Other Punishments (cann. 1331-1335)

Chapter I: Censures

Censure is a penalty which deprives a baptized person, who has committed an offence and is contumacious, of certain spiritual goods until he repents of his/her misdeeds and is absolved. Medicinal penalties or censures are designed to bring about the correction of an offender's behavior and his or her reintegration into the full life of the church community. There are three kinds of medicinal penalties or censures; 1) excommunications; 2) suspensions; 3) interdicts.

Excommunication: It is a censure by which a Christian is excluded from the communion with the faithful within the limits determined by the law.

Excommunication can be *latae sententiae* and *ferendae sententiae*; reserved and unreserved.

Excommunication major and excommunication minor: CCEO did not include the *latae sententiae* penalties. But it made a distinction between excommunication major and excommunication minor.

Suspension: suspension is a medicinal penalty by which the person is asked to put a stop for the time being. It is to debar or cause to withdraw temporarily from any privilege, office or function.

Interdicts: Interdict is a penalty imposed on a member of the church by which he or she is forbidden; from celebrating the Sacrifice of the Eucharist and the other sacraments; from receiving the sacraments; from administering sacramentals and from celebrating the other ceremonies of liturgical worship.

Can. 1331 (modified): Excommunication

Can. 1331 § 1 had only three numbers; but now they are given with precision and clarity in six numbers.

Can. 1331 § 1: An excommunicated person is prohibited:

- 1° from celebrating the Sacrifice of the Eucharist and the other sacraments;
- 2° from receiving the sacraments;
- 3° from administering sacramentals and from celebrating the other ceremonies of liturgical worship;
- 4° from taking an active part in the celebrations listed above;
- 5° from exercising any ecclesiastical offices, duties, ministries or functions;
- 6° from performing acts of governance.

Can. 1331 § 2 is modified to express more precision and clarity.

§ 2: If a *ferendae sententiae* excommunication has been imposed or a *latae sententiae* excommunication declared, the offender (modified):

- 1° proposing to act in defiance of the provision of § 1 nn. 1-4 is to be removed, or else the liturgical action is to be suspended, unless there is a grave reason to the contrary;
- 2° invalidly exercises any acts of governance which, in accordance with § 1 n. 6, are unlawful;
- 3° is prohibited from benefiting from privileges already granted;
- 4° does not acquire any remuneration held in virtue of a merely ecclesiastical title (addition);
- 5° is legally incapable of acquiring offices, duties, ministries, functions, rights, privileges or honorific titles.

Can. 1332 (modified): Interdict

Can. 1332 is modified with the addition of two more numbers.

Can. 1332 § 1: One who is under interdict is obliged by the prohibitions mentioned in can. 1331 § 1 nn. 1-4 ~~or from certain other particular rights.~~

§ 2 (new): A law or precept may however define the interdict in such a way that the offender is prohibited only from certain particular actions mentioned in can. 1331§1 nn. 1-4, or from certain other particular rights.

§ 3 (new): The provision of can. 1331 § 2 n. 1 (1° proposing to act in defiance of the provision of § 1 nn. 1-4 is to be removed, or else the liturgical action is to be suspended, unless there is a grave reason to the contrary) is to be observed also in the case of interdict.

Can. 1335 § 1 (new)

Can. 1335 § 1: If the competent authority imposes or declares a censure in a judicial process or by an extra-judicial decree, it can also impose the expiatory penalties it considers necessary to restore justice or repair scandal.

Chapter II: Expiatory Penalties (cann. 1336-1338)

Expiatory penalties intended are for the public punishment for a serious delict, and to bring about correction and conversion of the person. It is also for the deterrence of sinful behavior. Expiatory penalties seek to compensate for the harm done to the life of the church. Their remission does not depend on repentance or amendment of life by the offender.

Expiatory penalties are reorganized and classified under four paragraphs: §2 order; §3 prohibition; §4 deprivation; §5 dismissal from clerical state.

Can. 1336 § 1 (modified): Expiatory penalties can affect the offender either forever or for a determined or an indeterminate period. Apart from others which the law may perhaps establish, they are those enumerated in §§ 2-5.

§ 2: An order

1° to reside in a certain place or territory;

2° to pay a fine or a sum of money for the Church's purposes, in accordance with the guidelines established by the Episcopal Conference (new).

§ 3: A prohibition

1° against residing in a certain place or territory;

2° against exercising, everywhere or inside or outside a specified place or territory, all or some offices, duties, ministries or functions, or only certain tasks attaching to offices or duties;

3° against performing all or some acts of the power of order (new);

4° against performing all or some acts of the power of governance (new);

5° against exercising any right or privilege or using insignia or titles;

6° against enjoying an active or passive voice in canonical elections or taking part with a right to vote in ecclesial councils or colleges (new);

7° against wearing ecclesiastical or religious dress (new);

§ 4: A deprivation

1° of all or some offices, duties, ministries or functions, or only of certain functions attaching to offices or duties;

2° of the faculty of hearing confessions or of preaching (new);

3° of a delegated power of governance (new);

4° of some right or privilege or insignia or title;

5° of all ecclesiastical remuneration or part of it, in accordance with the guidelines established by the Episcopal Conference, without prejudice to the provision of can. 1350 § 1 (new).

§ 5: Dismissal from the clerical state

Chapter III: Penal Remedies and Penances (can. 1339-1340)

Penal remedy: It is a formal quasi penal measure employed to protect a community against a delict. It is to prevent or correct the delinquent behavior through warnings, rebukes etc.

Penance: It is an act voluntary imposed as reparation for the sin or crime committed by a person. Penance imposed in the external forum is the performance of some work of religion or piety or charity.

Can. 1339: Penal remedies

Can. 1339 § 4 & § 5 (new)

§ 4: If on one or more occasions warnings or corrections have been made to someone to no effect, or if it is not possible to expect them to have any effect, the Ordinary is to issue a penal precept in which he sets out exactly what is to be done or avoided.

§ 5: If the gravity of the case so requires, and especially in a case where someone is in danger of relapsing into an offence, the Ordinary is also to subject the offender, over and above the penalties imposed according to the provision of the law or declared by sentence or decree, to a measure of vigilance determined by means of a singular decree.

Title V: The Application of Penalties (cann. 1341-1353)

Can. 1342 § 1 (modified)

Can. 1342§1: Whenever there are just reasons against the use of a judicial procedure, a penalty can be imposed or declared by means of an extra-judicial decree, observing canon 1720 (course of the process), especially in what concerns the right of defence and the moral certainty in the mind of the one issuing the decree, in accordance with the provision of can. 1608 (new). Penal remedies and penances may in any case whatever be applied by a decree.

Can. 1343 (modified): If a law or precept grants the judge the faculty to apply or not to apply a penalty, he is, without prejudice to the provision of can. 1326 § 3, to determine the matter according to his own conscience and prudence, and in accordance with what the restoration of justice, the reform of the offender and the repair of scandal require; in such cases the judge may also, if appropriate, modify the penalty or in its place impose a penance.

Can. 1345 (modified): Whenever the offender had only an imperfect use of reason, or committed the offence out of necessity or grave fear or in the heat of passion or, without prejudice to the provision of can. 1326 § 1 n. 4, with a mind disturbed by drunkenness or a similar cause, the judge can refrain from inflicting any punishment if he considers that the person's reform may be better accomplished in some other way; the offender, however, must be punished if there is no other way to provide for the restoration of justice and the repair of any scandal that may have been caused.

Can. 1346 § 1 (new): Ordinarily there are as many penalties as there are offences.

§ 2 (modified): Nevertheless, whenever the offender has committed a number of offences and the sum of penalties which should be imposed seems excessive, it is left to the prudent decision of the judge to moderate the penalties in an equitable fashion, and to place the

offender under vigilance.

Can. 1347 § 2 (modified): The offender is said to have purged the contempt if he or she has truly repented of the offence and has made suitable reparation for the scandal and harm, or at least seriously promised to make it (~~appropriate reparation for the scandal~~).

Can. 1348 (modified): When the person has been found not guilty of an accusation, or where no penalty has been imposed, the Ordinary may provide for the person's welfare and for the common good by opportune warnings or other solicitous means (~~pastoral care~~), and even, if the case calls for it, by the use of penal remedies.

Can. 1349 (modified): If a penalty is indeterminate, and if the law does not provide otherwise, the judge in determining the penalties is to choose those which are proportionate to the scandal caused and the gravity of the harm (new); he is not however to impose graver penalties, unless the seriousness of the case really demands it. He may not impose penalties which are perpetual.

Can. 1350 § 2 (modified): If a person is truly in need because he has been dismissed from the clerical state, the Ordinary is to provide in the best way possible, but not by the conferral of an office, ministry or function (new).

Title VI: The Remission of Penalties and the Prescription of actions (cann. 1354-1363) (~~The cessation of Penalties~~)

Can. 1355 § 1 (modified): Provided it is not reserved to the Apostolic See, a penalty established by law which is *ferendae sententiae* (new) and has been imposed, or which is *latae sententiae* (new) and has been declared, can be remitted by the following:

Can. 1355 § 2 (explained in three numbers)

§ 2: Provided it is not reserved to the Apostolic See, a penalty established by law which is *latae sententiae* and has not yet been declared can be remitted by the following:

1° the Ordinary in respect of his subjects;

2° the Ordinary of the place also in respect of those actually in his territory or of those who committed the offence in his territory;

3° any Bishop, but only in the course of sacramental confession.

Can. 1356 § 1 (modified): A *ferendae* or a *latae sententiae* penalty established in a precept not issued by the Apostolic See, can be remitted by the following:

1° the author of the precept (new);

2° the Ordinary who initiated the judicial proceedings to impose or declare the penalty, or who by a decree, either personally or through another, imposed or declared it;

3° the Ordinary of the place where the offender actually is.

Can. 1358 § 1 (modified): The remission of a censure cannot be granted except to an offender whose contempt has been purged in accordance with can. 1347 § 2 (repentance & reparation). However, once the contempt has been purged, the remission cannot be refused, without prejudice to the provision of can. 1361 § 4 (new).

Can. 1360 (modified): The remission of a penalty extorted by force (new) or grave fear or deceit is invalid by virtue of the law itself.

Can. 1361 § 4 (new): Remission must not be granted until, in the prudent judgment of the Ordinary, the offender has repaired any harm caused. The offender may be urged to make

such reparation or restitution by one of the penalties mentioned in can. 1336 §§ 2-4; the same applies also when the offender is granted remission of a censure under can. 1358 § 1.

Can. 1362 § 1: A criminal action is extinguished by prescription after three years, except for:

2° (modified): An action arising from any of the offences mentioned in (cann. 1376 (stealing), 1377 (giving or promising something to act unlawfully), 1378 (abuse of ecclesiastical power), 1393 § 1 (trading or business) (new), 1394 (attempting marriage), 1395 (concubinage), 1397 (homicide, abduction, imprisonment, wounding etc.), or 1398 § 2 (offences of religious), which is extinguished after seven years (five years), or one arising from the offences mentioned in can. 1398 § 1 (abuse of minors), which is extinguished after twenty years (new);

§ 2: Prescription, unless provided otherwise in a law (new), runs from the day the offence was committed or, if the offence was enduring or habitual, from the day it ceased.

§ 3 (new): When the offender has been summoned in accordance with can. 1723, or informed in the manner provided in can. 1507 § 3 of the presentation of the petition of accusation according to can. 1721 § 1, prescription of the criminal action is suspended for three years; once this period has expired or the suspension has been interrupted through the cessation of the penal process, time runs once again and is added to the period of prescription which has already elapsed. The same suspension equally applies if, observing can. 1720 n. 1, the procedure is followed for imposing or declaring a penalty by way of an extra-judicial decree.

Part II: Particular Offences and the Penalties established for them (cann. 1364-1398)

~~(Penalties for Particular Offences)~~ (CIC); Penalties for Individual Delicts (CCEO)

Title I: Offences against faith and the unity of the Church (cann. 1364 - 1369)

~~(Offences against religion and the unity of the Church)~~

Can. 1364 (modified): Apostacy, herecy, schism

An apostate from the faith, a heretic, or a schismatic incurs a *latae sententiae* excommunication, without provision of can 194§1, n.2; He or she (a cleric) may also be punished with the expiatory penalties mentioned in can. 1336 §§2-4.

CCEO: can. 1436§1, 1437

Can. 1365 (modified): Teaching a doctrine condemned by the Roman Pontiff or by an Ecumenical Council (~~can. 1371~~)

A person who, apart from the case mentioned in canon 1364 § 1, teaches a doctrine condemned by the Roman Pontiff, or by an Ecumenical Council, or obstinately rejects the teaching mentioned in canon 750 § 2 or canon 752 and, when warned by the Apostolic See or the Ordinary, does not retract, is to be punished with a censure and deprivation of office; to these sanctions others mentioned in can. 1336 §§ 2-4 may be added (addition).

CCEO: can. 1436§2

Can. 1366: Appeal against Roman Pontiff (~~can. 1372~~)

A person who appeals from an act of the Roman Pontiff to an Ecumenical Council or to the College of Bishops is to be punished with a censure.

CCEO: no parallel canon.

Can. 1367: Baptizing or educating children in non-Catholic religion (~~can. 1366~~)

Parents or those who take the place of parents who hand over their children to be baptized or educated in a non-Catholic religion are to be punished with a censure or other just penalty.

CCEO: can. 1439

Can. 1368: Blasphemy (~~can. 1369~~)

A person who in a public show or speech, in published writing, or in other uses of the instruments of social communication utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.

CCEO: can. 1448 §1

Can. 1369: Profaning sacred objects (~~can. 1376~~)

A person who profanes a sacred object, moveable or immovable, is to be punished with a just penalty.

CCEO: can. 1441

Title II: Offences against Church authorities and the exercise of duties (cann. 1370 - 1378) (~~offences against church authorities and the freedom of the church~~)

Can. 1370 (modified): Physical force against Roman Pontiff, Bishop, Cleric, religious, faithful (new)

A person who uses physical force against the Roman Pontiff incurs a *latae sententiae* excommunication reserved to the Apostolic See; If the offender is a cleric, another penalty, not excluding dismissal from the clerical state, may be added according to the gravity of the crime (can. 1370§1).

One who does against a Bishop incurs a *latae sententiae* interdict and if a cleric incurs also a *latae sententiae* suspension (can. 1370§2).

A person who uses physical force against a cleric or religious or another of Christ's faithful (new) out of contempt for the faith, or the Church or ecclesiastical authority or the ministry is to be punished with a just penalty (can. 1370§3).

CCEO: (cann. 1445§1)

A person who did the same to another cleric, religious, member of a society of common life in the manner of religious or to a lay person, who is actually exercising an ecclesiastical function, is to be punished with an appropriate penalty (can.1445§2).

Can. 1371§1 (new): Persisting in disobedience

A person, who does not obey the lawful command or prohibition of the Apostolic See or the Ordinary or Superior and, after being warned, persists in disobedience, is to be punished, according to the gravity of the case, with a censure or deprivation of office or with other penalties mentioned in can. 1336, §§ 2-4.

CCEO: can. 1446

Can. 1371§2 (modified): Violation of the obligations imposed by a penalty (~~can. 1393~~)

A person who violates obligations imposed by a penalty is to be punished with the penalties mentioned in can. 1336 §§ 2-4 (~~just penalty~~).

CCEO: One who violates the obligations imposed by a penalty can be punished with a heavier penalty (can. 1467).

Can. 1371 §3: Perjury (~~can. 1368~~)

A person who, in asserting or promising something before an ecclesiastical authority, commits perjury, is to be punished with a just penalty.

CCEO: can. 1444

Can. 1371 §4 (new); Violation of Pontifical secret

A person who violates the obligation of observing the pontifical secret is to be punished with the penalties mentioned in can. 1336 §§ 2-4.

CCEO: no parallel canon

Can. 1371 §5 (new): Failing to execute an executive sentence

A person who fails to observe the duty to execute an executive sentence is to be punished with a just penalty, not excluding a censure.

CCEO: no parallel canon

Can. 1371 §5 (new): Failing to report an offence

A person who neglects to report an offence, when required to do so by a canonical law, is to be punished according to the provision of can. 1336 §§ 2-4, with the addition of other penalties according to the gravity of the offence.

CCEO: no parallel canon

Can. 1372, 1°: Hindering the freedom of ministry (~~can. 1375~~)

Those who hinder the freedom of the ministry or the exercise of ecclesiastical power, or the lawful use of sacred things or ecclesiastical goods, or who intimidate one who has exercised ecclesiastical power or ministry are punished according can. 1336 §§ 2-4 (just penalty).

Can. 1372, 2°: Hindering the freedom of election (~~can. 1375~~)

Those who hinder the freedom of an election or intimidate an elector or one who is elected are punished according can. 1336 §§ 2-4 (just penalty).

CCEO: can. 1447§2

Can. 1373 (no change): Publicly inciting hatred

A person who publicly incites hatred or animosity against the Apostolic See or the Ordinary because of some act of ecclesiastical office or duty, or who provokes disobedience against them, is to be punished by interdict or other just penalties.

CCEO: can. 1447 §1

Can. 1374 (no change): Joining associations against the church

A person who joins an association which plots against the Church is to be punished with a just penalty; one who promotes or takes office in such an association is to be punished with an interdict.

CCEO: can. 1448§2

Can. 1375 §1: Usurpation of ecclesiastical offices (~~can. 1381~~)

Anyone who usurps an ecclesiastical office is to be punished with a just penalty.

§2: The unlawful retention of an office after being deprived of it, or ceasing from it, is equivalent to usurpation.

CCEO: can. 1462).

Can. 1376, §1: The following are to be punished with the penalties mentioned in can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm:

§1, 1° (new): Stealing of ecclesiastical goods

A person who steals ecclesiastical goods or prevents their proceeds from being received is to be punished according to 1336 §§ 2-4 without prejudice to the obligation of repairing the harm.

CCEO: No parallel canon.

§1, 2° (new): Unlawful alienation of ecclesiastical goods

A person who without the prescribed consultation, consent, or permission, or without another requirement imposed by law for validity or for lawfulness, alienates ecclesiastical goods or carries out an act of administration over them is to be punished according to 1336 §§ 2-4.

§ 2: The following are to be punished, not excluding by deprivation of office, without prejudice to the obligation of repairing the harm:

1°: a person who through grave personal culpability commits the offence mentioned in § 1, n. 2;

2°: a person who is found to have been otherwise gravely negligent in administering ecclesiastical goods.

CCEO: One who has alienated ecclesiastical property without the prescribed consent or permission, is to be punished with an appropriate penalty (can. 1449).

Can. 1377 §1 (new): Giving or promising or receiving something to act unlawfully

A person who gives or promises something so that someone who exercises an office or function in the Church would unlawfully act or fail to act is to be punished according to the provision of can. 1336 §§ 2-4;

A person who accepts such gifts or promises is to be punished according to the gravity of the offence, not excluding by deprivation of office, without prejudice to the obligation of repairing the harm.

CCEO: One who has given or promised something in order that someone who exercises an office, a ministry or other function in the Church would unlawfully do or omit something is to be punished with an appropriate penalty, likewise the person who accepts such gifts or promises (can. 1463).

Can. 1377§ 2 (new): Requesting offerings beyond what is determined

A person who in the exercise of an office or function requests an offering beyond that which has been established, or additional sums, or something for his or her own benefit, is to be punished with an appropriate monetary fine or with other penalties, not excluding deprivation of office, without prejudice to the obligation of repairing the harm.

CCEO: No parallel canon.

Can. 1378§1 (modified): Abuse of ecclesiastical power (~~can. 1389§1~~)

A person who, apart from the cases already foreseen by the law, abuses ecclesiastical power, office, or function, is to be punished according to the gravity of the act or the omission, not excluding by deprivation of the power or office, without prejudice to the obligation of repairing the harm.

CCEO: can. 1464§1

Can. 1378§2 (modified): Culpable negligence in the acts of administration (~~can. 1389§2~~)

A person who, through culpable negligence, unlawfully and with harm to another or scandal, performs or omits an act of ecclesiastical power or office or function, is to be punished according to the provision of can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm (just penalty).

CCEO: can. 1464 §2

Title III: Offences against the Sacraments (new Title) (cann. 1379-1389)

Can. 1379§1, 1°: Attempting to celebrate Eucharist (~~can. 1378§2,1°~~)

A person who, not being an ordained priest, attempts the liturgical celebration of the Eucharistic Sacrifice incurs a *latae sententiae* interdict or, if a cleric, also a *latae sententiae* suspension.

CCEO: (can. 1443)

Can. 1379 § 1, 2°: Attempting to administer sacramental absolution (~~can. 1378§2,2°~~)

A person who, apart from the case mentioned in can. 1384, though unable to give valid sacramental absolution, attempts to do so, or hears a sacramental confession incurs a *latae sententiae interdict* or, if a cleric, also a *latae sententiae* suspension.

CCEO: can. 1443

Can. 1379 § 3 (new): Sacred ordination on a woman

Both a person who attempts to confer a sacred order on a woman, and the woman who attempts to receive the sacred order, incur a *latae sententiae* excommunication reserved to the Apostolic See; a cleric, moreover, may be punished by dismissal from the clerical state.

CCEO: No parallel canon.

Can. 1379 § 4 (new): Administering sacraments to prohibited persons

A person who deliberately administers a sacrament to those who are prohibited from receiving it is to be punished with suspension, to which other penalties mentioned in can. 1336 §§ 2-4 may be added.

CCEO: No parallel canon.

Can. 1379 § 5: Pretending to administer a sacrament (~~can. 1379~~)

A person who, apart from the cases mentioned in can. 1379§§ 1-4 and can.1384 pretends to administer a sacrament is to be punished with a just penalty.

CCEO: can. 1443

Can. 1380 (modified): Simony

A person who through simony celebrates or receives a sacrament is to be punished with an interdict or suspension or the penalties mentioned in can. 1336 §§ 2-4 (new).

CCEO: can. 1461

Can. 1381: Prohibited participation (~~can. 1365~~)

One who is guilty of prohibited participation in religious rites is to be punished with a just penalty.

CCEO: can. 1440

Can. 1382 § 1: Profanation of consecrated species (~~can. 1367~~)

One who throws away the consecrated species or, for a sacrilegious purpose, takes them away or keeps them, incurs a *latae sententiae* excommunication reserved to the Apostolic See; a cleric, moreover, may be punished with some other penalty, not excluding dismissal from the clerical state.

CCEO: can. 1442

Can. 1382 § 2 (new): Consecration of sacred species for sacrilegious purposes

A person guilty of consecrating for a sacrilegious purpose one element only or both elements within the Eucharistic celebration or outside it is to be punished according to the gravity of the offence, not excluding by dismissal from the clerical state.

CCEO: No parallel canon.

Can. 1383 (modified): Trafficking mass offerings (~~can. 1385~~)

A person who unlawfully traffics in Mass offerings is to be punished with a censure or with the penalties mentioned in can. 1336 §§ 2-4 (~~just penalty~~).

CCEO: No parallel canon.

Can. 1384: Absolution of a partner in a sin against sixth commandment (~~can. 1378 § 1~~)

A priest who acts against the prescription of can. 977 (absolves his partner in a sin against sixth commandment) incurs a *latae sententiae* excommunication reserved to the Apostolic See.

CCEO: can. 1457.

Can. 1385: Sin of solicitation (~~can. 1387~~)

A priest who in confession, or on the occasion or under the pretext of confession, solicits a penitent to commit a sin against the sixth commandment of the Decalogue, is to be punished, according to the gravity of the offence, with suspension, prohibitions and deprivations; in the more serious cases he is to be dismissed from the clerical state.

CCEO: can. 1458

Can. 1386 § 1: Violation of the seal of confession (~~can. 1388 § 1~~)

A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; he who does so only indirectly is to be punished according to the gravity of the offence.

CCEO: can. 1456 §1

Can. 1386 § 2: Interpreters in the confessional (~~can. 1388 § 2~~)

Interpreters and the others who come to the knowledge of sins from a confession (can. 983), who violate the secret, are to be punished with a just penalty, not excluding excommunication.

CCEO: can. 1456 § 2

Can. 1386 § 3 (new): Recording confession

Any person who by means of any technical device makes a recording of what is said by the priest or by the penitent in a sacramental confession, either real or simulated, or who divulges it through the means of social communication, is to be punished according to the gravity of the offence, not excluding, in the case of a cleric, by dismissal from the clerical state.

CCEO: No parallel canon.

Can. 1387: Consecration of a bishop without pontifical mandate (~~can. 1382~~)

Both the Bishop who, without a pontifical mandate, consecrates a person a Bishop, and the one who receives the consecration from him, incur a *latae sententiae* excommunication reserved to the Apostolic See.

CCEO: can. 1459 §1

Can. 1388 § 1: Conferring orders without dimissorial letters (~~can. 1383~~)

A Bishop who, contrary to the provision of can. 1015, ordained someone else's subject without the lawful dimissorial letters is prohibited from conferring orders for one year. The person who received the order is ipso facto suspended from the order received.

CCEO: can. 1459 § 2

Can. 1388 § 2 (new): Receiving order with a censure

A person who comes forward for sacred orders bound by some censure or irregularity which he voluntarily conceals is *ipso facto* suspended from the order received.

CCEO: No parallel canon.

Can. 1389 (new): Unlawful exercise of sacred ministry

A person who, apart from the cases mentioned above unlawfully exercises the office of a priest or another sacred ministry, is to be punished with a just penalty, not excluding a censure.

CCEO: No parallel canon.

**Title IV: Offences against reputation and the offence of falsehood (cann. 1390-1391)
(~~The false accusation~~)**

Can. 1390 § 1 (no change): False denunciation of the confessor

A person who falsely denounces a confessor of the offence mentioned in can. 1385 to an ecclesiastical superior incurs a *latae sententiae* interdict and, if a cleric, he incurs also a suspension.

CCEO: can. 1454

Can. 1390 § 2, 3 (modified): Denouncing calumniously

A person who calumniously denounces some other offence to an ecclesiastical Superior, or otherwise unlawfully injures the good name of another, is to be punished according to the provision of can. 1336 §§ 2-4 (new), to which moreover a censure may be added. The calumniator must also be compelled to make appropriate amends.

CCEO: can. 1452

Can. 1391 (modified); Forgery

The following are punished with the penalties mentioned in can 1336 2-4, (~~just penalty~~) according to the gravity of offence.

CCEO: can. 1455

Title V: Offences against special obligations (cann. 1392-1396)

Can. 1392 (new): Cleric abandoning sacred ministry

A cleric who voluntarily and unlawfully abandons the sacred ministry, for six months continuously, with the intention of withdrawing himself from the competent Church authority, is to be punished, according to the gravity of the offence, with suspension or additionally with the penalties established in can. 1336 §§ 2-4, and in the more serious cases may be dismissed from the clerical state.

CCEO: No parallel canon.

Can. 1393 (modified): Cleric or religious engaging in business (~~can. 1392~~):

A cleric or religious who engages in trading or business contrary to the provisions of the canons is to be punished with the penalties mentioned in can. 1336 §§ 2-4, according to the gravity of the offence.

CCEO: can. 1466

Can. 1393 § 2 (new): Cleric or religious committing offence in financial matters

A cleric or religious who, apart from the cases already foreseen by the law, commits an offence in a financial matter, or gravely violates the stipulations contained in can. 285 § 4 (administration of goods of lay people or secular offices which involve the obligation to render an account; acting as surety, even with their own goods without consulting the proper ordinary; signing promissory notes which involve the payment but do not state the reason for the payment)), is to be punished with the penalties mentioned in can. 1336 §§ 2-4, without prejudice to the obligation of repairing the harm.

CCEO: No parallel canon.

Can. 1394 § 1 (modified): Cleric attempting marriage

A cleric who attempts marriage, even if only civilly, incurs a *latae sententiae* suspension without prejudice to the provisions of can. 194 § 1 n. 3 and can. 694 § 1 n. 2 (new) (a religious cleric is automatically dismissed). If, after warning, he has not reformed or continues to give scandal, he must be progressively punished by deprivations, or even by dismissal from the clerical state.

CCEO: can.1453 § 2

Can. 1394 § 2 (no change): Religious (not a cleric) attempting marriage

Without prejudice to the provisions of can. 694 § 1 n. 2, a religious in perpetual vows who is not a cleric but who attempts marriage, even if only civilly, incurs a *latae sententiae* interdict.

CCEO: can.1453 § 3

Can. 1395 § 1 (modified): Concubinage

A cleric living in concubinage other than the case mentioned in can. 1394 (new) and a cleric who continues in some other external sin against the sixth commandment of the Decalogue which causes scandal, is to be punished with suspension. To this, other penalties can progressively be added if after a warning he persists in the offence, until eventually he can be dismissed from the clerical state.

CCEO: can. 1453 §1

Can. 1395 § 2 (modified): Cleric offended other ways against 6th commandment

A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed in public, (~~by force or by threats or with a minor~~) is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

Can. 1395 § 3 (new): Force, threats or abuse of authority

A cleric who by force, threats or abuse of his authority commits an offence against the sixth commandment of the Decalogue or forces someone to perform or submit to sexual acts is to be punished with the same penalty.

CCEO: No parallel canon.

Can. 1396 (no change): Violation of the obligation of residence

A person who gravely violates the obligation of residence to which he is bound by reason of an ecclesiastical office is to be punished with a just penalty, not excluding, after a warning, deprivation of the office.

CCEO: No parallel canon.

Title VI: Offences against human life, dignity and liberty (cann. 1397-1398)

(~~Offences against human life and liberty~~)

Can. 1397 (modified): Homicide, abduction, imprisonment, mutilation, wounding

One who commits homicide or who by force or by fraud abducts, imprisons, mutilates or gravely wounds a person, is to be punished, according to the gravity of the offence, with the penalties mentioned in can. 1336.

In the case of the homicide of one of those persons mentioned in can. 1370 (Pope, bishop, cleric, religious, a faithful) the offender is punished with the penalties prescribed there and if it is done by a cleric he is dismissed from clerical state (new) (can. 1397§ 3).

CCEO: cann. 1450 §1, 1451

Can. 1357 § 2: Abortion (~~can. 1398~~):

A person who actually procures an abortion incurs a *latae sententiae* excommunication.

CCEO: can. 1450§2

Can. 1398 (new): Offences committed against minors

A cleric is to be punished with deprivation of office and with other just penalties, not excluding, where the case calls for it, dismissal from the clerical state, if he:

1° commits an offence against the sixth commandment of the Decalogue with a minor or with a person who habitually has an imperfect use of reason or with one to whom the law recognizes equal protection;

2° grooms or induces a minor or a person who habitually has an imperfect use of reason or one to whom the law recognizes equal protection to expose himself or herself pornographically or to take part in pornographic exhibitions, whether real or simulated;

3° immorally acquires, retains, exhibits or distributes, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.

A member of an institute of consecrated life or of a society of apostolic life, or any one of the faithful who enjoys a dignity or performs an office or function in the Church, who commits an offence in can. 1398 §1 or in can 1395 § 3 is to be punished according to the provision of can. 1336 §§ 2-4, with addition of other penalties according to the gravity of the offence.

CCEO: No parallel canon.

Conclusion

The amendment of Pope Francis on the 'Penal Sanctions in the Church' has brought clarity to the principles and aims of penal laws: restoration of justice, reform of the offender and reparation of scandal. Great efficacy has been brought into the book by the reforms. Penal laws have been made more adequate to protect common good. There is no conflict between application of penalty and observance of charity. Facultative sanctions have been made obligatory. Bishop's responsibility to be vigilant and to impose definite punishment for the crimes is stressed very much. Constant vigilance is needed from the part of authorities to avoid crimes and punish the culprits at the occurrence of the crimes. They are also obliged to repair damages caused by the culpable negligence and by the commission of crimes.

Any person is considered innocent until the contrary is proved. No one can be punished unless the commission by him or her of an external violation of a law or precept is gravely imputable by reason of malice or of culpability (can. 1321).

The one who is at the head of a Church must safeguard and promote the good of the community itself and of each of Christ's faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal (can. 1311 § 2).

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