

# SACRAMENTORUM SANCTITATIS TUTELA

POPE JOHN PAUL II

APOSTOLIC LETTER

GIVEN *MOTU PROPRIO*

**by which are promulgated Norms concerning the more grave delicts reserved to the Congregation for the Doctrine of the Faith**

The Safeguarding of the Sanctity of the Sacraments, especially the Most Holy Eucharist and Penance, and the keeping of the faithful, called to communion with the Lord, in their observance of the sixth commandment of the Decalogue, demand that the Church itself, in her pastoral solicitude, intervene to avert dangers of violation, so as to provide for the salvation of souls “which must always be the supreme law in the Church” (*Codex Iuris Canonici*, can. 1752).

Indeed, Our Predecessors already provided for the sanctity of the sacraments, especially penance, through appropriate Apostolic Constitutions such as the Constitution *Sacramentum Poenitentiae*, of Pope Benedict XIV, issued June 1, 1741;[\[1\]](#) the same goal was likewise pursued by a number of canons of the *Codex Iuris Canonici*, promulgated in 1917 with their *fontes* by which canonical sanctions had been established against delicts of this kind.[\[2\]](#)

In more recent times, in order to avert these and connected delicts, the Supreme Sacred Congregation of the Holy Office, through the Instruction *Crimen sollicitationis*, addressed to all Patriarchs, Archbishops, Bishops, and other local Ordinaries “even of an Oriental Rite” on March 16, 1962, established a manner of proceeding in such cases, inasmuch as judicial competence had been attributed exclusively to it, which competence could be exercised either administratively or through a judicial process. It is to be kept in mind that an Instruction of this kind had the force of law since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici* promulgated in 1917, presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority, with the Cardinal at the time only performing the function of Secretary.

The Supreme Pontiff, Pope Paul VI, of happy memory, by the Apostolic Constitution on the Roman Curia, *Regimini Ecclesiae Universae*, issued on August 15, 1967,<sup>[3]</sup> confirmed the Congregation's judicial and administrative competence in proceeding "according to its amended and approved norms".

Finally, by the authority with which we are invested, in the Apostolic Constitution, *Pastor Bonus*, promulgated on June 28, 1988, we expressly established, "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law,"<sup>[4]</sup> thereby further confirming and determining the judicial competence of the same Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

After we had approved the *Agendi ratio in doctrinarum examine*,<sup>[5]</sup> it was necessary to define more precisely both "the more grave delicts whether against morals or committed in the celebration of the sacraments" for which the competence of the Congregation for the Doctrine of the Faith remains exclusive, and also the special procedural norms "for declaring or imposing canonical sanctions."

With this apostolic letter, issued *motu proprio*, we have completed this work and we hereby promulgate the *Norms concerning the more grave delicts reserved to the Congregation for the Doctrine of the Faith*, which Norms are divided in two distinct parts, of which the first contains *Substantive Norms*, and the second *Procedural Norms*. We therefore enjoin all those concerned to observe them diligently and faithfully. These Norms take effect on the very day when they are promulgated.

All things to the contrary, even those worthy of special mention, notwithstanding.

Given in Rome at St. Peter's on April 30, 2001, the memorial of Pope St. Pius V, in the twenty-third year of Our Pontificate.

Pope John Paul II

**[Decisions of the Supreme Pontiff made on February 7 and 14, 2003, are indicated in bold type.]**

## **Part One**

### **SUBSTANTIVE NORMS**

#### Art. 1

§ 1. The Congregation for the Doctrine of the Faith, according to the norm of art. 52 of the Apostolic Constitution *Pastor Bonus*,[\[6\]](#) judges more grave delicts whether against morals or committed in the celebration of the sacraments, and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, without prejudice to the competence of the Apostolic Penitentiary[\[7\]](#) and with *Agendi ratio in doctrinarum examine*[\[8\]](#) remaining in force.

§ 2. The Congregation for the Doctrine of the Faith judges the delicts mentioned in § 1 according to the norms which follow.

#### Art. 2

§ 1. The delicts against the sanctity of the Most Holy Sacrifice and Sacrament of the Eucharist, reserved to the Congregation for the Doctrine of the Faith for judgement are:

1° the taking or retaining for a sacrilegious purpose, or the throwing away of the consecrated species[\[9\]](#) mentioned in can. 1367 of the Code of Canon Law[\[10\]](#) and in can. 1442 of the Code of Canons of the Eastern Churches;[\[11\]](#)

2° the attempting of the liturgical offering of the Eucharistic Sacrifice mentioned in can. 1378, § 2, n. 1, of the Code of Canon Law,[\[12\]](#) or the simulation of the same, mentioned in can. 1379 of the Code of Canon Law[\[13\]](#) and in can. 1443 of the Code of Canons of the Eastern Churches;[\[14\]](#)

3° the concelebration of the Eucharistic Sacrifice prohibited in can. 908 of the Code of Canon Law[\[15\]](#) and in can. 702 of the Code of Canons of the Eastern Churches,[\[16\]](#) mentioned in can.

1365 of the Code of Canon Law[17] and in can. 1440 of the Code of Canons of the Eastern Churches,[18] with ministers of ecclesial communities, which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.

§ 2. Also reserved to the Congregation for the Doctrine of the Faith is the delict which consists in the consecration for a sacrilegious purpose of one matter without the other in a Eucharistic celebration, or even of both outside of the Eucharistic celebration.[19] One who has perpetrated this delict is to be punished according to the gravity of the crime, not excluding dismissal or deposition.

### Art. 3

The delicts against the sanctity of the sacrament of Penance reserved to the Congregation for the Doctrine of the Faith for judgement are:

1° the absolution of an accomplice in a sin against the sixth commandment of the Decalogue, mentioned in can. 1378, § 1, of the Code of Canon Law[20] and in can. 1457 of the Code of Canons of the Eastern Churches;[21]

2° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, mentioned in can. 1387 of the Code of Canon Law[22] and in can. 1458 of the Code of Canons of the Eastern Churches, [23] if it is directed to sinning with the confessor himself.

3° the direct **and indirect** violation of the sacramental seal, mentioned in can. 1388, § 1, of the Code of Canon Law[24] and in can. 1456, § 1, of the Code of Canons of the Eastern Churches.[25]

**4° the recording by any technical instrument and the broadcast/transmission by means of instruments of social communication of that which is said in sacramental confession by the confessor or the penitent (Decree of the CDF of 23 September 1988; AAS 70 [1988] 1367).**

### Art. 4

§ 1. Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the sixth commandment of

the Decalogue committed by a cleric with a minor below the age of eighteen years.

§ 2. One who has perpetrated the delict mentioned in § 1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition.

#### Art. 5

§ 1. Criminal action for delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after ten years.[\[26\]](#)

§ 2. Prescription runs according to the norm of can. 1362, § 2, of the Code of Canon Law[\[27\]](#) and can. 1152, § 3, of the Code of Canons of the Eastern Churches.[\[28\]](#) However, in the delict mentioned in art. 4, § 1, prescription begins to run from the day on which the minor completes the eighteenth year of age.

### **Part two**

## **PROCEDURAL NORMS**

### **Title I**

#### The Constitution and Competence of the Tribunal

#### Art. 6

§ 1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church and for the Eastern Catholic Churches for the judgement of the delicts defined in the preceding articles.

§ 2. This Supreme Tribunal also judges other delicts of which a defendant is accused by the Promoter of Justice by reason of connection of person and complicity.

§ 3. The sentences of this Supreme Tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the Supreme Pontiff.

#### Art. 7

§ 1. The Members of the Congregation for the Doctrine of the Faith are by the law itself judges of this Supreme Tribunal.

§ 2. The Prefect of the Congregation presides as first among equals over the college of the Members, and if the office of Prefect is vacant or if the Prefect himself is impeded, the Secretary of the Congregation carries out those duties of the Prefect.

§ 3. It pertains to the Prefect of the Congregation to appoint [other] judges, whether permanent (*stabiles*) or delegated (*deputatos*).

#### Art. 8

It is necessary that such appointed judges be priests, of mature age, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. Such priests may at the same time exercise a judicial or consultative function before another Dicastery of the Roman Curia.

#### Art. 9

To present or sustain an accusation a Promoter of Justice is to be appointed, who is to be a priest, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. He is to carry out his office in all grades of judgment.

#### Art. 10

For the functions of Notary and Chancellor, priests are appointed, whether or not they are Officials of this Congregation.

#### Art. 11

The role of Advocate and Procurator is carried out by a priest, possessing a doctorate in canon law. He is to be approved by the Presiding Judge of the college.

#### Art. 12

Indeed, in the other Tribunals dealing with cases under these Norms, only priests can validly carry out the functions of Judge, Promoter of Justice, Notary, and Patron [Procurator and Advocate].

## **Faculty to dispense**

**The CDF may dispense from the requirement of priesthood and the requirement of a doctorate in canon law mentioned in artt. 8 (judges), 9 (Promoter of Justice, 10 (Notaries and Chancellors), 11 (Advocates and Procurators), 12 (Judges, Promoters of Justice, Notaries, Patrons in other Tribunals)**

**§ In the case of dispensation from the doctorate in canon law, this dispensation will only be granted to persons who hold a licentiate in canon law and who have worked in ecclesiastical tribunals for a reasonable time. [\$ as on source Web site]**

**§ Concerning judges (artt. 8 and 12) the provisions of can. 1421 shall apply. [\$ as on source Web site]**

### **Art. 13**

Whenever the Ordinary or Hierarch receives a report of a reserved delict which has at least a semblance of truth [*notitiam saltem verisimilem*], once the preliminary investigation has been completed, he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch [how] to proceed further, with due regard, however, for the right to appeal against a sentence of the first instance only to the Supreme Tribunal of the same Congregation.

### **Extraordinary Faculty to sanate acts**

**The faculty, in cases legitimately brought to the Congregation of the Doctrine for the Faith, to sanate acts, if procedural laws have been violated by inferior tribunals acting on the mandate of the same Congregation or under art. 13 of the Motu Proprio *Sacramentorum sanctitatis tutela*.**

**Special Procedure in case of recourse against administrative acts of the CDF concerning *delicta graviora* cases**

**In *delicta graviora* cases, the request for revocation of administrative acts of the CDF and all other**

**recourse against the said acts made in accordance to art. 135 of the *Regolamento Generale della Curia Romana*, shall be referred to the *Feria IV* [of the CDF] which will decide on the merits and on questions of lawfulness. Any other recourse under art. 123 of the Apostolic Constitution *Pastor Bonus* is excluded.**

#### Art. 14

If a case is referred directly to the Congregation without a preliminary investigation having been undertaken, the steps preliminary to the process, which fall by common law to the Ordinary or Hierarch, are carried out by the Congregation itself.

#### Art. 15

With due regard for the right of the Ordinary to impose those measures which are established in can. 1722 of the Code of Canon Law<sup>[29]</sup> or in can. 1473 of the Code of Canons of the Eastern Churches,<sup>[30]</sup> the respective Presiding Judge, may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.

#### Art. 16

The Supreme Tribunal of the Congregation for the Doctrine of the Faith judges in second instance:

1° cases adjudicated in first instance by lower tribunals;

2° cases decided by the same Supreme Apostolic Tribunal in first instance.

### **Title II**

#### **The Procedure to be followed in the Judicial Trial**

#### Art. 17

The more grave delicts reserved to the Congregation for the Doctrine of the Faith may only be tried in a judicial process.

#### **Faculty to dispense**

**The faculty is granted to the CDF to dispense from art. 17 in those grave and clear cases which, according to the Particular Congress of the CDF:**  
a) may be referred directly to the Holy Father for an *ex officio* dismissal from the clerical state,

or

b) may be treated under the summary process of can. 1720 by the Ordinary who, in case he is of the opinion that the accused should be dismissed from the clerical state, will ask the CDF to impose dismissal by decree.

#### Art. 18

The Prefect is to constitute a Turnus of three or five judges to try the case.

#### Art. 19

If in the appellate stage the Promoter of Justice brings forward a specifically different accusation, this Supreme Tribunal can admit it and judge it as if at first instance.

#### Art. 20

§ 1. In cases concerning the delicts mentioned in art. 3, the Tribunal cannot indicate the name of the accuser to either the accused or his Patron unless the accuser has expressly consented.

§ 2. The same Tribunal must consider the particular importance of the question concerning the credibility of the accuser.

§ 3. Nevertheless, it is to be observed that any danger of violating the sacramental seal must be completely avoided.

#### Art. 21

If an incidental question arises, the College is to decide the matter by decree as promptly as possible [*expeditissime* - cf. cann. 1629, n. 5° CIC; 1310, n. 5° CCEO].

## Art. 22

§ 1. With due regard for the right to appeal to this Supreme Tribunal, once an instance has finished in any manner before another Tribunal, all of the acts of the case are to be transmitted *ex officio* as soon as possible to the Congregation for the Doctrine of the Faith.

§ 2. The right of the Promoter of Justice of the Congregation to challenge a sentence runs from the day on which the sentence of first instance is made known to this same Promoter.

## Art. 23

*A res iudicata* occurs:

1° if a sentence has been rendered in second instance;

2° if an appeal against a sentence has not been proposed within a month;

3° if, in the appellate stage, the instance is abated or is renounced;

4° if the sentence has been rendered in accord with the norm of art. 16.

## Art. 24

§ 1. Judicial expenses are to be paid as the sentence has determined.

§ 2. If the defendant is not able to pay the expenses, they are to be paid by the Ordinary or Hierarchy of the case.

## Art. 25

§ 1. Cases of this nature are subject to the pontifical secret.  
[\[31\]](#)

§ 2. Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher Turnus at the request of the

injured party or even *ex officio*.

## Art. 26

In these cases, together with the prescripts of these Norms, by which all Tribunals of the Latin Church and Eastern Catholic Churches are bound, also the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code must be applied.

*This unofficial translation is based on a translation of the Motu Proprio by the USCCB and a translation of the Norms by Gregory Ingels, both revised by Joseph R. Punderson and Charles J. Scicluna. The translations of the canons of the CIC and the CCEO are from the translations published by the Canon Law Society of America in 1999 and 2001 respectively.*

*[The translation is reproduced here as it was posted at [http://www.opusbonosacerdotii.org/sacramentorum\\_sanctitatis\\_tutela\\_english1.htm](http://www.opusbonosacerdotii.org/sacramentorum_sanctitatis_tutela_english1.htm).]*

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[1] Benedict XIV. Constitution *Sacramentum Poenitentiae*, June 1, 1741, in *Codex Iuris Canonici*, prepared at the order of Pius X, Supreme Pontiff, promulgated by the authority of Pope Benedict XV, *Documenta*, Document V in AAS 9 (1917), Part II, 505-508.

[2] Cf. *Codex Iuris Canonici anno 1917 promulgatus*, cann. 817, 2316, 2320, 2322, 2368 § 1, 2369 § 1.

[3] Cf. Pope Paul VI, Apostolic Constitution *Regimini Ecclesiae Universae*, On the Roman Curia, August 15, 1967, n. 36, AAS 59 (1967) 898.

[4] Pope John Paul II, Apostolic Constitution *Pastor bonus*, On the Roman Curia, June 28, 1988, art. 52, in AAS 89 (1988) 874.

[5] Congregation for the Doctrine of the Faith, *Agendi ratio in doctrinarum examine*, June 29, 1997, in AAS 89 (1997) 830-835.

[6] Pope John Paul II, Apostolic Constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 52, in AAS 80 (1988) 874: “[The Congregation for the Doctrine of the Faith] examines delicts against the

faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law.”

[7]Pope John Paul II, Apostolic Constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 118, in *AAS* 80 (1988) 890: “For the internal forum, whether sacramental or non-sacramental, it grants absolutions, dispensations, commutations, sanations, condonations and other favors.”

[8]Congregation for the Doctrine of the Faith, *Agendi ratio in doctrinarum examine*, June 29, 1997, in *AAS* 89 (1997) 830-835.

[9]Pontifical Council for the Interpretation of Legislative Texts, Response to a proposed doubt, June 4, 1999, in *AAS* 91 (1999) 918:

D. Whether or not the word “*abicerere*” in canons 1367 *CIC* and 1442 *CCEO* should be understood only as the act of throwing away.

R. *Negative and ad mentem.*

The “*mens*” is that the word “*abicerere*” should be considered to include any voluntarily and gravely contemptuous action towards the Sacred Species.

[10]*Code of Canon Law*, can. 1367 – A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a *latae sententiae* excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

[11]*Code of Canons of the Eastern Churches*, can.1442 – A person who has thrown away the Divine Eucharist or has taken or retained it for a sacrilegious purpose is to be punished with a major excommunication and, if a cleric, also with other penalties not excluding deposition.

[12]*Code of Canon Law*, can. 1378 – § 2. The following incur a *latae sententiae* penalty of interdict or, if a cleric, a *latae sententiae* penalty of suspension:

1E a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order.

[13]*Code of Canon Law*, can. 1379 – In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

[14] *Code of Canons of the Eastern Churches*, can. 1443 – A person who has simulated the celebration of the Divine Liturgy or other sacraments is to be punished with an appropriate penalty, not excluding a major excommunication.

[15] *Code of Canon Law*, can. 908 – Catholic priests are forbidden to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church.

[16] *Code of Canons of the Eastern Churches*, can. 702 – Catholic priests are forbidden to concelebrate the Divine Liturgy with non-Catholic priests or ministers.

[17] *Code of Canon Law*, can. 1365 – A person guilty of prohibited participation in sacred rites (*communicatio in sacris*) is to be punished with a just penalty.

[18] *Code of Canons of the Eastern Churches*, can. 1440 – A person who violates the norms of law concerning participation in sacred rites (*communicatio in sacris*) can be punished with an appropriate penalty.

[19] *Code of Canon Law*, can. 927 – It is absolutely forbidden, even in extreme urgent necessity, to consecrate one matter without the other or even both outside the eucharistic celebration.

[20] *Code of Canon Law*, can. 1378 – § 1. A priest who acts against the prescript of can. 977 incurs a *latae sententiae* excommunication reserved to the Apostolic See.

[21] *Code of Canons of the Eastern Churches*, can. 1457 – A priest who has absolved an accomplice in a sin against chastity is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 2.

[22] *Code of Canon Law*, can. 1387 – A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

[23] *Code of Canons of the Eastern Churches*, can. 1458 – A priest who in the act, on the occasion, or under the pretext of confession, has solicited a penitent to sin against chastity, is to be punished with an appropriate penalty, not excluding deposition.

[24] *Code of Canon Law*, canon 1388 – § 1. A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.

[25] *Code of Canons of the Eastern Churches*, can. 1456 – § 1. A confessor who has directly violated the sacramental seal is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 1; however, if he broke this seal in another manner, he is to be punished with an appropriate penalty.

[26] *Code of Canon Law*, can 1362 – § 1. Prescription extinguishes a criminal action after three years unless it concerns:

1E delicts reserved to the Congregation for the Doctrine of the Faith ...

Cf. *Code of Canons of the Eastern Churches*, can. 1152 – § 2. A penal action is extinguished by prescription after three years, unless it is a question of:

1E delicts reserved to the Apostolic See ...

[27] *Code of Canon Law*, can. 1362 – § 2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

[28] Cf. *Code of Canons of the Eastern Churches*, can. 1152 – § 3. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

[29] *Code of Canon Law*, can. 1722 – To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude (*arcere*) the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

[30] *Code of Canons of the Eastern Churches*, can. 1473 – To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the hierarch, after having heard the promoter of justice and cited the accused, at any stage and grade of the penal trial can exclude (*arcere*) the accused from the exercise of sacred orders, an office, a ministry, or another function, can impose or forbid residence in some place or territory, or even can prohibit public reception of the Divine Eucharist.

Once the cause ceases, all these measures must be revoked and they will end by the law itself when the penal trial ceases.

[31] Secretariat of State, Rescript from an Audience of the Holy Father *Il 4 febbraio*, by which the *Regolamento Generale della Curia Romana* is made public, April 30, 1999, *Regolamento Generale della Curia Romana*, April 30, 1999, art. 36 § 2, in AAS 91 (1999) 646: “With particular care, the pontifical secret will be observed, according the norm of the Instruction *Secreta continere* of February 4, 1974.”

The Secretariat of State or Papal Secretariat, Rescript from an Audience, the Instruction *Secreta continere*, Concerning the Pontifical Secret, February 4, 1974, in AAS 66 (1974) 89-92:

“Art. 1. Included under the pontifical secret are:...

4. Extrajudicial denunciations received regarding delicts against faith and against morals, and regarding delicts perpetrated against the sacrament of Penance; likewise the trial and decision which pertain to those denunciations, with due regard for the right of the one who has been reported to the 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 only when it seems opportune to the authorities that the denounced person and the denouncer appear together in the trial; ...” (p. 90).