

# The Delicts of Sexual Abuse in the Revised Penal Law of the Latin Catholic Church

## Webinar Transcript

**In this webinar of November 2021, presented by Monsignor John Renken of St. Paul's University, Ottawa, Canada, he offered a practical analysis of the delicts of sexual abuse in the revised penal law over recent decades.**

- 00:02:16 Greetings everybody it's it's good that we have some time to reflect on this important topic to revise penal law of the Latin Catholic Church.
- 00:02:27 The presentation today I'll speak probably about.
- 00:02:33 30 35 minutes, maybe 40 minutes I have about 50 slides some are longer than others, and after that time we'll continue with questions until at least say 315, if necessary, or thereabouts.
- 00:02:49 And also these this entire presentation is being recorded as Professor Cole while said and it'll be available on our website.
- 00:02:57 So I thought we'd consider for things today we realized that we can't cover every canon so what I'm going to try to do is is the is what's on the screen here first to offer some general observations on the revised book six.
- 00:03:13 Just sort of first impressions as one thumbs through the new lot then to focus more precisely on some noteworthy novelties of the revised book six.
- 00:03:26 And then to spend the last part looking specifically at the deal of financial malfeasance as they are found in the law and the D looks of sexual abuse.
- 00:03:37 These are to do X were significant modifications are found, and we, who are practitioners of the law, assisting our bishops and others in the implementation of penalize as a pastoral instrument.
- 00:03:51 Would wisely, be very aware of these deals, I believe, a translation is available in chat for you it's from the Vatican website, a group of us have been working with the American Canon Law Society to do a translation.
- 00:04:07 That rather parallels the style and the verbiage, and the.
- 00:04:12 The presentation, that is, in the current Latin translation of of the code.
- 00:04:20 that's been translated by the Canon Law Society of America.
- 00:04:25 Right now, I believe that's with the.

- 00:04:28 United States conference of Catholic bishops for approval and then next steps, I would presume that most of you are already aware of and have the skim through the revised book six.
- 00:04:39 And that will be helped and if not, maybe after this presentation, would you want to do that and then maybe watch some of these slides again.
- 00:04:47 So, to begin with the the general observations.
- 00:04:51 We know that this revised book six was promulgated on Pentecost of this year through the episodic constitution of Pope Francis but she did a great job day shepherd the flock of God.
- 00:05:04 But this work began in 2007 with Benedict the 16th.
- 00:05:10 A draft first draft was circulated to the Catholic universities to the castries to the Conference of Bishops I believe in 2011.
- 00:05:20 inviting consultation on that first draft we here at St Paul.
- 00:05:26 received the draft obviously as a Catholic as a faculty of Canon Law and offered several pages of recommendations or observations, as did so many other entities throughout the world, thereafter, there was not any there was not any more.
- 00:05:45 Broad consultations, but there was a working group in Rome and some minor consultations with certain groups.
- 00:05:54 Over the next year, it was in February of 2020 so over almost three years ago year and a good year and a half ago that the Pontifical Council for legislative text presented its final work to Pope Francis.
- 00:06:10 He thank them for their work and then he and the more immediate collaborators Secretary of State, no doubt, and others studied the work of the Pontifical Council for legislative texts.
- 00:06:23 which then became promulgated with the episodic Constitution on Pentecost of this year, even though, even though was promulgated on Pentecost it was only on the first of June that the details were announced that is that the text to the law itself puri lingual.
- 00:06:40 was made known, and also that the episodic constitution was promulgated.
- 00:06:46 Again and again Pope Francis has been saying, both in the episodic constitution and we'll see in one of the candidates.
- 00:06:53 That book six is intended to be a pastoral instrument for bishops and superiors and it's worth while keeping this in mind as we collaborate with.
- 00:07:02 With the superiors with the bishops in the Church in implementing this law to see the to see it as a pastoral instrument, the Pope says in in the episode constitution.
- 00:07:13 It is a task that cannot be separated in any way from the coolness pasquale entrusted to them to the you know lot implementation, if you like, and trust with the bishops and superiors it to be carried out as a concrete and essential requirement of charity.

- 00:07:30 Not only turn the Church, the Christian community and potential injured parties but also toward those who commit D licks and who are themselves in need of the churches mercy and.
- 00:07:43 it's a pastoral instrument and it's an instrument of mercy and correction I think we'll see that as we go through some of the highlights.
- 00:07:50 In the next half hour or so.
- 00:07:55 The episodic Constitution introduces changes only in book six.
- 00:08:02 That schema that I mentioned earlier that had been distributed among the to castries and the universities and conferences, the bishops.
- 00:08:10 Had envisioned that other canons and the code would necessarily be changed as well, notably canon 695 that deals with dealings committed by religious.
- 00:08:20 And then, by extension, and other canons by members of secular institute's and societies of episodic life.
- 00:08:26 And also that there would be necessary changes in canon 1718 or 17 1718 1719 dealing with the preliminary penal investigation and Kevin Kevin 1720, which is about the extra judicial penal process so far those changes have not been made.
- 00:08:45 Some would say they may not even be necessary, but I do hear rumblings that a modification of 695, not only would be appropriate, but which should be forthcoming.
- 00:08:57 Book six is given a new title it had been called sanctions in the church and now it's called penal sanctions in the church specifically to focus the penal character of these restrictions or of these of these laws.
- 00:09:13 In an effort, not to disrupt the numerical flow of book six we still find it to be kamins 1311 through 1399, however, a number of candidates.
- 00:09:28 have been expanded to have paragraph 345 etc, in order to maintain this this general division and not only is it the same division.
- 00:09:38 The same canons but the divisions are the same part one is still can and 1311 through 1363 with the same title, part two, is the remaining 1364 through 1399 but with a different title, the more precise title to Part Two individual dealings, and the penalties established for them.
- 00:10:00 Much like the former one but with an intention to be more dramatically precise.
- 00:10:07 Each.
- 00:10:08 Part still has the same number of Titles as the code book six had so we see in Part one these six titles, only one of these titles has.
- 00:10:23 a different name the different title of the title and that's Title six, which is now to be called the remission of penalties and the prescription of actions.
- 00:10:33 And had them simply the cessation of penalty, so this is more precise we're not speaking so much of cessation of penalties, which also could be by death.
- 00:10:42 but rather the remission of penalties, who are the agents, how does it occur, what are the essential prerequisites and so on, and also,

then the prescription of action, both criminal prescription and penal prescription and we'll see that in a few minutes.

- 00:10:57 Part two is, as I said, already has a different title that the same canons 1364 through 1399.
- 00:11:05 Of these.
- 00:11:08 Seven titles five.
- 00:11:12 have different names five titles have different titles, so the first is now called de luxe against faith and the unity of the Church, rather than against religion, because the legislator is seeing that these are the links against the faith, not just religion.
- 00:11:28 As such, but the faith that is more more focused than religion, the second is title is dealing against ecclesiastical authority and the size of functions it had been dealing against ecclesiastical authorities and the freedom of the Church.
- 00:11:46 Title three, is now all the deal acts against the sacraments and had been the your surfing of ecclesiastical functions and the deal X and exercising those functions.
- 00:11:57 Title four is now called the licks against a good reputation.
- 00:12:03 And the d like a false, I must say I always wondered why wasn't the title dealer, this is the only title, the only time, I think that the word cream and crime was found in the 83 translation so that's gone to be gone now.
- 00:12:17 I no longer the crime of false hood but the licks against good reputation and the dealer to foster.
- 00:12:22 Title five is one of the two titles that has no change here, we still have dealings against special obligations.
- 00:12:31 As is true, also for for a title seven that also has not been changed that's the general norm 1399 titles significantly has been changed.
- 00:12:42 It had been called de de de luxe against human life and freedom now it's called dealing against human life, dignity and freedom.
- 00:12:53 And this is significant, the adding of the word, dignity, because placed here in book six now are all those dealings of sexual abuse of minors.
- 00:13:03 Those who habitually have the imperfect use of reason and those vulnerable persons who are related in law by the phrase those to whom the law grants equal protection will see that more.
- 00:13:16 The point here is to underscore that these dealings of sexual abuse against minors and the vulnerable and so on.
- 00:13:24 is now considered a D like not against the special obligation of celibacy of clergy, but rather against the dignity of the human person, so what I what we see now is changes entitles throughout books.
- 00:13:39 Continuing with general observations, the revision highlights.
- 00:13:45 Over and over the three principal aims of penal on the purposefulness for which penal law exists.

- 00:13:55 Right now, this this triad is said to be to repair scandal, to restore justice and to reform the offender.
- 00:14:05 These three.
- 00:14:08 terms are found now only in 1341.
- 00:14:14 In the revised law.
- 00:14:17 First, the order of these three technical considerations has been changed first place is to restore justice, then, to reform the offender and finally to repair scandal.
- 00:14:31 One can read, whatever one wants to read into this, but you can't deny the fact that a first purpose of penal law as identified the restoration of justice, a second purpose is to reform the offender and the third is to repair scandal.
- 00:14:50 All that being said.
- 00:14:52 Addressing scandal and even references to scandal in the revised law appears over and over and over again.
- 00:15:01 So the point.
- 00:15:03 These three terms are reordered and these three terms also appeared more than owning canon 1341 there at the bottom.
- 00:15:14 third time in 1311 paragraph two, which is a new canon.
- 00:15:19 The second camp, the second paragraph of the first canon 1311.
- 00:15:24 Is the first canon to use this these these three phrases these three terms, then 1341, then the three purposes or again referenced in canon 1343 and in 1345 but, mind you, these also in the current law exists in canon 695 paragraph to perhaps with increasingly less clarity.
- 00:15:50 Perhaps yard and 1343 and 1345 these three elements or phone, but not in immediate succession, but nonetheless these three elements are found now in four or few include 695 in five canons in the code explaining the purpose or the aims of penal law in the Church.
- 00:16:13 general observations continuing there are a number of new canons in.
- 00:16:20 The revised book sex that are rooted in the gravity or a collector the norms of the CDF norms of 2010 not the 2011 2001 to 2010 listing of the norms of the great deal.
- 00:16:36 They are these the attempted ordination of a woman eucharistic consecration with a sacrilege purpose or intent the recording of sacramental confession or the malicious diffusion of the same and then.
- 00:16:51 The several dealings of sexual abuse, including Pedro pornography were some elements of this neglect or also rooted in both so this looks Monday the episode letter of Pope Francis of 2019.
- 00:17:06 Also, new canons come from other sources of law there are 12 new canons in the 2021 revision of books that come from the 1917 colored nine are found in the first part.
- 00:17:23 As many penalties as de luxe this record count in 1311 paragraph two, that I mentioned just a second ago.

- 00:17:30But, of the new dealer of the deal X three of the New Deal X are taken rather directly the 1917 code and they are these three specific dmX first overcharging for services.
- 00:17:46Second, the administration of sacraments to those who, to whom sacramental administration is forbidden.
- 00:17:54And third, a candidate for holy orders withholding a central or and irregularity and nonetheless advancing to the deactivated or the press better.
- 00:18:05These three new deal X are routed, as I say, in the 1917 code.
- 00:18:11Then there are other do D laws that are simply established that aren't specifically rooted in in the among the robbery are selected and not specifically.
- 00:18:24Reflecting the 1917 code, and these are those other new deal.
- 00:18:30The first one is violating the Pontifical secret.
- 00:18:34The second interesting is not executing an executive sentence or decree is you know it's not the.
- 00:18:41vicar at the end of the process let's say even a novelty of marriage naughty process that executes, but rather that the the Bishop of the trial court is the one who executes.
- 00:18:52A sentence, so this 1371 number five addresses the authority competent to execute either a sentence a judicial sense or an administrative extra judicial decree and failing to do so.
- 00:19:0710 and 1371 paragraph six, I would shorthand as the dealer of silence by a mandated reporter.
- 00:19:17The law that the code itself does not identify who a mandated reporter is.
- 00:19:24But we know that those exist.
- 00:19:27says that any cleric or religious member of institute consecrated life society, etc, is a mandated reporter.
- 00:19:34When there's reason to believe that a dialect of sexual abuse has been committed, so this read the sentence by mandated reporter to understand who those mandated reporters are one goes extra cold outside the code.
- 00:19:51You also remember a few minutes a few minutes ago, when I was when I said that that enumeration of the canons is the same it's so 1311 to 1399 to make book six.
- 00:20:02But I said that some of the canons add extra paragraphs, well, here we have in 1371 very clear and added paragraph four, five and six and there's other times when the same happens not up to six, but you know, maybe a two or even three is.
- 00:20:19kind of 1376 is I would call it a new dealer it succeeds, a very simple direct in the existing law.
- 00:20:32which establishes the dealer of invalid alienation of ecclesiastical goods.

- 00:20:38 That direct invalid alienation of acoustic goods is taken into this new 1376 but much, much more is included in this canon, and this is one of the cans will look out at the end of today's presentation.
- 00:20:54 The next canon is 39 that's new is 1395 a cleric voluntarily and legitimately abandoning the ministry.
- 00:21:05 1392 paragraph three, a cleric or religious committing other acts of financial malfeasance are performing the prohibited financial X identified into 85 which we'll see.
- 00:21:19 1395 paragraph three here's another adding of a paragraph, but right now 1395 has a paragraph one and two here's paragraph three.
- 00:21:30 It establishes the dealer of sexual abuse of force and threats that those two terms are stolen from the existing 32.
- 00:21:39 And added it together with those is now the abuse of authority which Francis has mentioned so many times, I think, beginning maybe with his letter to the Church in Chile and and subsequently.
- 00:21:53 canon 1398 paragraph one.
- 00:21:58 Is the candidate incorporate so much from most esters and from the gravity already collected dealing I mentioned this already dealing with.
- 00:22:06 Sexual abuse of minors those who habitually have been perfect use a reason and those for whom the law recognize equal protection that's a long phrase that we shorthand still I think.
- 00:22:16 To me, the last racer to mean vulnerable persons, and this is only by clerics 1395 three is about a cleric 1398 one is about a cleric.
- 00:22:26 Fine, but then we get to the next new canon and the last new canon 1392 which takes the proceeding to canons that are on this slide the deal only with clergy.
- 00:22:39 and apply them to a members of institutes of consecrated life and societies about the stock life and be to lay persons with some dignity.
- 00:22:52 or lay person to perform some ecclesiastical office or function, so now laid persons and certainly that religious episodic life members.
- 00:23:03 Society members and so on, also are clearly potential perpetrators of these dealings of sexual abuse, abuse, sexual abuse, with abuse of authority and force threats and minors and the equivalence.
- 00:23:19 And this is a real innovation, this is the sort of this innovation will look at it, at the very end of today, this innovation is a sort of thing to call us for revision of Diocesan protocols and.
- 00:23:32 Best Practices maybe and background checks and whatever else for dioceses for religious institutes for institutions that are Catholic.
- 00:23:42 OK, so those are general observations and some are a little more specific notes now noteworthy novelties the pastoral purpose of penalize is identified.
- 00:23:53 In 1311 paragraph two, reflecting what was in what is in the eastern code and what will be found that was found in the first code in the 1917 code.
- 00:24:06 The pastors who presided use various means not to exclude.

- 00:24:11 exhortations but expectations example of life, but also penalties always applied with canonical equity and here are the three r's restore justice reform offender and repair scandal.
- 00:24:28 noteworthy now can 1321 identifies in words what is of the natural order.
- 00:24:38 The presumption of innocence, this can park the 1321 paragraph one, of course, carries a certain tension.
- 00:24:47 With the last paragraph of the same canon which says that once there's an external violation of law.
- 00:24:54 The presumption that been mutability prevails so you've got to presumption sort of fighting against each other in a healthy unnecessary tension.
- 00:25:02 On the one that presumption of innocence, on the other hand, presumption of repeatability when there's an external violation of law, and I see that i'm going a little slow so i'll try to move ahead we'll have the slides.
- 00:25:15 We still have the three kinds of additional penalties, also known as centers.
- 00:25:20 you'll see that there are 10 excommunication seven interdiction 11 suspensions but some changes interdict, which is always defined now and, in this new revision.
- 00:25:33 In comparison with excommunication, so much so that the eastern law very causes minor excommunication over against major excommunication what's unique to book six now is that interdict is divisible such that if i'm under interdict I am not necessarily under all the aspects of the.
- 00:25:57 suspension, and this is huge suspension now can affect not only clerics as it does, but also layperson's, this is an acknowledgement again of the role of Laity in church leadership roles and.
- 00:26:12 Suspension which is divisible as regards its effects remain such also among the centuries, there are now in the last 15 lattes intensity or automatic medicinal penalties.
- 00:26:26 1335 paragraph one.
- 00:26:30 is new.
- 00:26:32 headsets a novelty, it says that if a competent authority imposes or declares a Center okay so we're talking about a future that covenant authority can also impose expository penalties if the authority things such as necessary to restore justice and to repair scandal.
- 00:26:53 So this is not the current law but it's a very helpful law, because sometimes essential is not enough essential, by definition, is a sort of thing that the Church has an obligation.
- 00:27:05 To remit once a person withdraws from controversy and says i'm sorry but great harm can still result can still exist and those efforts need X actions need to be taken, restore justice or a pair of scandal.
- 00:27:21 That would occur by the imposing an expository penalties which the legislature now provides for.

- 00:27:29The expository penalties in the revised law are grouped in a very systematic and clear way into four groupings and canon 1336 each grouping.
- 00:27:41more severe than the one proceeding so first is prescribed seal or an order, then there are prohibitions then more severe are privations and, most of it is dismissal from the clerical state.
- 00:27:55So this there are more expository penalties in each of these categories are most of these categories, but the all the expository penalties are grouped conveniently into these four groupings, as I say, each.
- 00:28:09Each grouping more severe than the one proceeding.
- 00:28:13it's also left to the Conference of Bishops this is some work for the bishops who are present to see to.
- 00:28:19bishops conferences are to establish particular law regarding fines which are mentioned as expository penalties twice.
- 00:28:29Also, in an effort to help those bishops judges superiors who are implementing penal law.
- 00:28:4020 times.
- 00:28:42Just later makes uses the phrase.
- 00:28:46According to canon 1336 two through four, in other words, if I committed the elect I am to be punished with a quayside determinant with a penalty chosen from 1336 numbers two through four so that is.
- 00:29:04An order a prohibition or a privations we see here on the preceding slide.
- 00:29:10I call the I call these quayside determinant penalties they're not clearly determine it because the legislator, or the Bishop or the judge has discretion to choose from own paragraph two to four and within two and four, there are some options.
- 00:29:24But nor is are these penalties totally indeterminate as is rendered still a few times by the phrase just penalty.
- 00:29:33So these these penalties are between an indeterminate and a fully penalty, so I would use the word quayside determinant to describe them.
- 00:29:44In addition, 10 tannins referred to canon 1336 paragraph for se appropriate penalty, and that would be privation of office.
- 00:29:54There are 14 cannons dealing with dismissal from the clerical state over against seven in the existing law but, mind you, some of these dismissed from the political state is exists in the in the revised law, because these extra source extra co sources of law have been inserted like.
- 00:30:15The ordination attempt or nation of a woman or recording a sacramental confession so.
- 00:30:23there's only one lot tastes intensity expository penalty and it's a prohibition and it affects only that Bishop who illicitly or Danes a non subject as a president as a deacon or as a Presbyterian that's the same only latisse intensity expository penalty that exists in the current.

- 00:30:44 We still have those extenuating or qualifying circumstances concerning penalties, there is a list in canon 1323 of circumstances that exempt one from being a subject of penal law like being.
- 00:30:59 A young person, there are certain circumstances that diminish automatic and post Panel for indecent nc penalties or exempt one from a lot taste intensity penalty.
- 00:31:12 Those other circumstances that increase.
- 00:31:17 culpability and therefore should increase the penalty.
- 00:31:22 continue to exist, like re incidents like holding up your ecclesiastical office to to committed deal etc added to this that there there had been three increasing qualifying factors or circumstances a fourth is now added, and that is.
- 00:31:40 Deliberate drunkenness are other mental disturbance that I have conjured up in order to commit the deal that used to be a non exempting circumstances current 1325 it has now been added to an increasing circumstance in 1326 paragraph one number four.
- 00:32:02 And here.
- 00:32:05 Regarding the.
- 00:32:07 qualifying circumstances that.
- 00:32:11 The diminish the diminishing or the exempting here 1324.
- 00:32:16 The canon itself so currently says in the circumstances in paragraph one being.
- 00:32:22 under the age of 18, for example, not having knowledge that I wouldn't be expected to have, and so on.
- 00:32:27 In these circumstances, the offender is not bound by an automatic penalty that's what the law currently says.
- 00:32:33 The new law adds yet, for the sake of repentance or repairing scandal, remember, I said scandals mentioned a lot within currently in order this lighter penalties can be imposed our penance is can be supplied.
- 00:32:47 penance is are all always intended to replace a penalty or to add to the severity of a penalty without reaching the level of being a penalty.
- 00:32:57 that's the purpose of pencils.
- 00:33:00 Also, as regards to as qualifying circumstances that increase the penalty the deliberate drunkenness the holding in high office, etc.
- 00:33:08 Added now to the law is that if the penalty appropriate for the dealings that I commit in the circumstance of a of an office or incidents or drunkenness if the penalty is speculative are optional it now becomes mandatory or obligatory another innovation in the law.
- 00:33:29 At the current in the current Code 24 times the phrase just penalty is identified and that just penalty is, please.
- 00:33:41 is now found only 21 times so there's three less times in the current law but remember because adjust penalties indeterminate the legislature does not allow perpetual penalties to be imposed when adjust penalty is in order.

- 00:33:58 Another significant innovation, I think the welcome innovation is concerning penal remedies I just mentioned, that kind of 1312 says the penalties that.
- 00:34:08 penance does exist to either replace a penalty or to add to the gravity of a penalty to be an add on.
- 00:34:18 That same Kevin 1312 says penal remedies, however, exist to prevent dealings so penal remedies are appropriate when i'm on the threshold of the cliff and about to commit a dealer or possibly committed deal.
- 00:34:32 Currently, there are two penal remedies in law warning or rebuke they are repeated in the revised law, which adds Pino precept.
- 00:34:44 and vigilance, both of which had existed in the 1917 code so we're back to all four from the first code of the Latin church.
- 00:34:55 We look at canon 1334 and 1345, this is the canon canon to deal with the discretion of the judge and applying receptive penalties.
- 00:35:06 The judge that mind to these are receptive are mandatory penalties, but even there the judge Bishop or superior judge has the the discretion.
- 00:35:19 Not to apply the perceptive penalty in the circumstances identified in these two canons but added is the Lead is the words that are in white unless there's a need to repair scandal and the first one.
- 00:35:32 Taking into account for the second one abstaining, to make sure to take cognizance of the harm that inflicted there is not a change in in number three of that cabinet 1344 However I highlighted that scandal that had been mentioned continues to be.
- 00:35:50 identified so here if there's not need to repair and pressing need to repair scandal, then a person can almost have a free pass if it's a first offense he or she is a first defender.
- 00:36:04 1345.
- 00:36:07 reflects the current 1345 with the addition.
- 00:36:13 Of the second of that last sentence, the offender must be punished it provision cannot otherwise we made to restore justice and repair scandal So here we have the three r's.
- 00:36:23 it's talking about reforming the offender at the beginning and the black words and then again restraint justice and repairing scandal, so another instance a little bit more bleak, but nonetheless the three r's the three r's are found here.
- 00:36:40 Also, added to the new law is that if a penalty is remitted as a result of force grief fear or deceit, it has no effect by the law itself.
- 00:36:51 Kurt added to the existing law is are the two elements force and deceit, right now, this canon 1316 makes reference only to it remission exhorted out of great fear.
- 00:37:05 1350 paragraph two.
- 00:37:08 deals with.
- 00:37:11 The dismissal of a cleric the effects of being dismissing the clerical state, paragraph two ads the words and right white that.

- 00:37:19 In the best manner possible an ordinary is to care for one dismissed from the clerical state who's truly in need, because of the penalty like.
- 00:37:26 taking care of that former cleric is not to permit that could for all of offices ministries are functions upon him that's explicated now the white words are in addition to the law.
- 00:37:41 obligation to repair harm is mentioned seven times in relation to seven dealings.
- 00:37:48 And 1360 in part 213 61 at the end of Part one says remission is never to be given until the ordinary has determined that the offender has repaired any harm inflicted and indeed it's curious as Ken goes on to say that a person who's under a penalty, including a centered.
- 00:38:12 In an effort to bring the person to secret mission of the penalty can have even more penalties added so that now i'm under more penalties in the hope that.
- 00:38:23 Being under more penalties on will come to my senses repair the harm and see to the mission of the penalty, the ambition of this canon is to bring people out of being under peanut peanut sanction.
- 00:38:36 it's a merciful cabinetry store to full moon in the Church.
- 00:38:43 Can in 13 years.
- 00:38:45 concerns the extra judicial process and specific mentioned is made to the moral certitude that the ordinary must have to impose a penalty through canon 1720 that's the extra judicial or administrative process and it also insist that the offender must have the right to Defense.
- 00:39:04 Significant changes are found as regards prescription CDF has special norms, but current but in the revised law, the d like.
- 00:39:16 The prescription period is seven years, nothing exists, like that in the current boss, but seven years for the likes of financial malfeasance for abuse of office for homicide kidnapping mutilating gravely wanting for abortion and for sexual issues are.
- 00:39:36 Non clerical sexual abuse it's found in these candidates.
- 00:39:40 The prescription it, however, it is 20 years for clergy, who commit the sexual abuse in 1398 paragraph one.
- 00:39:48 Any other canon that isn't mentioned here already there aren't that many left obviously have a prescription period of three years.
- 00:39:56 And, of course, as the current law says so, the future law says particular laws can establish their own prescription period as regards prescription note those words in the first line criminal action and penal action.
- 00:40:08 The prescription period for these two actions is identical criminal action refers to the live time during which a penal process can begin.
- 00:40:20 penal action refers to the lifetime bring which a decision whether a judicial sentence or an extra judicial, administrative decree can be executed same time period.
- 00:40:34 prescription is suspended, this is a whole new thing in penal.

- 00:40:39prescription period is suspended.
- 00:40:43When the party is cited, whether in the judicial or extrajudicial cited judicial informed extra judicial have a process of being taken against the alleged defender.
- 00:40:56And that suspension of prescription last for three years.
- 00:41:01The prescription kicks back in the clock starts ticking again after those three years have passed, or by the cessation of the penal process, the point of this canon.
- 00:41:13Or at least the ramification of this canon is to ensure that a process is done within three years, because after that the prescription period continues it kicks in again it's continues on.
- 00:41:29Comparing the two codes in the current law seven faculty active penalty.
- 00:41:37Dealing with fur coat the two penalties 70 links with faculty to penalties now have prescriptive penalties, there are 11 New Deal flicks all have prescriptive penalties.
- 00:41:50Which means that in the end, in the current law, there are two faculty of penalties that remain faculty the penalties in the revised slot so much more focus on mandatory penalties and prosecuting dealings.
- 00:42:10The deal it's a financial malfeasance and i'll try to move more quickly here.
- 00:42:16This first canon is effectively new it identifies as he likes the following stealing ecclesiastical goods impeding ecclesiastical goods performing number two performing active.
- 00:42:30alienation or inactive administration that is extraordinary, for which the administrator must have first received consultation consent or permission from someone else or.
- 00:42:43fulfill some requirement for validity or let's say it and the administrator performs the activated nation or administration, without these required prerequisites that is now a deal, so we want to be especially.
- 00:42:57Clear and helping our leaders of particular churches and religious institute's to follow these requirements, lest there be any.
- 00:43:07Further these Felix and number two can be committed, not only out of bad faith, but also to thanks to this cabin with negligence further look at paragraph two number two.
- 00:43:20Any administration of ecclesiastical goods that is gravely negligent is also ideally, this is one of the two candidates.
- 00:43:31were a deal it occurs and a penalty is appropriate, not because of dulle or malice on the part of the offender.
- 00:43:41But do include Bob or negligence, this is one of the canons, so this is 1376 paragraph two, and the other is 1378 which is negligent abuse of office with harm to someone else that is it'll be 1378 paragraph two it's 1379 paragraph two, so.
- 00:44:04here's the deal act of overcharging for services, I mentioned earlier, from the 1917 code.

- 00:44:11 dealings of clergy or or religious performing on authorized or other financial misdeeds seemingly misdeeds in the civil realm.
- 00:44:21 Because those in the ecclesiastical realm are pretty much already handled, but these could be if we can find some creative.
- 00:44:28 that's forbidden in the ecclesiastical realm this would pertain and then also this 10 and 280 85 paragraph for concerning taking on obligations and so on, that are inappropriate.
- 00:44:39 Another canon.
- 00:44:42 that the next three there's three more canons D and F four or five and six that will look at it, the front financial concerning financial malfeasance.
- 00:44:50 These are already existing deals.
- 00:44:54 what's changed is the penalties so just be aware that active and passive bribery remains a dealing with a different penalty than the current law 74 sacraments only sacraments not so many for an ecclesiastical office or an automobile.
- 00:45:13 semi active or passive 72 concerning celebrating receiving a segment is a direct but there's now a new penalty.
- 00:45:21 and
- 00:45:24 A legitimate profit for mass offerings that's currently a dealer but there's a new penalty this also would include.
- 00:45:35 This dealer could occur, for example, if in a diocese there's attacks on mass offerings which is forbidden by law.
- 00:45:42 So the diocese would making an illegitimate profit for mass offerings this also would include someone who violates.
- 00:45:50 Most EG tour the instruction from the congregation for the clergy from sometime in the 1990s, which allows to collective mass intention to masses celebrated per week with the collective mass intention, all the parties, who are the donors of the masses.
- 00:46:07 have to concur, and the celebrant can keep the equivalent only have one stipend the other mass offerings your stipends.
- 00:46:16 need to go to a purpose identified by the that I also submission.
- 00:46:21 Now the dealings of sexual abuse, I referred to some of this already and I think that will be mentioned the two weeks from today from noon to 115 on a Wednesday sort of a brown bag lunch time.
- 00:46:36 there's going to be more presentations in more depth about the dynamics of sexual abuse in in the revised law.
- 00:46:43 So here's the new deals that are a fruit to remember 1395 has paragraph one and two presently number three is added so number three says a cleric by force or threats those two terms are stolen from the current 1395 two or by abuse of authority that's new.
- 00:47:03 A cleric who commits a dealing with one of the with one of these.
- 00:47:09 abuses of power, I guess, we could say by force threat or abuse of authority.
- 00:47:15 commits a deal.

- 00:47:17 or who compel someone to perform or submit to sexual acts is to be subject to a just penalty, not excluding dismissal from the clerical state clearly this while this could have won a minor could be the subject of this sexual abuse.
- 00:47:34 The focus you logically would be on.
- 00:47:38 This sexual misconduct, the sexual abuse of adults, I say that because the abuse of minors is treated in the next canon we're going to look at notes to that this 1395 is still.
- 00:47:50 Situated among the canons on deal acts against special obligation so here, the focus is the special obligation, the clergy has not to use force threats and authority to get sex from a person that's that's against his his function is ministry in the church his special obligation.
- 00:48:11 The next canon is 13 to look at the next 1398 paragraph one.
- 00:48:18 This says it big paragraph one, is about a cleric to be punished with privation of office and other just penalties, not excluding dismissal of the case weren't sure one.
- 00:48:29 commits a deal it again sixth commandment with a minor our person who habitually has a perfect use of reason our person for whom the law recognizes equal protection.
- 00:48:40 This person.
- 00:48:42 Who, for whom the law recognizes equal protection.
- 00:48:48 Is a rendering for what currently exists in both essence as a vulnerable person those drafting the law.
- 00:48:57 get it, they know that abused sexually abusing vulnerable person sits in isn't appropriate but they they understand also that vulnerable person is not a univocal term.
- 00:49:09 In our friendships in in our marriages in our close relationships with people there's a certain vulnerability.
- 00:49:16 That is necessary for healthy relationships and for human integrity and all the rest so there's almost a we could almost distinguish a positive vulnerability necessary for healthy living.
- 00:49:26 From an abusive or negative vulnerability and it's the ladder, that is, is the concern here sort of a negative vulnerability to the abuse of power or the abuse that happens to me sexually by a cleric when i'm a minor person is subjected somehow.
- 00:49:47 To that cleric paragraph two, then, is grooming or inducing a person again these three categories of minors.
- 00:49:56 habitually imperfect just a reason to show themselves.
- 00:50:00 pornographic Lee or to participate in porn real or simulate.
- 00:50:06 The word groom here is only found in the law in relation to pornography, the media went wild in some.
- 00:50:14 quarters, I read we're all now grooming is identified as a deal as such fine, but only for for pornography, not for other sorts of things that's, not to say that there isn't some other way to our jurisprudence doesn't admit the in Kuwait crime.

- 00:50:33 Bishop daily who's one of the people here today, I remember, giving a presentation about grooming, with the countless Great Britain and Ireland, a few years ago.
- 00:50:45 That still is considered in jurisprudence I'm sure as a sexual abuse in some fashion, but that's not where the word grooming is found in the revised one.
- 00:50:56 And then third the immoral acquisition possession exhibition or distribution of pornography of minors are those who habitually have imperfect use of reason and finally.
- 00:51:11 The new at this is a new director and I mentioned it already, but to see it again 1398 paragraph two applies 1395 three and 1390 812 members of institutes of consecrated life members of societies of epistemic life and any lay person with an ecclesiastical dignity office or function.
- 00:51:37 So, so the materials deal X 1395 three and 1391 applies to these other persons as well, so quick conclusions.
- 00:51:48 A script a month, the law will be on December 8 what the law will be, and we still have less than a month, a slightly less than a month to continue to break open.
- 00:52:01 What the what the proposal is and to try to understand it better and better and better.
- 00:52:07 But the law is what the law is there are many innovations, I always tell the students here, the first way to interpret the law is to read the law and then read it again and then read it again carefully sorry thing so be attentive to the details.
- 00:52:22 If the law says can it's ethical to the penalty if the law says is to it's a perceptive county.
- 00:52:30 it's also good for all of us to.
- 00:52:34 Whether as those who apply the law or who could commit the dealer who have committed he likes.
- 00:52:40 To stand the pastoral purpose of penal law it's something for us to continue to embrace and to ponder and to see.
- 00:52:48 I say that because there remains among some a certain version was very prevalent apparently when the first when the current law was being drafted in the 70s and aversion to penal law period now no longer do we have no aversion towards it, but rather we welcome penalized.
- 00:53:06 Because it has a pastoral purpose and I'd also say, even though the light is what the law is it's not even affect you there's nothing saying we can't keep thinking.
- 00:53:16 and not be afraid to consider future developments that we implement the use of regions or what will be the US region certainly we implemented, but we can also continue to think just yesterday Carolyn Davis or passed around to us here in the office.
- 00:53:34 A brief article from liquid.

- 00:53:38 in which the author is saying this canon 1398, this is about the clergy and then the religious and believe people are committing sexual abuse minors and so on.
- 00:53:50 it's now situated among the dealings on against human life, dignity and freedom so maybe the legislators should change this cabin and make reference no longer to do X against the sixth commandment but rather to do X against the fifth commandment because these deals next.
- 00:54:11 kill something in the victims so anyway just something to keep better and with that that's all I have, so now we have time for questions I took an extra time and I apologize, but.
- 00:54:24 I hope this was at least helpful.



### Unknown Speaker

00:54:27 So, thank you very much montagne for your presentation.

- 00:54:31 it's been very, very detailed and yet a very comprehensive and i'm sure the participants have felt invited to read and reread and reread carefully and to interpret words correctly and look at the the new populations that are included in the in the new book six, so thank you very much.
- 00:54:58 Participants I would ask you to open your cameras and open your microphones and to raise to use the section called reactions in the bottom of your screen.
- 00:55:09 And to raise your hand if you have a question so that enables me to know who's asking the question.
- 00:55:16 You can also ask questions in the chat box, and so I will try to monitor the hands raised and the questions in the chat box you'll realize that with this comprehensive presentation.
- 00:55:28 And the number of registrants we will try to be attentive to as many questions as we can in the time period, respecting everybody's availability and the time that we recorded this presentation so i'm.
- 00:55:45 Saying that well, I have a comment here, maybe we can start with that Thank you so much from lister along, I also have wondered why was not against the fifth commandment happy to hear you saying that.
- 00:56:00 Okay, so let me see if we have any hands raised.
- 00:56:06 I see one, I see a hand raised it's not electronic, but I do see it from good one key and good one, if you could godwin if you could go ahead and open your microphone and ask your question, please.



### Godwin Eke

00:56:19yeah, thank you for the seminar well, I really appreciate, I did not capture or what you said about when it is faculty to I went to his faculty and went to know it is receptive will talk about can or something I repeat, yes.



### **Unknown Speaker**

00:56:40Yes, yes, well again to remember what the terms, made it a penalty is either considered faculty active or precept effect collaborative we would translate as optional.

- 00:56:55receptive we would translate as mandatory or obligatory and we will understand if a given penalty for a given deal, it is a collaborative or perceptive by reading the canon if the canon says that the person who does whatever is to be punished.
- 00:57:14then that person, then that penalty is precept if it's required.
- 00:57:20If it if it says the person can be punished, then.
- 00:57:26The penalty is faculty tip there's discretion on the part of the Bishop the superior.
- 00:57:32To impose the penalty or not.



### **Godwin Eke**

00:57:36Welcome



### **Unknown Speaker**

00:57:38Okay, I have a question from Andrew core most in Canada live in 1983 I understand religion was used in deterministic sense, that is, as a matter of justice, how does the new heading dealing against the faith really to justice.



### **Unknown Speaker**

00:57:56I would say that the legislature intends to my understanding, to be more personal in the application of active religion to the individual offender and to show that certain dealings are against more than just an academic sort of category of person to pertain to a religion it somehow.

- 00:58:19but rather to what is much more fundamental and that is living faith.
- 00:58:25faith is understood, I would say, they may connote the same thing, but they may have different D notations.



**Unknown Speaker**

00:58:31Religious again.



**Unknown Speaker**

00:58:32Maybe more abstract and objective and faith being more subjective and much more personal to the heart.



**Unknown Speaker**

00:58:42Thank you.



**Unknown Speaker**

00:58:43Thank you so.



**Unknown Speaker**

00:58:44Question from father had to do you open your microphone Tommy please.



**Jesu Pudumai Doss Maria James**

00:58:51Thank you, Professor for the wonderful clear presentation I do very much appreciate the way that you have put forward the novelties that we find one of the novelties that I would like to.

- 00:59:05 Just bring your attention to is on the reparation of scandal, and especially the reputation of harm that is quite much insistent in this new in this new world.
- 00:59:19 We do you really think a restoration can be done or against scandal against the hump if so how.



### Unknown Speaker

00:59:31 yeah it's it's up to the individual persons who are responsible to remit, a penalty if that's the content context in which we're talking about repairing scandal.

- 00:59:42 or home it and it depends on what the harm is and what the scandal is, for example, if I steal \$100 from you.
- 00:59:51 I have to repair, I have to repair the harm i've done so that could be done by giving you \$200 so that's a clear way of repairing the harm.
- 01:00:01 I don't know that you can ever repair the life that you take out of a person who you abused sexually or with the abuse of authority and even non abuse of authority i'm not so sure that by committing many of the dynamics.
- 01:00:15 That are not something as material as as as money.
- 01:00:20 that one can really repair harm and scandal sufficiently, however, in as much as a legislator sees that you know if harm and scandal has is being addressed.
- 01:00:32 You know, one is bound to the impossible, so there needs to be some threshold that could be adequate for the remission of a penalty when.
- 01:00:42 Albeit impossible to totally address would at least be able to address satisfactorily enough to have the penalty remitted and 1361 paragraph four really pushes for that, I think.
- 01:00:56 Thank you.



### Unknown Speaker

01:00:57 Thank you, I go to one of the questions in the chat from Silvana who's and the various various hello, and thank you, the question in your review, in your view.

- 01:01:10 What changed in the canon regarding abortion, with the additional word actually procuring one, how would this affect it regulator, how would it, how would this affect regulators and remote cooperation, thank you.
- 01:01:34 My my teen years looking up.



**Unknown Speaker**

01:01:37I don't.

- 01:01:39register i'm sorry.



**Unknown Speaker**

01:01:40No, I just wanted, while you were looking, I just wanted to mention that I have noted the two hands that are raised so Lisa, thank you for understanding.



**Unknown Speaker**

01:01:48yeah I could the person who asked the question that the canon speaks of one procuress a completed abortion incurs a lot of intensity excommunication.

- 01:01:59completed is that what the question was about.



**Unknown Speaker**

01:02:02In your view, what changed in the canon regarding abortion, with the additional word actually procuring one, how would this affect affect it.

- 01:02:13How does this affect regulators.
- 01:02:15And then there's a third, to understand the word that's written and remote cooperation.



**Unknown Speaker**

01:02:22Well, I don't think there is any change, I could well be wrong.



**Unknown Speaker**

01:02:26 Maybe I could ask.

- 01:02:28 me a question yeah.



### **Unknown Speaker**

01:02:30 The cannon I think is verbatim.

- 01:02:34 yeah.
- 01:02:36 yeah no.
- 01:02:38 No it's exactly the same as the current law remember to this candidate and authentic interpretation in 19 1988.
- 01:02:48 And because abortion technically meant the expulsion of a Bible fetus from the uterus and the question was well, what about if I kill the child inside the mother's womb, is that still abortion and the answer is yes.
- 01:03:02 So I don't know if that's answering and as regards.
- 01:03:07 Essential collaboration and non essential collaboration cooperation.
- 01:03:14 Nothing has changed with all of that.
- 01:03:17 that's still the same discipline and application of practice and practice that hasn't changed.



### **Unknown Speaker**

01:03:25 Thank you.

- 01:03:27 Question from Christina.
- 01:03:31 Christina.



### **Christina Hip-Flores**

01:03:33 Thank you for the presentation.



### **Unknown Speaker**

01:03:35 I you Christina how.



## Christina Hip-Flores

01:03:36 Are you just wondering, do you have any ideas of how ecclesiastical functions could be interpreted.



## Unknown Speaker

01:03:42 Well, the words I don't have them all memorized here but you'll see that.

- 01:03:48 Often words appear like ecclesiastical function office ministry and it might be worthwhile to try to do a study on the differences in those means and what that means.
- 01:04:01 I would say it's happened so often certain things are clearly ecclesiastical offices ministries and functions other things may not be so clear.
- 01:04:11 And I would also add the penalized, subject to a strict interpretation, it might be helpful there for for jurisprudence, to develop.
- 01:04:20 more clearly what an ecclesiastical function means function is a very broad word that includes office and ministries, I think I would argue, but it includes more than that, or you wouldn't need to have the umbrella term it's not just an umbrella term that that equals office and administrative.
- 01:04:39 And the ministry what's ministry, I mean if i'm an athlete if i'm a communion distributor extraordinary Minister of the eucharist.
- 01:04:47 Am I.
- 01:04:48 considered someone who, who has.
- 01:04:52 That I could be negligent in my function and therefore subject to a penalty and 1378 or.
- 01:05:00 If I am extraordinary Minister the eucharist or do the Ministry of blackboard or catalyst if we get that.
- 01:05:07 Certainly catacombs but let's say ministry the eucharist and I sexually abuse, a vulnerable person have I committed that direct because i'm a communion distributor on the one hand, penal law has a strict interpretation, on the other hand, penalize has an accurate interpretation.
- 01:05:24 jurisprudence i'm sure it's going to be developing more and more, now that we have this new book sex that is meant to be a pastoral instrument, I would also argue that we are going to find a lot more.
- 01:05:38 Confident secret archives in curious because it's going to have to be a lot more preliminary investigations done if we're really going to see book six as something that we implement.
- 01:05:49 jurisprudence is our friend and that will help provide a lot of insight on a lot of these questions, I think, for example, and I often say.

- 01:05:59I read the canon on simulation of marriage if there's a disconnect between what I say, and what I intend i've simulated concept.
- 01:06:06Okay, I get it, I know what that says what does that mean what that means is what's explained intersperse constant jurisprudence practice to the road or the Holy See, so I look forward to more jurisprudence and not just about the sexual abuse stuff but about everything.



**Unknown Speaker**

01:06:22Christina Thank you.

- 01:06:24question in the chat from Michael Senor with respect to quiet I determine it penalties, does the judge have the discretion to impose more than one penalty or are they limited to only one.



**Unknown Speaker**

01:06:39The law is silent, that the law would allow more than one.



**Unknown Speaker**

01:06:44Okay, now we have a hand raised Timothy olson.



**Timothy Olson**

01:06:49hello, Monsignor.



**Unknown Speaker**

01:06:50hi how are you.



**Timothy Olson**

01:06:51 Good well good to see them.

- 01:06:54 With with fines.
- 01:06:57 would find be considered perpetual penalties, since you're you're perpetually deprived of that of those funds for Are they not perpetual since since it's only one time that the deprivation is occurring.



### Unknown Speaker

01:07:09 I would say that it's the ladder and we've been discussing this in my penal on teaching penal class right now to and we discussed that already.

- 01:07:16 I would say if perpetual fine would be a perpetual penalty that every year for the rest of my life I need to get \$100 to charity that's a perpetual penalty.
- 01:07:28 A one time fine you know if I if I if I run a red light here in Ottawa and I pay \$300 because I ran a red light, I don't have that \$300 anymore effort.
- 01:07:40 effort, but I wouldn't say that i've been perpetually penalized.



### Unknown Speaker

01:07:45 yeah.



### Unknown Speaker

01:07:49 Okay there's a question in the chat regarding your slides Monsignor will the slides be available as a printout such as several slides to age, I think you want to answer that question, or would you like me to to offer the comment that we.



### Unknown Speaker

01:08:06 Were yes.



### Unknown Speaker

01:08:07 Yes, thank you, the slides that Monsignor offered this afternoon are available in the recording.

- 01:08:12 But there won't be a slide group of slides posted on the on the website so for the information that's contained in the slides you'll need to look and relook and really look and read attentively.
- 01:08:25 The slides that Monsignor has presented this afternoon there will not be a posting of his PowerPoint presentation.
- 01:08:32 The next question comes from Joseph actually please comment canon 1392.



### Unknown Speaker

01:08:41 Right.

- 01:08:43 I just happen to have it right here.
- 01:08:46 A cleric who voluntarily and legitimately abandoned to sacred Ministry for six continuous months with the intention of withdrawing from the competent ecclesiastical authority is to be punished.
- 01:08:58 According to the gravity with a suspension or with the penalties these quayside determinants in war grave cases he can be dismissed from the clerical state, I would remind that this reflects someone.
- 01:09:11 components vt of Pope Francis that came out 19th of March 2019.
- 01:09:18 Where there's an illegitimate absence for 12 continuous months, which results in it so factor dismissal from a religious Institute.
- 01:09:26 it's analogous to that.
- 01:09:30 and also for a secular Institute.
- 01:09:33 So it's someone who's upset leaves and has no intention to come back.
- 01:09:38 and put the elements of the camp there's the material element voluntary and their legitimate abandonment of ministry, there is the formal element in intention through this action through the material element of withdrawing myself from the authority of the Bishop or my confidence superior.



### Unknown Speaker

01:09:58 Thank you, we have a hand raised mambo mambo she's on go, you can go ahead, please open your microphone.



## Mwamba Chisongo

01:10:07 Thank you.



## Unknown Speaker

01:10:08 Thank you, Monsignor.



## Mwamba Chisongo

01:10:11 Hello i'm actually from Zambia here.

- 01:10:17 Just on the I think it has been touched a little bit wanted to find out on the delete of abandonment of Ministry.
- 01:10:26 wanted to find out what is the penalty attached to that and also how practical is that.



## Unknown Speaker

01:10:35 well.

- 01:10:36 Okay again that's the one we were just talking about so you're thinking along the same line you know, make sure that have we posted the canons for the Vatican website, we can't do the clsa once yeah yeah.



## Unknown Speaker

01:10:49 We have yeah.



## Unknown Speaker

01:10:50 So i'd say be sure, and feel free to look at the candidate is 1392 there's the material that I said there's a formula.

- 01:10:59 This is a canon that the penalty is itself is prescriptive there is to be a penal process to take place when the circumstances of material

informal element converge and the penalty is either to be this quayside determinant 1336 paragraph to the forum.

- 01:11:19 or suspension suspension as a Center to bring me back to my senses right into it full light for among the people of God.
- 01:11:26 And in more grave cases, maybe after one or more several invitations to return, I could be dismissed from the clerical state.
- 01:11:36 I think it's a very helpful canon for bishops and for and it's only really for bishop, in a sense, because the episodic letter commodus vt.
- 01:11:47 addresses something analogous for religious, including for religious clergy, but that Communist vt is legitimate absence for a dozen month for a year.



### Unknown Speaker

01:12:01 yeah yes.



### Unknown Speaker

01:12:04 Thank you.

- 01:12:06 Question comment from Ken Keith john I thank you, where do you see local Churches or conferences obliged to make particular law similarly with religious institute's.



### Unknown Speaker

01:12:19 well.



### Unknown Speaker

01:12:22 there's only two times that particular law is expected to be made and that's made by the Conference of Bishops.

- 01:12:30 In the matter of fines among those expository penalties, I would also mention it, there are many things, I wanted to do and I kind of skipped a slide or two, we no longer speak of look.
- 01:12:45 When we speak a particular law.
- 01:12:49 We don't as precisely speaker particular law as we do a particular law made by a lower legislator.

- 01:12:56The reason is that the Holy Father, the supreme legislator can also make particular law for Australian law for the United States, what happened.
- 01:13:06So we would more precise to speak of when should a lower legislator make particular law.
- 01:13:13canon 13th 1317 1819 Those are all canons that provide sort of our hermeneutics are parameters around which.
- 01:13:20Any new any particular penal law should be made you know rarely make a Center only make laws when there's not any other config so convenient or so effective way of addressing a problem.
- 01:13:37and make sure that.
- 01:13:39Laws penalize to the measure that they are made.
- 01:13:43would be the same for neighboring particular churches or diocese's so you know joliet in Chicago rockville centre brooklyn New York City.



### **Unknown Speaker**

01:13:55yeah.



### **Unknown Speaker**

01:13:57yeah maybe baltimore and Washington DC yet where you hardly know where the boundaries are.

- 01:14:04Now, in joliet and in Chicago at the time they both prayed for Joseph our bishop, but one was image and one was burned it, you know again it's just across the street from each other, sorry so yeah.



### **Unknown Speaker**

01:14:16hey Thank you do you know he has a question, what do you think of those urging the church to classify the sexual abuse, under the fifth commandment rather than the sixth commandment.



### **Unknown Speaker**

01:14:29Well, in some ways.

- 01:14:31 To be honest.
- 01:14:32 I think I think it's clever.
- 01:14:34 When I was sharing this with some of the other day, they said well this sounds like something Pope Francis who had he thought of that sort of thing because of his constant talking about the damage that is the result of sexual abuse the trauma the harm the scars the lifelong.
- 01:14:48 pain, the victims.
- 01:14:51 of sexual abuse experience so it's good, but you know I would also, I think we could take some consolation in realizing the right now.
- 01:15:01 i'm in a way that kind of.
- 01:15:05 Is.
- 01:15:09 about both the fifth commandment and the sixth commandment because the other canon in.
- 01:15:15 It which is 1397 this type of Title six deals against human life, dignity and freedom contains two candidates 1397 and 1398 97 is mutilating kidnapping etc sins against the fifth commandment.
- 01:15:30 And abortion sin against the fifth commandment and right next there is 1398 so it's with it, you know if we interpret or understand penal law in any context and context, the text speaks of sixth commandment Okay, I get that but it's also in the context.
- 01:15:49 Of the fifth command and then a title about since it gets so in a way it's already there couldn't be more precise yeah but it's certainly.
- 01:15:58 Certainly, a good message has been sent out by situated in this channel, although referring to the sixth commandment within the context of since also against the fifth commandment so in a way it's already there.



### Unknown Speaker

01:16:13 classes get dirty about the expression person who eventually habitually has an imperfect use of reason, can you specify the term habitually can this be temporary and, if so, under what condition.



### Unknown Speaker

01:16:28 I would say, temporary and habitually are not synonyms if something's temporary, I would say that it's not habitual habitual means it in my judgment, will give ritual means more more always and not simply temporarily.

- 01:16:46 But again, you know I know what the word habitual means I know what temporary means I know a temporary says and what template with

habitual says, I know what it says, but what does it mean maybe jurisprudence concert shed some light on this.



### **Unknown Speaker**

01:17:03 Thank you.

- 01:17:05 Question from Laura Ruiz, can you comment on the use of Canon.
- 01:17:10 To impose a received damages for injury, with regard to book six on repairing harm.



### **Unknown Speaker**

01:17:18 What Kevin 128 it's not a penal law right no.



### **Unknown Speaker**

01:17:23 General norm right.



### **Unknown Speaker**

01:17:27 And it says, whoever legitimately inflict damage on someone by a genetic act or any other place with malice or negligence isn't is obliged to repair the harm inflicted.

- 01:17:37 yo So here we have a non patent law it's the law in a post as an obligation, because it's a lot but it's not a penal it doesn't carry a sanction with the seven times that.
- 01:17:50 Book six, part two, refers to reparation of harm.
- 01:17:55 Is is an application of the more general canon 128 but in a penal context it's somewhat speculative but it's an interesting speculation is the in those seven candidates is the reparation of harm.
- 01:18:13 Part of the penalty.
- 01:18:16 Or is it something of the natural order that someone who otherwise penalized is supposed to.
- 01:18:23 Address and do.
- 01:18:26 kind of speculative but, again, an interesting and appropriate speculation, so I would say that those seven can charge so some those

seven canons apply 128 and make 128 penal in those seven those seven instances.



### **Unknown Speaker**

01:18:45 Thank you question from Ray carpet is canon.

- 01:18:51 about the unlawful abandonment of ministry the normative inclusion of the special faculty conceded to the congregation of clergy special faculty three recognized a period of five consecutive years.



### **Unknown Speaker**

01:19:04 Well, I would say 1392 says what it says and it doesn't say five years so it's certainly I would say, an instruction or restriction of that but.

- 01:19:15 you'll remember it 1392 because people are subject to strict interpretation, there has to be the formal element, there has to be the material element, and then there has to be a painful process.



### **Unknown Speaker**

01:19:26 Thank you.



### **Unknown Speaker**

01:19:27 And the Church, I think, through 1392 and through.

- 01:19:31 Community vt is really trying.
- 01:19:35 To.
- 01:19:38 Keep the list of those who work in.
- 01:19:42 Precise who are in religious institutions who are incarnated in a diocese and so on, so that there aren't people out wondering irresponsibly.



### **Unknown Speaker**

01:19:53 Question from Diane bar my presuming that a bishop can define what an ecclesiastical function might be in his diocese for his own

diocese and a second question, my senior when will your book on this book be available.



### Unknown Speaker

01:20:09haha well for one thing soon as we get the American translation.

- 01:20:15yeah i've already written the book but i'm waiting for the American translation and the value i'm teaching it this year, right now, right now, and.
- 01:20:23very smart students here at St Paul good pressing questions answers to which are dances concerning which to try to answer are things that can be incorporated in the book.
- 01:20:33But it's coming out, it will be coming now a bishop could define an ecclesiastical function in his own diocese sure, but remember a bishop can also establish particular law i've been saying for a long time, why does inhibition.
- 01:20:49Make child abuse by a lay person or at least lay persons in ecclesiastical offices and ministries into a dealing it always could have been done well, now the pulpit so.
- 01:21:01yeah particular law is not our enemy, but it's also not our first friend.



### Unknown Speaker

01:21:10We have a question from David motif What can we expect by way of similar revisions in the 1990 Eastern code.



### Unknown Speaker

01:21:18Well, I know.

- 01:21:20Okay.
- 01:21:20So now's the time for the gospel.
- 01:21:22I hear people in both said you're saying that.
- 01:21:26that there will be a revision of the eastern code when I don't know.
- 01:21:32Also, someone gave a talk recently and I heard that what is it the body make them, maybe a new version of the body, making version 1.1

or 2.0 may be coming out so that it's simultaneous with the effective date of the new law.

- 01:21:50 So honor before December 8 the body make them that just came out a year ago, was it in June.
- 01:21:55 July July July.



### Unknown Speaker

01:21:57 yeah.



### Unknown Speaker

01:21:59 and



### Unknown Speaker

01:21:59 **And that's good I also, I think the same person.**

- 01:22:05 A person who works at the Vatican said that 695 in the Latin code certainly should be changed as well.
- 01:22:13 Now, and remember, I mentioned that in the 2001 the preface of that draft the went around in 2001 that the only graph that went around.
- 01:22:22 The preface which appears in communicates ya know so it's not breaking any Pontifical anything I secrecy or confidentiality had spoken of modifying 695 and also 1717 1718 and 1720 i'm not sure 17 1719 and both of those need to be modified anymore in as much as that one.
- 01:22:44 makes reference to 1720 and saying remember you need to have moral certitude and you need to as the ordinary who imposes through the extra judicial process ordinary every delegate and also there has to be a right to Defense.
- 01:22:59 made.
- 01:23:00 A happy work for someone who wants to do it would be to apply.
- 01:23:09 **To see what principles of the judicial process should apply in the extra judicial process, and I think you'll see that most of the instance, most of the by analogy of law, most of the requirements of the extra judicial process and necessarily would be in the.**
- 01:23:25 Of the judicial process would be in the extra judicial process why because they speak about a natural right to Defense not to be required to speak under oath to have an advocate to speak last to have full disclosure.

- 01:23:40i'm think that with the new body make them that could come out and that's another reason to hold off publishing anything to.
- 01:23:46too big.
- 01:23:48and wait till the new body may come comes out because the body makeup from the CDF provides tremendous insights.
- 01:23:56For the extra judicial process taking from the judicial and applying to the extra traditional and also, even though the body macomb is only for clergy sexual abuse of minors and those who, like you, recent imperfect disagrees because that's the only reserved dealing.
- 01:24:12The principles that are there would apply for so many of them for anything of the extra judicial process and would also apply it.
- 01:24:23will also show what elements of the judicial necessarily or of such ecclesial if not natural justice order that they would apply in digital extra judicial branch judicial and i'm babbling.



### **Unknown Speaker**

01:24:37Thank you, my tenure, we have a question has canon 1362 paragraph three priority in relation to can and 1512.

- 01:24:46Number 413 62 paragraph three.



### **Unknown Speaker**

01:24:54And that is.



### **Unknown Speaker**

01:24:55A Malaysian with canon.



### **Unknown Speaker**

01:24:57editing.



### **Unknown Speaker**

01:24:59yep.



### Unknown Speaker

01:25:01 Number 41512.



### Unknown Speaker

01:25:10 So this is about the suspending of prescription, if I have that correct right and kind of 1512.

- 01:25:20 Paragraph for.
- 01:25:25 Well yeah.
- 01:25:27 It is that isn't it.
- 01:25:29 13 1362 paragraph three speaks about the suspension of the interruption of prescription and.
- 01:25:40 Set the prescription is interrupted whenever the radius the what's called the respondent is cited, however.
- 01:25:52 is on the ordinary contentious process and it would apply in any judicial process, therefore, and penal lot incorporates these canons from the.
- 01:26:01 From the ordinary contentious process into penal law but there's more restriction and 1362 because here the interruption is for a maximum of three years here it's without it.
- 01:26:15 In 1512.
- 01:26:17 very good question something else to put in.



### Unknown Speaker

01:26:22 So there are many, many thank yous Monsignor for the presentation we won't go through the names, but.

- 01:26:28 your presentation has been very well received and I draw your attention to the participants attention considering to register for months seniors workshop on the 24th of November, which is at 12 o'clock, but do you accept sexual abuse in the revised penal law of the Latin Catholic Church.
- 01:26:50 So I believe Professor core value is in the background, possibly.
- 01:26:55 To close.
- 01:26:57 Thank you, thank you.



## Unknown Speaker

01:26:58 Thank you sister Louise for leading this.

- 01:27:03 Question answer period, with so many participants.
- 01:27:08 Thank you, Monsignor Rankin for accepting our invitation to offer a webinar on the topic which is certainly timely and important for the life of the Church.
- 01:27:21 And we are truly grateful that you share generously your expertise with us and to be helped, that your reflection will help us in the proper understanding of the new law its interpretation and application and blessing our canonical and pastoral Ministry.
- 01:27:44 I think all.
- 01:27:44 Participants as well because it's a giant there for the presenter and their responses from the participants.
- 01:27:54 It was a huge interest generated by this topic of the one point to become it over 400 registrations imagine that.
- 01:28:05 And we are very pleased, but the fact that this initiative of ours drove such numbers and participants at one point be counted 231 participating live, but certainly many others will review the recorded material later on.
- 01:28:30 It will be available on our website, as it was said before, and on this occasion, I would like to invite all of you to participate in our next webinar taking place on December 1.
- 01:28:47 On Pontifical secret by Father Justin Glue please take and notice that the time is slightly changed because Father Glenn is going to speak from Australia, and that would be some.
- 01:29:04 Cattle our for him to have this conference, again, thank you very much, all involved in this presentation, also to Professor Glendinning who was acting in the background, and all those who facilitated this event, thank you, and God bless.



## Unknown Speaker

01:29:26 Thanks so much see you.



## Unknown Speaker

01:29:28 I know, thank you, my.



**Unknown Speaker**

01:29:29 **Dear bye bye ev**