



The Holy See

APOSTOLIC CONSTITUTION

PASCITE GREGEM DEI

OF THE HOLY FATHER
FRANCIS

REFORMING BOOK VI OF THE CODE OF CANON LAW

“Tend the flock of God that is your charge, not by constraint but willingly, as God would have you” (cf. 1 *Pet* 5:2). The inspired words of the Apostle Peter are echoed in those of the Rite of Episcopal Ordination: “Our Lord Jesus Christ, who was sent from the Father to redeem the human race, himself sent twelve apostles into the world. Filled with the power of the Holy Spirit, they were to preach the Gospel, and gathering all peoples into one flock, they were to sanctify and govern them.... Through the wisdom and prudence of the bishop, Christ himself leads you on your earthly pilgrimage toward eternal happiness” (cf. *Ordination of a Bishop, of Priests, and of Deacons*, second typical edition, English translation, 2018, pp. 41, 43). Bishops are thus called to govern “by counsel, exhortation and example, as well as by their authority and sacred power” (*Lumen Gentium*, 27), inasmuch as charity and mercy demand that a Father also make every effort to correct deviations.

In her earthly pilgrimage, the Church has established from apostolic times laws and rules of conduct that down the centuries took shape as a cohesive body of binding norms safeguarding the unity of God’s People. Bishops are responsible for ensuring that these rules be obeyed, for they reflect the faith that we all profess and from which their binding force is drawn; founded upon that faith, they manifest the maternal mercy of the Church, which is ever concerned for the salvation of souls. Since those norms are meant to govern the life of the community in the course of time, they must take account of changes in society and new needs of the People of God, for which reason it is at times necessary to modify and adapt them to changed circumstances.

Amid today's rapid social changes, "we are experiencing not simply an epoch of changes but an epochal change" (*Address to the Roman Curia for the Exchange of Christmas Greetings*, 21 December 2019). It has thus become clear that a fitting response to the needs of the Church throughout the world calls for a revision of the penal discipline in the Code of Canon Law promulgated by Saint John Paul II on 25 January 1983, so that the Church's pastors can employ it as a more flexible means of correction and salvation, capable of being applied swiftly and with pastoral charity in order to avoid more serious evils and to bring healing to injuries caused by human weakness.

To this end, my Venerable Predecessor Benedict XVI in 2007 ordered the Pontifical Council for Legislative Texts to begin the process of revising the penal regulations contained in the 1983 Code. In carrying out this task, the Dicastery made concrete efforts to determine new needs, to identify the limitations and flaws of the current legislation, and to indicate possible clear and simple solutions. That study was carried out in a spirit of collegiality and cooperation, with the assistance of experts and bishops, with a view to adapting eventual solutions to the varying needs and cultures of the local Churches.

A first draft of the new Book VI of the Code of Canon Law was subsequently drawn up and sent to all Episcopal Conferences, the Dicasteries of the Roman Curia, Major Superiors of Religious Institutes, Faculties of Canon Law and other ecclesiastical Institutions for their observations. In the meantime, a number of canonists and experts in penal law worldwide were also consulted. The responses from this preliminary consultation were collected and submitted to a group of experts, who revised the draft in light of those suggestions and then submitted them once more to the consultors for careful review. After further revisions and discussions, the final draft was examined in the Plenary Session of the Members of the Pontifical Council for Legislative Texts. Lastly, after incorporating the corrections from the Plenary Session, the text was consigned to the Roman Pontiff in February 2020.

The observance of penal law is binding on the whole People of God, but responsibility for its correct application — as stated above — lies specifically with the bishops and the superiors of individual communities. It is a task that cannot be separated in any way from the *munus pastorale* entrusted to them, and is to be carried out as a concrete and essential requirement of charity, not only towards the Church, the Christian community and potential injured parties, but also towards those who commit crimes and are themselves in need of the Church's mercy and correction.

In the past, great damage was done by a failure to appreciate the close relationship existing in the Church between the exercise of charity and recourse — where circumstances and justice so require — to disciplinary sanctions. This manner of thinking — as we have learned from experience — risks leading to tolerating immoral conduct, for which mere exhortations or suggestions are insufficient remedies. This situation often brings with it the danger that over time such conduct may become entrenched, making correction more difficult and in many cases

creating scandal and confusion among the faithful. For this reason, it becomes necessary for bishops and superiors to inflict penalties. Negligence on the part of a bishop in resorting to the penal system is a sign that he has failed to carry out his duties honestly and faithfully, as I have expressly pointed out in recent documents, including the Apostolic Letters issued *Motu Proprio As a Loving Mother* (4 June 2016) and *Vos Estis Lux Mundi* (7 May 2019).

Charity thus demands that the Church's pastors resort to the penal system whenever it is required, keeping in mind the three aims that make it necessary in the ecclesial community: the restoration of the demands of justice, the correction of the guilty party and the repair of scandals.

As I observed recently, canonical sanctions also have a reparative and salvific end, and are primarily directed to the good of the faithful. In this sense, they represent "a positive means for the realization of the Kingdom and for rebuilding justice in the community of the faithful, who are called to personal and common sanctification" (*Address to Participants in the Plenary Session of the Pontifical Council for Legislative Texts*, 21 February 2020).

Therefore, in continuity with the overall features of the canonical system, in accordance with the Church's tradition as consolidated over time, the new text introduces various modifications to the law presently in force and introduces several new types of crime, corresponding to the growing need in various communities to ensure the restoration of justice and order that the delict infringed.

The text has also been improved from a technical aspect, especially with regard to fundamental issues of criminal law, such as the right to self-defense, the prescription of penal action, and the need for greater precision in the determination of penalties, consonant with the requirements of penal law, thus providing ordinaries and judges with objective criteria for identifying the most appropriate sanction in individual cases.

The revision also respects the principle of reducing cases in which the imposition of a sanction is left to the discretion of authorities, so that in the application of penalties, *servatis de iure servandis*, ecclesial unity will be fostered, especially in the case of those delicts that cause the greatest harm and scandal in the community.

In light of the foregoing, by this Apostolic Constitution I promulgate the revised text of Book VI of the Code of Canon Law as ordered and revised, in the hope that it will be an instrument for the good of souls and that its prescriptions will be applied by the Church's pastors, whenever necessary, with justice and mercy, in the awareness that it is part of their ministry, as a duty of justice — an eminent cardinal virtue — to impose punishment when the good of the faithful demands it.

Lastly, in order that all may have full and ready access to the provisions in question, I decree that this revision of Book VI of the Code of Canon Law be promulgated by publication in *L'Osservatore*

Romano, entering into force beginning on 8 December 2021, and that it be inserted thereafter in the Official Commentary *Acta Apostolicae Sedis*.

I further decree that, with the entry into force of the new Book VI, the present Book VI of the Code of Canon Law be abrogated, anything to the contrary notwithstanding, even if worthy of particular mention.

Given in Rome, at Saint Peter's, on the Solemnity of Pentecost, 23 May 2021, the ninth year of my Pontificate.

Franciscus

L'Osservatore Romano, Weekly Edition in English, 4 June 2021.

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