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Protection of the Ecclesial Community against Internet Abuses in Book VI of the Code of Canon Law

Abstract: Pope Francis, promulgating new canonical provisions in the field of criminal law, made an in-depth analysis of the ecclesial community, both in itself and through its reference to the secular community. From this perspective, the study presents the reasons for normative solutions: theological, church-social, and social. They constitute a point of reference for considering the abuses and crimes committed by the faithful using the Internet. The presence of the Internet has significantly changed the perception of the secular and ecclesial community, which does not release the faithful from the obligation to guard the faith and bear witness to it. This is also served by normative solutions, the observance of which contributes to building the unity of the community.

Keywords: Church community, protection, Internet abuse, criminal law

The result of the reform of criminal law initiated by Pope Benedict XVI in 2009 is the new text of Book VI of the Code of Canon Law, which entered into force on December 8, 2021. It can be largely called a new text, as only 19% of disciplinary provisions from the previous version of the book remained unchanged (seventeen unchanged canons), nine canons (10%) changed their place in the current systematics, and as much as 71% (63 canons) of disciplinary provisions have been changed.¹ This is the first reform of the existing code

¹ Juan Ignacio Arrieta, *The new Book VI of the Code of Canon Law. Intervention*. Press Conference to present the new Book VI of the Code of Canon Law (1.06.2021), <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/06/01/210601e.html>, accessed November 2, 2021.

provisions on such a large scale. The previous ones concerned individual canons. The only thing that can be compared to the current reform is the comprehensive reform of the matrimonial process by Francis for the Western Church and Eastern Catholic Churches. In the case of the reform of the marriage process, it had a pre-emptive character, directing new rules of conduct towards the future.

The revision of Book VI is an example that *ius sequitur vitam*, as Francis clearly points out. It is a reaction to certain shortcomings, not only difficulties as in the case of the process reform. The difference between them concerns not only the smaller number of reformed canons in the case of the process reform, but, above all, the scope of the material. As far as the matrimonial process is concerned, the reform concerned the legal institution which is the procedure for annulment of marriage, while in the case of Book VI, the reform applies to the entire branch of law. And, as in the first case, we were dealing with disciplinary norms, in the discussed situation the legal solutions refer to the constitutional norms of the Church expressing its communal and unity character, for the development of which the law delimits a certain space allowing for the expression of what a community is. On the other hand, the law, by delimiting the boundaries for the development of life-giving elements that build the Church, that is faith, love, graces, and charisms, also protects her unity in multiplicity. It guards unity against disintegration, dismemberment, temptations of individualism, and sinful confusion, at the same time showing ways of returning through appropriate compensation for situations improper for its unity.

For this reason, in the further part of the study I will pay attention to several issues: (1) theological reasons for the changes in criminal law; (2) church and social reasons; (3) social reasons; (4) reasons for including normative solutions in criminal law regarding sinful and criminal situations in which the use of the mass media plays a role.

Theological Reasons

The rationale behind the revision of Book VI of the Code of Canon Law can be seen in the theological and social dimensions. The first of them were emphasized in the Apostolic Constitution of Pope Francis, by which he promulgated the new text of the normative act.

(1) First of all, attention should be paid to the very title of the Constitution: *Pascite gregem Dei*,² which phrase was taken from 1 Pt 5, 2. However, for a full understanding of the papal intention, it is worth quoting the full words from which the title was taken, namely: “Tend the flock of God that is your charge, not by constraint but willingly, as God would have you, not for shameful profit but eagerly. Do not lord it over those assigned to you but be examples to the flock” (1P 5, 2–3). The above recommendation of St. Peter shows that on bishops, as on the foundation on which the Church was built, lies the responsibility for maintaining this building in its entirety. The stability of the building is evidenced by all the elements that form it. Francis, referring to the Conciliar Constitution on the Church, points to advice, encouragement, examples, authority, as well as the holy authority.³

The shepherds of the Church were committed, and therefore pre-elected, to guard and preserve the unity of God’s people. They are to do this by setting an example of observing the rules of conduct that are characteristic of the entire people of God. The example for the herd is connected with the obligation to exercise authority in the only possible form for the ecclesial community, which is pastoral service. All kinds of remedial measures at the disposal of pastors should be viewed from this very perspective. Their establishment and application should be made from the perspective of the community to which the injured persons belong, as well as persons committing crimes, in need of repair (improvement) and a sense of mercy in the form of conversion and re-finding their place in the community.

Francis points out that these rules reflect faith, which is a bond of unity. Faith, as a free-given grace, has an element that obliges us to communicate it further through the testimony of life arising from it. The Pope goes much further in his formulations, at the same time stating that the rules express “maternal mercy of the Church,” which clearly indicates that they should be read in an educative, but also forgiving aspect. Both these aspects are united by the common goal of law in the Church, which is the salvation of souls. The goal seems to be meta-canonical, but in its depth it reaches the earthly life of the ecclesial community which anticipates eternal salvation by starting its process in the earthly life of the Church. After all, adherence to canonical norms aims to build a community, as John Paul II stated during the presentation of the Code of Canon Law in 1983.

(2) The pastoral task of bishops, the Pope emphasizes, is carried out in the use of the above-mentioned tools, but always with an indication of their salvific and corrective purpose. Correcting wrongdoing is therefore inseparable from

² Francis, *Pascite gregem Dei* (23.05.2021), https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html, accessed November 2, 2021.

³ *Lumen gentium*, 27.

directing the members of the Church to salvation, which is realized in the Church and through the Church, which is a sign and instrument of salvation. The protection of the community is thus carried out by the protection of its members. The community does not exist except through its members, and the sure path of salvation is in the community. The individual and the community are mutually dependent. The rules and norms of life in an ecclesial community should be perceived in the mutual relationship between the community and the individual. The norms addressed to the individual, indicating his appropriate conduct in the proper sense, apply to the entire community, as they are intended to provide the faithful with an environment for their own development of faith.

(3) Writing about the responsibility for the correct application of the norms of the church community, the Pope reminds that the obligation to maintain criminal discipline rests with the entire community. The expression used by the Pope is significant, as it does not address individual members of the community, but the entire People of God. He points out that the essence of criminal law is not to direct individual solutions against individual believers and stigmatize them for wrongdoing, but to protect the People of God. He emphasizes the role of collective conscience as a dimension of unity in relation to the temptations of particularism centered around oneself. It is about the good of this community in which other believers will be able to fulfill their vocation, and which, through the actions of the individual, is exposed to wounds and losses. Indeed, causing harm does not only affect an individual member of the community, but is harm done to the community. The Church is not a community based on social bonds but is a living organism in the body of Christ.

(4) Another reason, which I also classify as theological, relates to the pastoral office of bishops, who in the Church are not keepers of order, but shepherds. Addressing them several times in the Constitution, Francis emphasizes that their pastoral task, carried out with love and mercy, requires that they “make every effort to correct deviations.” In order not only to recall the task arising from the office, but also the obligation to take action, a new canon 1311 §2 was introduced at the very beginning: “The one who is at the head of the Church must safeguard and promote the good of the community itself and of each of Christ’s faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal.” This imperative of pastoral action coexists with the statement in the same canon of the Church’s own inherent right “to constrain with penal sanctions Christ’s faithful who commit offences.” The new wording incorporated into the normative text together with can. 1317 (“Penalties are to be established only in so far as they are really necessary for the better maintenance of ecclesiastical discipline”) change the point of view on the place and role of

criminal discipline in the Church. For in the previous provisions in can. 1341, penal measures could be applied (*tunc tantum promovendam curet*) only if other pastoral measures “cannot sufficiently repair the scandal, restore justice, reform the offender.” The punitive measures were considered equivalent to other possibilities to prevent an irregular situation in the Church. Thus, penalties could not be invoked when other measures were able to prevent irregularities. The current provisions are dominated by the need to react when it needs to be done. The application of a criminal sanction is not one of the possible measures on an equal footing with the others, nor the last to be invoked. It is a remedy for the situation that has arisen. In the current canon of 1341 we read⁴: “The Ordinary must start (*promovere debet*) a judicial or an administrative procedure [...]” The earlier lack of compulsory application of a penal sanction in the new wording was replaced by an explicit order addressed to the ordinaries to apply sanctions when other measures turned out to be ineffective. The new way of regulating sinful and criminal situations has thus become the ordinary means of exercising the pastoral ministry of bishops to remedy scandal and to rectify broken justice in accordance with the second principle of the revision of Book VI, namely, the protection of the community by preventing the above-mentioned goals.

The obligation to issue a penal order (can. 1319 §2) and to initiate a sanctioning procedure (can. 1341) always exists whenever the ordinary considers them necessary (not only possible, permissible) for the achievement of repair of the scandal, compensation for the violated justice, and correction (conversion) of the guilty. Changing the perspective of the use of foundation-strengthening measures therefore falls within the scope of the pastoral care of bishops and ordinaries. What was possible now becomes necessary. Ordinaries cannot flee from this. Francis recalled their task, which is not something added but results from their office and the way they exercise it. The provision of the code is in line with the understanding of the bishop’s office and the role of the superior of the church community, always for its good.

The reminder of Francis has a reason, as he himself mentioned in the Constitution. It is not the necessity of penalizing criminals modeled on secular communities and the common opinion or will of the people, and the lack of adequate responses to the situation of pedophile scandals in recent years. The reasons are deeper and go back to the situation that developed under the influence of the Second Vatican Council. Contrary to other norms, which were revised with the Council and after it, which, as it were, confronted the life of the Church and changed in order to best reflect the life of the ecclesial community in a changing world, thus contributing to its evangelization, more clearly and more simply

⁴ Can. 1341: “Ordinarius proceduram iudicalem vel administrativam ad poenas irrogandas vel declarandas promovere debet cum perspexerit neque pastoralis sollicitudinis viis, praesertim fraterna correctione, neque monitione neque correptione satis posse iustitiam restitui, reum emendari, scandalum reparari.”

expressing the faith of the Church, the norms of criminal law have only been reduced in relation to the previous code. They have not been established like the others, nor have their effectiveness and power of influence been reviewed. The provisions of the code in the criminal matter clearly felt the principle underlying the revision of the entire code, namely the reevaluation of particular legislation, leaving bishops and superiors the possibility of preventing irregular situations in accordance with their pastoral judgment. Experience has shown, however, that the application of the binding norms remained on the sidelines or was considerably pushed aside by privileging other pastoral measures, emphasizing the elements of love and mercy along with the failure to rectify the requirements of justice.⁵ Pope Francis points to this reason when he writes about the lack of recognition of the internal connection existing in the Church between the service of love and the reference, whenever circumstances and justice so require, to criminal discipline. The consequence of this state of affairs is the risk of life forms which become contrary to ecclesiastical discipline and which cannot be prevented merely by prescriptions or instructions. In the longer term, this threatens to consolidate inappropriate behavior, which ultimately results in a scandal, misunderstanding between the faithful, making it more and more difficult to rectify the situation. In his argument, he adds a firm statement referring to the nature of the bishop's pastoral office, stating that the negligence of pastors in referring to the penal system shows that they do not fulfill their pastoral function properly and faithfully. Hence the new normative provision that shepherds are obliged to resort to the penal system whenever the situation requires it, always having in mind the goals which this system serves: repairing scandal, restoring justice, and reforming the guilty.

Ecclesial and Social Reasons

(1) Emphasizing the theological reasons behind the pastoral office can only remain a deepened reflection. This, however, should lead to specific actions that use the position and tasks resulting from the office held. The person endowed with it was destined to perform an office and should be qualified for it (can. 149). This ability is also manifested by the selection of appropriate means or favoring some over others that are at the disposal. The law itself has so far implied it. However, the selection of measures must not lead to the omission of others that may prove to be more effective. Such measures also include the imposition of penalties, which may be carried out in view of their goals, always

⁵ Arrieta, *The new Book VI of the Code of Canon Law*.

taken jointly, and not only selectively, that is, restoring justice, reforming the offender and repairing the scandal.⁶ A single selection of the implementation of the objectives of the punishment leaves other effects of the committed crimes unsatisfied.

In the Apostolic Letter issued *motu proprio* *As a Loving Mother*,⁷ Francis pointed to the ineffectiveness of the actions taken so far. In it, the Pope emphasized the obligation to care for, love, and protect the smallest and the most vulnerable, which is a task entrusted by Christ to the entire Christian community. This obligation rests in particular with shepherds and it “must be exercised” by conscientiously protecting “the weakest of those entrusted to her care.” Therefore, there is a special bond between an office which is by its nature permanently established and a person capable of fulfilling it, and, consequently, the necessity to react in the form of removal from the office related to the failure to fulfill the tasks related to it. Among such serious reasons for dismissal, Francis included “the negligence of a Bishop in the exercise of his office, and in particular in relation to cases of sexual abuse inflicted on minors and vulnerable adults.”

(2) Pope Francis supports the episcopal ministry by promulgating new disciplinary norms allowing bishops to properly exercise their pastoral office that combines the requirements of charity and justice. As the chairman of the Pontifical Council for Legal Texts, Bishop Filippo Iannone, recently stated, “the relationship of interpenetration between justice and mercy has at times been misinterpreted, fueling a climate of excessive laxity in the application of criminal law, in the name of an unfounded opposition between pastoral care and law, and criminal law in particular.”⁸ This is also related to the changes he noticed taking place in connection with the new requirements of the People of God, which he, however, does not explicitly mention. However, they can be read from the promulgated legal text by analyzing the changes introduced by Pope Francis regulating new challenges faced by the faithful of the contemporary Church.

To illustrate the situation of changes taking place in the community of the Church and requiring reactions in the form of penal norms, one can recall those that are related to the sensitivity of the faithful to offenses committed against the sixth commandment of the Decalogue. The existing crimes in this matter were classified as crimes against special obligations. After the changes introduced by Francis, they belong to crimes against life, dignity, and human freedom.

⁶ Can. 1341.

⁷ Francis, *As a Loving Mother* (4.06.2016), https://www.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco_lettera-ap_20160604_come-una-madre-amorevole.html, accessed November 2, 2021.

⁸ Filippo Iannone, *Intervention*. Press Conference to present the new Book VI of the Code of Canon Law, 1.06.2021, <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/06/01/210601e.html>, accessed November 2, 2021.

Changing the place of placing the nature of the crimes under a different editorial title confirms the burden of the criminal act and indicates the need to care for the aggrieved part in order to restore justice and redress the wrongs caused. In addition, the extension of the scope of crimes to members of the Institutes of Consecrated Life and persons performing relevant functions in the Church confirms that for the Church this type of crime is not only associated with special tasks and offices in the Church, but concerns the protection of human dignity regardless of these who engage in criminal activities. Additionally, the inclusion of such norms in the Code of Canon Law makes the norm, which until now was a special norm, a universal norm confirmed by the legislator in the universal set of Church laws.

The innovations of penal regulations, which are a response to the changing conditions of the life of the Church community, include those that concern economic and financial matters in order to ensure absolute transparency of the institutional activity of the Church. Such activity, as Pope Francis would like it,⁹ should always remain exemplary for all administrators of property. The administration of goods concerns the goods of the Church, the possession of which depends on the goals they are to fulfill.¹⁰ Francis also identified new criminal situations and specified new features of the crimes existing in the Church so far. It is noteworthy that other members of the Church are also to suspension, previously reserved only for the clergy.

(3) In the constitution *Pascite gregem Dei*, Francis also draws attention to the inadequacy of the measures taken so far, which, as Archbishop Filippo Iannone stated, led to a climate of excessive relaxation and privilege of the attitude of mercy towards the obligations arising from justice. As a consequence, it resulted in a form of “privileging” the guilty party to the detriment of the aggrieved party. The first form of reaction to this type of situation is the introduction of the obligation to apply penal norms as opposed to their existing permissibility and to treat them on an equal footing with other remedial measures that do not have the same goals as penalties, nor do they concern the same situations. The lack of this distinction was often the cause of corruption in the attitude of pastors and caused a situation of scandal in the ecclesial community. The second form of response is the issuance of new, specific standards that must be applied. The third, however, is the possibility of removing from the office those shepherds who do not use these norms to rectify the situation within the community. It is not a form of disciplining shepherds, but an indication of new tools that are part of the exercise of the office entrusted to them. Thus, Francis emphasizes the role of the bishop in the ecclesial community entrusted to him.

⁹ Francis, *Inauguration of the Judicial Year of Vatican City State Tribunal* (27.03.2021), https://www.vatican.va/content/francesco/en/speeches/2021/march/documents/papa-francesco_20210327_tribunale-scv.html, accessed November 2, 2021.

¹⁰ Can. 1254 §2.

The Pope did likewise by reforming the provisions on the process of annulment of marriage, reminding bishops of the judicial dimension of their ministry, granting them the possibility of judging cases of nullity of marriage in a short trial before the bishop.

Social Reasons

During the audience granted to the employees of the Roman Curia on the occasion of Christmas on December 21, 2019, Francis pointed out the rapidly occurring social changes, while stating that “we are experiencing *not simply an epoch of changes, but an epochal change*.”¹¹ He also made this statement in the constitution promulgating Book VI. Therefore, he indicates that the changes taking place in society, and even the change of society itself, also influenced the need to react by means of penal regulations to the situations which, under the influence of these changes, take place in the Church. The changes Francis mentioned in his Christmas speech concern the way of living, relating to each other, communication and developing thinking, inter-generational relationships, understanding, and living based on faith and knowledge.

(1) The first perceived social change to which the Pope responds stems from “human weakness.” In his speech to the staff of the Roman Curia, the Pope pointed to changes that do not take place in a linear but epochal way. They are manifested in a change consisting in taking up new forms of life offered by society without an appropriate response resulting from the adopted attitude to life. Francis is concerned with the mismatch between what a person admits to and how they begin to live. This lack of correlation affects the authenticity of life and distorts the image of reality. Referring to an earlier speech in the document promulgating the new criminal law of the Church, Francis indicates the above situations of social life as penetrating the attitudes of the faithful in the Church. The example that was cited is the inadequacy of the office and position of the shepherd to the need to react to criminal situations in the Church, which, as Francis said, are a consequence of “human weakness.”

(2) In this context, the Pope proposes a new view of the reality in which the Church exists in the perspective of the parousia. It shows that the change should

¹¹ Francis, *Christmas Greetings to the Roman Curia* (21.12.2019), https://www.vatican.va/content/francesco/en/speeches/2019/december/documents/papa-francesco_20191221_curia-romana.html, accessed November 2, 2021.

take place in the transition from external elements influencing people's life to transformations to create a more human and Christian world. In this perspective, he also sees the aim of the ecclesiastical criminal law, which combines a salvific and corrective element, both human and Christian.

(3) Promulgating the new provisions of the criminal law, Francis points out that they must be closely related to social changes and the requirements of the People of God. The juxtaposition of the secular community, in which the ongoing changes affect the church law, and the church community, allows us to look at the requirements of the latter, to whom the criminal law is addressed, in a broader perspective. On the one hand, there is certainly concern for the preservation of ecclesiastical discipline that protects its good and, on the other hand, with an emphasis on its identity as a testimony to the world and its evangelizing function. The observance of clearly defined ecclesiastical disciplines is directed to the external expression of the truth of the life of this community, so that the external behavior corresponds to the internal faith that requires testimony. The law of the Church is part of her fundamental task of being a sign and instrument of salvation, and as such has its place in the mission of the Church herself.

Normative Reasons

In carrying out her mission, the Church uses tools that enable her to proclaim Christ's message.¹² Among them, a significant place belongs to modern forms of broadly understood information and communication. The media of social communication, however, do not remain only a tool of information and communication, but create a new environment, a new culture, contributing to many changes that, after Francis, can be described as epochal. At the same time, it is a "new world" which, apart from information and communication, is a challenge both for the changing forms of human relations and for the new space of proclaiming the message of salvation. In the already cited message, Pope Francis emphasized the need to be present in such an epochal change of human and Christian elements, or rather to regain them, due to the loss of the relationship between what is internal and external in a man.

¹² Arkadiusz Domaszak, *Możliwości zastosowania Internetu w misji Kościoła katolickiego* (Kraków: Poligrafia Inspektoratu Towarzystwa Salezjańskiego, 2013), 7.

The issue on which the Church's attention is focused is not whether or not to use these resources, but how to use them.¹³ This problem is noticed by both the secular and church community, regulating the ways of using the Internet, especially where there are legal contacts. In the Code of Canon Law of John Paul II, there are no direct norms relating to the Internet for natural reasons, as this medium began its presence on a large scale in the early 1990s. It quickly became mass media. For this reason, the Internet is recognized along with the other means by which the Church's evangelizing mission is carried out and complies with the existing regulations.

The rapid development of the Internet and the perceived threats related to its use require reactions not only indicating the proper way of using them, but also those related to the need to protect the goods exposed to their violation. The means of protection are disciplinary regulations of a criminal nature, which support values essential from the point of view of the ecclesial community. In addition, they aim to redress the damage and restore justice within the Church community, in which there is an equal place for the aggrieved and the harming ones who bear the consequences of criminal acts.

(1) There are provisions in Book VI of the Code of Canon Law relating to the misuse of the mass media. Although there is no direct wording pointing to the Internet in them, in terms of a broader scope, we are able to find those related to the Internet. I would divide them into two groups. To the first of them, I would classify crimes defined, for example, in can. 1364 §1 (offenses of apostasy, heresy, schism), 1365 (teaching a doctrine condemned by the pope or a general council or stubbornly rejecting the doctrine mentioned in can. 750 §2 and 752), to the other one, the crimes defined in can. 1368, 1386 §3, 1398 §1.30.

(2) The criterion allowing for the above distinction is the matter of the crime itself, which exists (as in the first group) regardless of its relationship with the mass media. The internal act of apostasy, heresy, and schism precedes its dissemination or public announcement also through the mass media. The rejection of a doctrine to be adopted as well as the teaching of a condemned doctrine need not be done through the mass media. The indicated crimes exist regardless of the means of their diversification. The mass media may be one of the tools for the public existence of a crime, constituting a means of proving its existence. Therefore, they do not fit into the matter of the crime. A similar situation occurs in the case of the betrayal of the secret of confession (can. 1386 §1) or the disclosure of its secret (can. 1386 §2). Crimes included in the second group

¹³ The Church commented on this in documents issued by Pontifical Council for Social Communication *The Church and Internet* (22.02.2002), https://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20020228_church-internet_en.html, accessed November 2, 2021 and *Ethics in Internet* (22.02.2002), https://www.vatican.va/roman_curia/pontifical_councils/pccs/documents/rc_pc_pccs_doc_20020228_ethics-internet_en.html, accessed November 2, 2021.

are characterized by the fact that their occurrence requires the presence of the mass media. Therefore, they fall within the scope of the crime, allowing for its existence to be verified.

(3) The first crime in the systematics of the code is a crime against the faith and unity of the Church (can. 1368) consisting of uttering blasphemy, serious violation of morals or insulting religion or the Church, or causing hatred or contempt, provided that it takes place in a public spectacle or speech, in a disseminated letter or otherwise by means of the mass media. This canon, in the same wording, was present in the law previously in force (can. 1369).

The crime described in this canon concerns the dissemination, that is, the public expression of beliefs that are against the faith and unity of the Church. With its occurrence, however, a problem arises related to the possibility of detecting the perpetrator in the face of anonymous activity on the Internet. Personal data along with individual IP addresses are protected by Internet providers and, unless they constitute a state crime or other situation requiring reaction, remain unavailable to the Church justice. At this point, the question arises as to the responsibility of pastors and the exercise of their judicial power over those who commit crimes. It does not seem that in this not only hypothetical situation there is a possibility to initiate any procedure aimed at punishing the guilty. However, the protection of the Church community can be achieved by presenting its correct image in the media and influencing the recipients of the message so that its content is not reflected in the thinking and attitude of the faithful and is not further disseminated. The best protection in this matter is the positive transmission of faith.

(4) Another crime against the sacraments, for which the use of mass media is required, concerns the recording and dissemination of the words of a confessor or penitent from a true or simulated sacramental confession. This crime and punishment had already been established by the Congregation for the Doctrine of the Faith.¹⁴ Two things are worth noting in this crime. The first of them indicates that the applicability of the technique was not taken into account by the legislator at the time of the promulgation of the code in 1983. The development of the mass media, along with the possible emerging situations, contributed to the definition of the crime that was intended to protect the good which is the sacrament of reconciliation. The unity of the professed faith is stabilized around the sacraments, through them and in them. The second issue concerns the change of the code systematics. The present provision exists as the third paragraph of canon 1386 relating to the protection of the Sacrament of Reconciliation in its various manifestations. Earlier can. 1388, containing two paragraphs repeated in the

¹⁴ Congregation for the Doctrine of the Faith, *Decree regarding the excommunication of those who divulge confessions* (23.09.1988), https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19880923_scomunica-confessioni_en.html, accessed November 2, 2021.

current canon 1386, was placed in the title referring to the crimes of usurpation of ecclesiastical tasks and their performance. Currently, the crime is classified according to the new systematics as crime against the sacraments. The change is significant and deepens the importance of the ecclesial community, which is based on the sacraments and not on the exercise of authority. The emphasis placed on the sacraments directs the action at their protection, and not at the usurpation of power or its improper exercise.

(5) A new crime that found its place in the code in can. 1398 §1.30 was defined by Francis in the Apostolic Letter *Vos estis lux mundi* (May 9, 2019).¹⁵ It is now in the title on crimes against human life, dignity, and freedom. The first two paragraphs of this canon relating to offenses against the sixth commandment of the Decalogue were offenses against special duties. The change in the crime category is significant. It is about protecting human dignity against violations by others who commit sexual crimes, and not about offenses related to duties arising from the position and office held. The indicated offence consists of “immorally acquiring, retaining, exhibiting or distributing, in whatever manner and by whatever technology, pornographic images of minors or of persons who habitually have an imperfect use of reason.” Classifying this offense to the category of crimes against human dignity and freedom, and not to those related to the duties of the state and church office, again indicates that the protection of goods is not carried out on the basis of fulfilling duties. Positive attitude and respect for man is the starting point of interpersonal relations, not prohibitions directed at its addressees.

Conclusion

Do the new criminal law provisions protect the Church community? This is what they are supposed to serve. They can certainly contribute to this. But their earlier existence did not eliminate the sinful situations that arose after these laws came into force.

Will the law eliminate the shortcomings highlighted by Francis? The Pope places a great responsibility on the shepherds. But the legal solutions also show his confidence in those who have been selected as pastors, in their awareness of fulfilling the pastoral office in the Church and the possibility of non-selective use of what belongs to their office.

¹⁵ Francis, *Vos estis lux mundi* (9.05.2019), https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20190507_vos-estis-lux-mundi.html, accessed November 2, 2021.

The Church has her own law inherent in her nature. It is not based on a social contract and standards do not condition it. Faith is obligatory and foundations for mutual references should be sought in it. And such elements appear in the new legal regulations, which indicate protected goods and not only prohibited acts. Law is a carrier of values, not a norm that organizes them.

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Protection de la communauté ecclésiale contre les abus sur Internet dans le Livre VI du Code de droit canonique

Résumé

Le pape François, en promulguant de nouvelles dispositions canoniques en matière du droit pénal, a fait une analyse profonde de la communauté ecclésiale tant en elle-même que par sa référence à la communauté séculière. Dans cette optique, l'article présente les justifications théologique, ecclésiale-sociale et sociale des solutions normatives qui fournissent un point de référence pour l'examen des abus et des crimes commis par les fidèles à l'aide d'Internet. La présence d'Internet a considérablement modifié la perception de la communauté séculière et ecclésiastique, ce qui ne dispense pas les fidèles de leur devoir de garder la foi et d'en témoigner. Ce devoir est également servi par des solutions normatives dont le respect contribue à la construction de l'unité de la communauté.

Mots-clés: communauté ecclésiale, protection, abus sur internet, droit pénal

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La tutela della comunità ecclesiale dagli abusi in Internet nel libro VI del Codice di diritto canonico

Sommario

Papa Francesco, promulgando nuove disposizioni canoniche in materia di diritto penale, ha compiuto un'analisi approfondita della comunità ecclesiale sia in sé sia nel suo rapporto con la comunità dei laici. In questa prospettiva, l'articolo presenta le ragioni delle soluzioni normative: teologiche, ecclesiale-sociali e sociali. Costituiscono un punto di riferimento per le riflessioni sugli abusi e sui crimini commessi dai credenti utilizzando Internet. La presenza di Internet ha cambiato significativamente la percezione della comunità laica ed ecclesiale, il che non libera i fedeli dall'obbligo di tutelare la propria fede e di testimoniarla. Tutto ciò si realizza anche attraverso soluzioni normative, la cui osservanza contribuisce a costruire l'unità della comunità.

Parole chiave: comunità ecclesiale, tutela, abusi in Internet, diritto penale