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Legislative reforms of John Paul II in the field of the protection of minors in the light of the principle of “*lex sequitur vitam*”

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Abstract

The pontificate of John Paul II deserves an objective evaluation, considering the activity of the pope in various areas of ecclesiastical life. From the point of view of the universal Church as an institution managed by the successor of St. Peter, it is crucial to promulgate laws while maintaining the supernatural dimension of the Church, while also taking into account the most fundamental principles of lawgiving. One of these principles is expressed in the words: *lex sequitur vitam*, which means that the changing life of the community is always combined with changes in the law. The article poses the question of whether the principle of *lex sequitur vitam* has been considered and applied in the legislation of John Paul II aimed at combating the phenomenon of abuse of minors. What determinants of legislation did John Paul II consider when making subsequent changes in the canon law? The article shows that the preparation of laws in accordance with the art of law-making must be subject to certain rules, so that the law corresponds to the social situation.

Keywords

John Paul II, *lex sequitur vitam*, legislative reforms, protection of minors

1. Introduction

The disclosure of pedophile scandals coincided with the end of the pontificate of John Paul II, which, for some critics, became an opportunity to accuse the pope of not securing the good of minors in the Church and the good of the whole community with laws. Facing this problem, in today's state of knowledge, must consider the errors and omissions made by Church superiors throughout the world. The statement of inappropriate response to cases of abuse in the past appeared in the 2001 *Historical introduction* to the norms of the *motu proprio Sacramentorum sanctitatis tutela*: “A ‘pastoral attitude’ to misconduct was preferred and canonical processes were thought by some to be anachronistic. A ‘therapeutic model’ often prevailed in dealing with clerical misconduct. The bishop was expected to ‘heal’ rather than ‘punish.’”¹

This article is not intended to analyse individual administrative and disciplinary decisions taken by John Paul II during his pontificate. The analyses focus on whether John Paul II's statutory reforms were undertaken in accordance with the principle of *lex sequitur vitam*, derived from the law itself and being immanent to the law. The legislator should be guided by certain principles in law-making proceedings. Without their application, the law is not the law.

Due to the social dimension of the phenomenon of pedophilia in the Church, the principle of *lex sequitur vitam* should be analysed and its inclusion and application in the legislation of John Paul II. After the promulgation of the 1983 Code of Canon Law,² the problem of the protection of minors in the canonical order was addressed in the apostolic constitution *Pastor bonus*, promulgated on 28 June 1988.³ According to Article 52 of this document, serious crimes against morals, transferred to the Congregation for the Doctrine of the Faith, were to be examined and, if necessary, canonical sanctions were to be determined or imposed according to the norms of common or proper law. In 2001, John Paul II issued the apostolic letter *Sacramentorum sanctitatis tutela*⁴ and added

¹ Congregation for the Doctrine of the Faith, *The norms of the Motu proprio “Sacramentorum sanctitatis tutela”* (2001): *Historical introduction*, “Communicationes” 42 (2010), p. 351.

² *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), “Acta Apostolicae Sedis” 75 (1983), pars II: 1–317.

³ John Paul II, *Apostolic constitution “Pastor bonus”* (28.06.1988), “Acta Apostolicae Sedis” 80 (1988), pp. 841–912.

⁴ John Paul II, *Apostolic letter issued Motu proprio “Sacramentorum sanctitatis tutela”* (30.04.2001), “Acta Apostolicae Sedis” 93 (2001), pp. 737–739.

to it the appropriate norms, in which the abuse of clergy against minors up to the age of 18 was placed among the most serious crimes against the faith and the sacraments as *delicta graviora*. Any credible information about the commission of such a crime was to be reported to the Congregation from that moment on.

2. Recognition of the principles of lawgiving in the exercise of the power of primacy

The supreme power of government, exercised within the framework of the primacy, is given to the Church to direct the faithful in the name and power of Christ according to the purposes of the Church (can. 331). It is a public authority because its aim is to good the community.⁵ The legislative power exercised in the exercise of primacy can be referred to in the Preparatory Document for the 16th Ordinary General Assembly of the Synod of Bishops: “The ability to imagine a different future for the Church and her institutions, in keeping with the mission she has received, depends largely on the decision to initiate processes of listening, dialogue, and community discernment.”⁶ Every legislator, and above all the universal legislator, must recognise that the common good is not realised in abstract conditions, but in a concrete social reality that changes and evolves. Every pope in any epoch thus faces the same challenge: how to determine the current demands of the common good; what should be done at a given stage to achieve the common good in the field of law-making. Although the Church has been elevated to the supernatural order, it nevertheless retains its natural structure and undergoes a historical process of development. The historical situation may change, and then the prescription loses its relevance or a niche appears due to the lack of necessary regulations.⁷ This change is influenced not only by the transformation of historical external conditions but also by the development of the Church’s consciousness.

⁵ Cf. P. Erdő, *Władza Biskupa Rzymu. Ujęcie historyczno-prawne*, “Annales Canonici” 8 (2012), p. 15.

⁶ Synod of Bishops, *Preparatory document for the 16th Ordinary General Assembly of the Synod of Bishops* (07.09.2021), <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/09/07/210907a.html> (18.03.2023), No. 9.

⁷ The changing reality must be regulated, but excluding reforms that could concern God’s law in both forms of its existence: natural God’s law and God’s positive law. To divine law, the canonical tradition attributes the quality of immutability.

The recognition of the Principles of Lawgiving by the pope promulgating laws forces us to break away from the simplistic understanding of law as a tool in the hands of an absolute monarch. Although the law that governs our lives has its source in the will of the legislator, the Pope is for the whole Church an office called by Christ to diagnose the actual state of the community and to determine the requirements of the common good. If these requirements are mandatory, they should become laws.

Church law does not compel obedience, as state law does. In its deepest sense, it defines how to act in the community and calls for such actions to be followed. It wants to lead the faithful to make a personal decision, aware of its importance for the community and for the person himself. This characteristic of canon law is expressed precisely by the adjective “canon.” The canon in ancient sources meant the measure and guide of equity and justice, as well as the rule of conduct. The Council of Nicaea referred to this concept, and not to the concept *lex*, when it passed twenty disciplinary laws. This feature is also the reason that most Church regulations do not have a penal sanction or a sanction of nullity. However, some rightly contain a criminal sanction.⁸ Violations of Church law in an important matter such as crimes against human dignity destroy the common good. This good is unquestionably destroyed when the dignity of the weakest members of the community is destroyed and when these crimes increase. Canon law gives as much freedom as possible and binds no more than the common good requires.

What determinants influence the creation of laws in both the sense of “giving freedom” and “binding” for the common good? As Piotr Kroczeek states, the incentives-influencing changes in the law are numerous and very diverse. It cannot be otherwise, since the reality, which is subject to regulation, is constantly changing and evolving under the influence of many heterogeneous factors. The legislator’s knowledge of reality must be up-to-date, and determinants of legislation are necessary to achieve it. Nowadays, they significantly influence the shape of legislation in various legal systems. The following determinants of legislation existing in various legal systems can be mentioned: sociological, cultural, economic, geographical, demographic, philosophical, theological,

⁸ Cf. R. Sobański, *Zbawcza funkcja prawa kościelnego*, “Śląskie Studia Historyczno-Teologiczne” 6 (1973), pp. 161–162.

religious, political-legal, and technical.⁹ What determinants influenced John Paul II's statutory reforms regarding the protection of minors?

3. Sociological determinants of legislation

The law is strongly dependent on the community to which it is addressed. Sociology as a science is a helpful tool for the legislator because it provides data describing society. On the basis of the conclusions from sociological research, the legislator may make decisions with scientific and substantive justification.¹⁰ The first serious study on the scale of abuse in the Church, in this case in the USA, appeared in the final period of the pontificate of John Paul II. In 2004, the New York John Jay College of Criminal Justice published a report on the nature and extent of sexual abuse of minors by Catholic priests and deacons in the United States between 1950 and 2002.¹¹ Therefore, John Paul II did not have access to complete and reliable sociological analyses in the matter of the sexual abuse of minors in the Church.

Why didn't the Church authorities commission such studies earlier? The New York University's research was commissioned and funded by the U.S. Conference of Catholic Bishops, and the source of the data was voluntary surveys completed by U.S. dioceses. Sociological research helps us understand society and its structure and explain social processes and people's behaviour despite change. Therefore, it is difficult to study a phenomenon that will only become a social process in the future, i.e., it will be described as a series of interrelated phenomena occurring in society and causing specific effects, mainly transformations. For this reason, not only universities connected with the Catholic Church

⁹ Cf. P. KroczeK, "*Ius sequitur vitam*", czyli o niektórych czynnikach zmian w prawie, "Studia Socialia Cracoviensia" 6 (2014) 2 (11), p. 169.

¹⁰ Cf. P. KroczeK, *The art of legislation: the principles of lawgiving in the Church*, Kraków 2011, Wydawnictwo UNUM, pp. 126–127.

¹¹ John Jay College of Criminal Justice, *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States, 1950–2002: a research study conducted by the John Jay College of Criminal Justice, the City University of New York: for the United States Conference of Catholic Bishops*, Washington, D.C. 2004, United States Conference of Catholic Bishops. It shows that in the indicated period, 954 priests were accused of pedophilia, of which 54 were convicted. The number of victims was estimated to be over 10,000.

but also academic centres clearly distancing themselves from the Church have not taken up this topic before.

It should be emphasised that John Paul II undertook legislative actions regardless of the lack of reliable sociological research on the phenomenon of pedophilia in the Church. In the 1983 Code of Canon Law, the crime against minors concerns primarily can. 1395 § 2. There is talk here of a “just penalty” with the possible imposition of the most severe penalty – dismissal from the clerical state. Pedophilia is still treated here as a *crimen pessimum* – as one of the most serious crimes according to the centuries-old doctrinal tradition of the Church. One may have reservations as to why the Code leaves too much discretion to the judges on the degree of severity of the penalty. In answering this question, reference must be made to the principle of *lex sequitur vitam*. The final shape of the prescriptions contained in this normative act did not result from an arbitrary decision of the pope, but from many years of collegial reflection, considering the observation of sociological determinants. Detailed work on this document lasted 20 years and was attended by representatives of all episcopates of the world: theologians, historians, specialists in canon law, and finally sociologists. At the request of John Paul II and with his participation, 14 meetings were held in interdisciplinary teams, during which the draft Code was studied. Moreover, the final shape of the regulations fulfilled at the level of legal regulations the main postulates of the Second Vatican Council, in particular the decentralisation of power in the Church through the transfer of competences from the Holy See to the diocese.¹² The actions taken during the drafting of the code, despite their global reach, did not lead to diagnosing the phenomenon of pedophilia in the Church as a social process that has been consolidated for years.

4. Cultural determinants of legislation

How is this possible if, according to current knowledge, there is no doubt that, at the time of the creation of the code, there were numerous cases of pedophilia among clergy all over the world?¹³ The life of the ecclesial community, and thus

¹² See more J. L. Larrabe, *El nuevo Código de la Iglesia*, “Estudios eclesiásticos” 58 (1983) 224, pp. 3–20.

¹³ In the period following the Second Vatican Council, the Congregation for the Doctrine of the Faith was presented with a few cases of sexual misconduct by the clergy towards minors,

the law-making process, is influenced by the culture within which the Church performs its mission. The law as a human product is part of culture. Legally relevant elements such as values or how problems are solved are culturally determined.¹⁴

Culture socialises man, that is, teaches the ability to adapt to it, tries to establish criteria of values that people should follow. It creates ideals and anti-ideals to which man aspires, and therefore there is no easy escape from the “cultural matrix.”¹⁵ Culture is transmitted as an adaptive mechanism through which the community tries to cope with the problems encountered. In this sense, it has a positive value, which does not mean that the “cultural matrices” produced in society have such value.

The universal canon law although created for the faithful all over the world, is itself created mainly within European culture. In the second half of the twentieth century, cultural tendencies towards the protection of the child as a weaker being were clearly observed.¹⁶ Why, then, was there no decisive fight against the phenomenon of pedophilia at the same time? Within culture, an independent subculture can be created, existing within the culture of the whole society. For many years, in various social groups and in various institutions of global and local range, as well as in the environment of clergy and Church hierarchs, there was a subculture of silence in the matter of pedophilia. Concealing cases of pedophilia has promoted the false belief that these phenomena do happen, but they are singular and incidental. It was believed that publicising this problem, even if this reflection were to begin within the ecclesial community, would cause further problems. This was connected with a false concern for the image and credibility of the Church and, paradoxically, also for the ability and potential of the Church in performing educational activities.

The fight against pedophilia in the Church became possible as a result of breaking the subculture of silence and changing the optics in the sphere

some of which were related to the abuse of the sacrament of Penance. Cf. Congregation for the Doctrine of the Faith, *Historical introduction*, p. 351.

¹⁴ Cf. P. Kroczeek, *The art of legislation*, p. 129.

¹⁵ Cf. P. Kroczeek, *The art of legislation*, p. 129.

¹⁶ The UN General Assembly adopted the Convention on the Rights of the Child on 20 November 1989. The Holy See joined it in 1989, although the Vatican is not formally a full member of the UN. Cf. H. Suchocka, *Działania papieża oraz Stolicy Apostolskiej na rzecz ochrony osób małoletnich*, in: *Prawa dziecka: perspektywa Kościoła*, ed. P. Kroczeek, Kraków 2015, Uniwersytet Papieski Jana Pawła II Wydawnictwo Naukowe, pp. 175–176.

of the educational influence of the Church, consistent with the Gospel, to which John Paul II contributed significantly as an unquestionable authority of those times on a global scale. An important event was the meeting with American bishops and the letter of John Paul II beginning with the following words: “During these last months I have become aware of how much you, the Pastors of the Church in the United States, together with all the faithful, are suffering because of certain cases of scandal given by members of the clergy.”¹⁷ It was a reaction to information from 1992 to 1993 about cases of pedophilia among American priests. After this meeting, many experts and commentators began to use the term “zero tolerance for pedophilia”, which was introduced by the Pope to influence public opinion. This meeting drew the attention of the whole world to the cultural heritage of humanity in the field of protecting the child as the weakest being.

A normative act, considering the emerging social changes and preparing the ground for breaking the subculture of silence, was the apostolic constitution *Pastor bonus* of 28 June 1988. Article 52 of the Constitution stated that not only crimes against the faith or in the celebration of the sacraments but also more serious crimes committed against morals fell within the penal jurisdiction of the Congregation for the Doctrine of the Faith, which declares or imposes canonical sanctions in accordance with the law. The announcement of the document occurred five years after the promulgation of the code and five years after the first media material on pedophilia in the Church. The newspaper article concerned Father Gilbert Gauthé, who was removed from ministry in the Diocese of Lafayette, Louisiana, for multiple crimes of sexual abuse. The diocese received reports of Gauthé’s abuse for seven years before he was indicted.¹⁸ Article 53 of the *Pastor bonus* shifted part of the responsibility for judging more serious crimes from the diocese to the Holy See. This means that John Paul II, who faithfully and consistently introduced the teaching and reforms of the Second Vatican Council, first in the Archdiocese of Krakow and then in the whole Church, under

¹⁷ John Paul II, *Letter to the bishops of the United States of America* (11.06.1993), https://www.vatican.va/content/john-paul-ii/en/letters/1993/documents/hf_jp-ii LET_19930611_vescovi-usa.html (23.03.2023).

¹⁸ See J. Berry, *Tragedy of Gilbert Gauthé*, “Times of Acadiana” Part 1 (23.05.1985): https://www.bishop-accountability.org/news/1985_05_23_Berry_TheTragedy.htm (23.03.2023); Part 2 (30.05.1985): https://www.bishop-accountability.org/news/1985_05_30_Berry_TheTragedy.htm (23.03.2023).

the influence of sociological determinants, was able to read the signs of the times anew, which the Council also obliged the hierarchs of the Church to do.

Gauthé's trial was widely commented on in the American mass media because the facts of the case shocked public opinion. However, this was only a harbinger of a real media shock on a global scale, lasting for decades to come. The sociological factors shaping the law do not come only from scientific sociological research. They are also associated with the concept of "public opinion" understood as the totality of views of members of society or its larger factions on matters of general interest at a given time.¹⁹ An undoubted danger for the ecclesiastical legislator, against which he must defend himself, is the temptation to achieve short-term results, although in line with social expectations, but contrary to the true responsibility for the smooth functioning and preservation of the community. The activity of the mass media in the matter of abuse in the Church has undeniably contributed to the process of renewal and purification. In the 80s, however, this was not so obvious. The pressure of the mass media may result in the creation of laws under the influence of unverified, superficial, and stereotyped information, as a result of improper recognition of reality caused by acting under the influence of public opinion. The right attitude seems to be to observe the trends functioning in public opinion and to take them into account, but obviously not in an absolute and binding way, in the legislative process. In the old English language, the word "trend" meant "to turn". The very source of the term suggests an irreversible change, a manifestation of something yet to happen, a signal of changes that will redefine different spaces of life.

Under the influence of the first symptoms of serious changes, not yet widely noticed either by Church superiors or by the world public opinion, John Paul II decided to change the prescription contained in the *Pastor bonus*. Art. 52 did not specify which crimes were reserved for consideration by the Congregation for the Doctrine of the Faith and did not impose on clerics the obligation to inform the Congregation of suspicions of committing a grave crime, including against the sixth commandment, to the detriment of minors. This was clarified in the SST of 2001, which imposed on every ordinary and other local hierarchs the obligation to report such crimes directly to the Congregation for the Doctrine of the Faith. According to Jenkins' 1996 study, successive media publications on sexual abuse by priests have led to the perpetuation of trends in the U.S. that

¹⁹ Cf. P. Kroczeck, *The art of legislation*, pp. 127–128.

herald change. It is worth mentioning that, according to the author, even in the 90s, the stereotype of a “pedophile priest” had been consolidated in the public opinion, and the problem of sexual abuse was presented as a problem of the Catholic Church.²⁰ The apostolic letter *Sacramentorum sanctitatis tutela* of 2001 became a landmark document, translating into the language of law the principle of “zero tolerance”, which equated the defence of the sanctity of the sacraments with the protection of people who have experienced sexual abuse in the Church.²¹

5. The philosophical determinants of legislation

Laws are primarily to serve man, and Karol Wojtyła’s philosophical interest in man, concern for the shape of his life and the desire to help him in the fundamental sphere—in the field of the truth about man – is widely known. A child is a separate category of person due to age, physical and mental development occurring in him. As Hanna Suchocka stated, John Paul II paid special attention to the person of the child and the concern for guaranteeing his rights. This resulted “from embedding his thinking on the personalistic concept of human rights with particular emphasis on human dignity, including the dignity of the child as the source of these rights.”²²

Can. 1395 § 2 before the amendment attached a penal sanction to four types of crimes violating the sixth commandment of the Decalogue and attacking human dignity. Three of them distinguish the manner in which the crime was committed: a) violently, b) under the influence of threats, and c) made in public. The fourth type of crime concerned the subject of a passive criminal act, i.e., a situation in which the victim of the criminal act was under 16 years of age. Problems in the area of the axiology of the child, his dignity and the value of childhood were reflected in the teaching of John Paul II. On the basis of the analysis of encyclicals, exhortations, selected letters and speeches, it can be concluded that in the Pope’s view, dignity is linked to humanity and that it can never

²⁰ See P. Jenkins, *Pedophiles and priests: Anatomy of a contemporary crisis*, New York 1996, Oxford University Press.

²¹ In 2002, during the *Sacramentorum sanctitatis tutela*, the “Boston Globe” published the results of a Pulitzer Prize-winning journalistic investigation into the abuse and cover-up of pedophilia in the Archdiocese of Boston. From that moment, we can speak about the widespread presence of the subject of pedophilia in the Church in global media.

²² H. Suchocka, *Działania papieży*, p. 175. The English translation is ours.

be diminished, mutilated or destroyed by sexual abuse. It should be respected and protected. Man is a person by nature and by nature he is entitled to the subjectivity proper to the person.²³ The Pope sought to increase the legal protection of minors, thus protecting their personal dignity, as evidenced by decisions in the legislative sphere: raising the age of a minor victim of a criminal act until he or she reaches the age of eighteen and extending the prescription period (ten years starting from the age of eighteen by the victim) and introducing the possibility of suspending the prescription. Previously, the same legal solutions were adopted in the USA in 1994 and Ireland in 1996 because of indults granted by the Pope to these countries.²⁴ It was John Paul II who initiated legal thinking about crime *contra sextum minore* in the categories of an attack on human dignity. As a result of the amendment of Book VI of the Code of Canon Law made by Pope Francis, these acts were classified as “offences against human life, dignity and liberty” (title VI).

John Paul II understood the human person not in abstract categories but in the context of history and culture.²⁵ In Christian culture, the sexual abuse of minors was considered a serious crime, and early medieval penitential books treated sexual relations with minors as one of the serious sins requiring long penance. The first known ecclesiastical document to address this issue is Canon 71 of the Disciplinary Synod of Elvira, Spain, at the beginning of the fourth century, which denied child rapists (*stupratoribus puerorum*) Holy Communion even at the hour of death. The expression *nec in finem* suggests the idea of the permanence of excommunication as a sign of total disapproval of such acts.²⁶ Both the Code of Canon Law of 1917 and the code promulgated by John Paul II and all his legislation considered the centuries-old doctrine in this matter.

According to Wojtyła, evil does not result from some material shortage of man, but from the disordered use of human freedom. John Paul II perceived man as a responsible being. Those who are aware of their rights should also be aware of their duties. The Pope sought to overcome the Western understanding of justice in an individualistic sense, emphasising that rights do not exist

²³ Cf. K. Wojtyła, *Osoba i czyn*, Kraków 1985, Towarzystwo Naukowe KUL, p. 99.

²⁴ Cf. Congregation for the Doctrine of the Faith, *Historical introduction*, p. 351.

²⁵ Cf. P. Krocze, *The art of legislation*, pp. 115–117.

²⁶ Cf. “Stupratoribus puerorum nec in finem dandam esse communionem censuimus” (Synod of Elvira [Concilium Eliberitanum], Canon 71, in: *Sancti Isidori [...] opera omnia*, tomus octavus, ed. J.-P. Migne, Parisiis 1850 [Patrologiae Cursus Completus. Series Latina, 84], col. 309. Cf. PL 161, col. 686C.

without a sense of personal responsibility towards others.²⁷ He stated that “canonical penalties which are provided for certain offenses and which give a social expression of disapproval for the evil are fully justified. These help to maintain a clear distinction between good and evil, and contribute to moral behaviour as well as to creating a proper awareness of the gravity of the evil involved.”²⁸

6. Theological determinants of legislation

Canon law is dependent on theology and, as such, must operate on the basis of a theological consensus. Otherwise, its meaning is distorted by positivism, according to which the rule is what the rule-maker says at a given moment. There must be a credible theological position on which to base the rule. The first rule of the Church's faith but also the rule of life, is Sacred Scripture.²⁹ In his address to the American bishops, John Paul II quotes a passage from the Gospel of St. Matthew: “Woe to the world because of scandals!” (Mt. 18:7). The law punishing the crime of pedophilia is therefore to prevent serious scandals.

The Church, to whom Christ the Lord has entrusted the deposit of faith, aided by the Holy Spirit to guard revealed truth with reverence, has the inherent duty and right to proclaim the Gospel to all peoples (can. 747 § 1). This means that the matter of the *Credo* is to be particularly protected by law. During the pontificate of John Paul II, a new Catechism of the Catholic Church was published, which is an official compendium of the truths of the Christian faith.³⁰ Pedophilia concerns four numbers: 2285, 2353, 2356 and 2389, and the evil of pedophilia is called a particularly grave scandal. The doctrine on scandal contained in the Catechism of the Catholic Church situates it within the framework of the fifth commandment as something that causes spiritual death. In addition, the catechism, apart from seeing the sin of pedophilia in terms of scandal, focuses special attention on unjust and immoral law as a possible cause of further scandals.

²⁷ Cf. P. KroczeK, *The art of legislation*, pp. 115–117.

²⁸ John Paul II, *Letter to the bishops of the United States*.

²⁹ Cf. P. KroczeK, *The art of legislation*, pp. 118–119.

³⁰ *Catechism of the Catholic Church*, Washington DC 2019, United States Conference of Catholic Bishops.

For the proper understanding and proper application of ecclesiastical legislation, it is necessary to know ecclesiology and sacramentology. The law must fully correspond to the nature of the Church. In this sense, canon law can be understood as a great effort to translate conciliar doctrine and ecclesiology into canonical language. If the Second Vatican Council commits the Church to undertake a thorough process of renewal of Christian life in line with the challenges of the contemporary world, this task cannot be accomplished without genuine concern for the good of minors. The Pope issued norms concerning the most serious crimes reserved to the Congregation for the Doctrine of the Faith, extending legal protection to the sanctity of the sacraments of the Church, especially the Holy Eucharist and the sacrament of Penance and Reconciliation. It should be emphasised that in one document, in addition to the protection of the sacraments, which are “a source of life for the Church and in the Church’s hands they are means of conversion to God and of reconciliation among people.”³¹ The Pope also extended legal protection to minors, whose innocence and grace became “a source of spiritual enrichment for them and for the entire Church.”³² The aim was to send a clear message to the bishops and to the whole Church that sexual crimes against children and young people are crimes of similar gravity as crimes against the sanctity of the sacraments. Therefore, the norms about the most serious crimes in the Church issued by John Paul II put the harm done to children in the sexual sphere in line with sins and crimes such as the profanation of the Eucharist or the use of the sacrament of penance by confessors for scandalous purposes, which has always met with special stigmatisation from the Church.³³

Canon law, like everything else in the Church, is entirely oriented to the salvation of souls. It must create a juridical framework for pastoral activity and give advice to superiors and the faithful to help them in their pastoral work (cf., for example, canons 242 § 1, 252 § 3, 258, 1676, 1695). John Paul II used pastoral and legal arguments to explain the reason for the introduction of the

³¹ John Paul II, *Post-synodal apostolic exhortation “Reconciliation and Penance” in the mission of the Church today* (2.12.1984), “Acta Apostolicae Sedis” 77 (1985), pp. 257–266, No. 11.

³² John Paul II, *Post-synodal apostolic exhortation “Christifideles laici” on the vocation and the mission of the lay faithful in the church and in the world* (30.12.1988), “Acta Apostolicae Sedis” 81 (1989), pp. 393–521, No. 47.

³³ Note that before the *Sacramentorum sanctitatis tutela* was published, as a rule, there were no scientific studies in the field of theology on pedophilia in the Church. Most likely, theology, like the sociological sciences, had succumbed to a subculture of silence in this matter.

Sacramentorum sanctitatis tutela norms: “The Safeguarding of the Sanctity of the Sacraments, especially the Most Holy Eucharist and Penance, and the keeping of the faithful, called to communion with the Lord, in their observance of the sixth commandment of the Decalogue, demand that the Church itself, in her pastoral solicitude, intervene to avert dangers of violation, so as to provide for the salvation of souls ‘which must always be the supreme law in the Church’ (CIC, can. 1752).”³⁴

7. Conclusion

The conducted analyses allow us to state that John Paul II was guided in his legislative activity by the principle of *lex sequitur vitam*, without which the law is not law. From the viewpoint of the responsibility for the Church, which is borne by the successor of St. Peter acting in a specific place and time, creating laws too fast, ignoring principles of lawgiving, is objectively a mistake. Legislative activity requires careful observation of the reality to be regulated, which, in turn, changes and evolves often in surprising and unpredictable directions.

It is unfair to judge John Paul II’s legislative actions from the position of presentism, and it is also intellectually dishonest to expect that the supreme legislator will legislate like an absolute monarch – quickly and authoritatively, without diagnosing social processes – or that he will have knowledge that society will acquire several decades later. The fact that John Paul II had knowledge about individual pedophilic events in various particular Churches or knew this phenomenon from the historical point of view does not mean, as his critics often claim, that from the beginning he had knowledge about pedophilia in the Church as a current social process in the global sense. The Pope quickly noticed a new, shocking trend, diagnosed it and made decisive legislative decisions.

The actions of John Paul II should be considered prophetic, breaking the social taboo, which at the end of the twentieth century was the phenomenon of pedophilia in the Church. This topic appeared not only in the speeches of the hierarchs of the Church but also in academic studies in the fields of sociology and theology. The principle of ‘zero tolerance’, introduced into the public space

³⁴ *Sacramentorum sanctitatis tutela*.

thanks to John Paul II, made it possible to break the subculture of silence, interest the world of science in the subject of abuse and reform Church law. The activity of the media all over the world should also be appreciated, but making changes in the social mentality, followed by specific reforms requiring the consensus of many ecclesiastical centres, would not have been possible on such a scale and with such speed without the personal involvement of the highest moral authority in the world at that time. Furthermore, from the contemporary perspective, with the current state of knowledge, it should be noted that John Paul II acted quickly and decisively, but with the right observation of reality, applying with prudence to the Determinants of Legislation in his Legislative reforms.

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