

**La Prensa en estos Días.**

*De Delictis Gravioribus, Crimen Sollicitationis*  
y otras Barbaridades

**Por Javier Aviña.**

Varios miembros del clero católico tratan de destacar que Joseph Ratzinger es muy valiente en su combate a la pederastia dentro de la Iglesia Católica y que va a entregar a las autoridades civiles a sus curas pederastas, sin embargo en 2006 a Marcial Maciel sólo se le “invitó” a retirarse de su ministerio. Asimismo en 2006 al resto de la Iglesia Católica Ratzinger la dejó en la incertidumbre pues nunca reveló las causas de este “retiro” (que no iba a ser obligatorio sino sólo voluntario) mientras que a las víctimas Ratzinger nunca les ofreció disculpas ni reivindicó públicamente su inocencia, y así pasaron cuatro años hasta que el escándalo le estalló al actual pontífice. Ratzinger sembró vientos y cosechó tempestades y ahora quiere presentarse como una víctima de lo que él mismo provocó.

El fondo de la polémica se puede reducir a desde cuando Ratzinger sabía de la pederastia de Marcial Maciel. El ex sacerdote Alberto Athié afirma que Ratzinger sabía desde 1997 de la culpabilidad de Maciel, pero que no hizo nada. Bernardo Barranco platicó sobre este tema con Alberto Athié en su programa Religiones del Mundo, de Radio Red (Martes de 21 a 22 hors, en el 1110 de AM), se puede oír este programa en: <http://religionesdelmundo.com.mx/?p=3352#more-3352>

Por otro lado, lo que ha destacado el teólogo Hans Küng (condenado por Ratzinger) es que el Vaticano tenía un documento llamado *Crimen Sollicitationis*, donde entre otras cosas se establecía la manera de tratar con los sacerdotes pederastas. Hans Küng ha subrayado que hubo una reforma a este documento realizada el 18 de mayo de 2001 por el entonces cardenal Joseph Ratzinger titulada *De Delictis Gravioribus*, donde cambia la norma, estableciendo ahora que estos casos sólo se podrán manejar en instancias internas del Vaticano y no deberán salir a la luz pública.

Conseguí información sobre este documento; a continuación se reproduce el original en latín (el Vaticano nunca lo tradujo y sólo lo dio a conocer por la Agencia Zenit) tal y como aparece en el sitio web *Bishop Accountability*.

( <http://www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaLatin.htm> )

**CONGREGATIO PRO DOCTRINA FIDEI EPISTULA**  
**a Congregatione pro Doctrina Fidei missa**  
**ad totius Catholicae Ecclesiae Episcopos**  
**aliosque Ordinarios et Hierarchas interesse habentes:**  
**DE DELICTIS GRAVIORIBUS**  
**eidem Congregationi pro Doctrina Fidei reservatis**

Ad exsequendam ecclesiasticam legem, quae in articulo 52 Constitutionis Apostolicae de Romana Curia enuntiat: "Delicta contra fidem necnon graviora delicta tum contra mores tum in sacramentorum celebratione commissa, quae ipsi delata fuerint, [Congregatio pro Doctrina Fidei] cognoscit atque, ubi opus fuerit, ad canonicas sanctiones declarandas aut irrogandas ad normam iuris, sive communis sive proprii, procedit",[1] necesse erat in primis definire procedendi modum de delictis contra fidem: quod peractum fuit per normas, quarum inscriptio est Agendi ratio in doctrinarum examine, a Summo Pontifice Ioanne Paulo PP. II ratas atque confirmatas, simul articulis 28-29 in forma specifica approbatis.[2]

Eodem fere tempore Congregatio pro Doctrina Fidei per Commissionem ad hoc ipsum institutam operam dabat diligenti canonum de delictis studio, sive Codicis Iuris Canonici, sive Codicis Canonum Ecclesiarum Orientalium, ad determinanda "graviora delicta tum contra mores tum in sacramentorum celebratione", ad perficiendas quoque normas processuales speciales "ad canonicas sanctiones declarandas aut irrogandas", quia Instructio Crimen sollicitationis hucusque vicens, a Suprema Sacra Congregatione Sancti Officii edita die 16 mensis martii anno 1962,[3] recognoscenda erat novis Codicibus canonicis promulgatis.

Attente perpensis votis et factis opportunis consultationibus, Commissionis opus tandem ad finem pervenit; Congregationis pro Doctrina Fidei Patres accuratius idem examinerunt, Summo Pontifici subiciendo conclusiones circa determinationem graviorum delictorum et modum procedendi ad sanctiones declarandas aut irrogandas, firma manente eiusdem Congregationis Apostolici Tribunalis exclusiva in hoc competentia. Quae omnia ab ipso Summo Pontifice adprobata, confirmata et promulgata sunt per Litteras Apostolicas Motu Proprio datas, quarum initium sumit a verbis Sacramentorum sanctitatis tutela.

Graviora delicta tum in sacramentorum celebratione tum contra mores, Congregationi pro Doctrina Fidei reservata, sunt:

– Delicta contra sanctitatem augustissimi Eucharistiae Sacrificii et sacramenti, videlicet:

1° abductio vel retentio in sacrilegum finem, aut abiectio consecratarum specierum;[4]

2° attentatio liturgicae eucharistici Sacrificii actionis vel eiusdem simulatio;[5]

3° vetita eucharistici Sacrificii concelebratio una cum ministris communitatum ecclesialium, qui successionem apostolicam non habent nec agnoscunt ordinationis sacerdotalis sacramentalem dignitatem;[6]

4° consecratio in sacrilegum finem alterius materiae sine altera in eucharistica celebratione, aut etiam utriusque extra eucharisticam celebrationem;[7]

– Delicta contra sanctitatem sacramenti Paenitentiae, videlicet:

1° absolutio complicitis in peccato contra sextum Decalogi praeceptum;[8]

2° sollicitatio in actu vel occasione vel praetextu confessionis ad peccatum contra sextum Decalogi praeceptum, si ad peccandum cum ipso confessario dirigitur;[9]

3° violatio directa sigilli sacramentalis;[10]

– Delictum contra mores, videlicet: delictum contra sextum Decalogi praeceptum cum minore infra aetatem duodeviginti annorum a clerico commissum.

Haec tantum, quae supra indicantur delicta cum sua definitione, Congregationis pro Doctrina Fidei Tribunali Apostolico reservantur.

Quoties Ordinarius vel Hierarcha notitiam saltem verisimilem habeat de delicto reservato, investigatione praevia peracta, eam significet Congregationi pro Doctrina Fidei quae, nisi ob peculiaria rerum adiuncta causam sibi advocet, Ordinarium vel Hierarcham per proprium Tribunal ad ulteriora procedere iubet opportunas normas tradendo; ius appellandi contra sententiam primi gradus, sive ex parte rei vel eius Patroni sive ex parte Promotoris Iustitiae, valide unice manet tantummodo ad Supremum Tribunal eiusdem Congregationis.

Notandum est actionem criminalem de delictis Congregationi pro Doctrina Fidei reservatis praescriptione extingui decennio.[11] Praescriptio decurrit ad normam iuris universalis et communis;[12] in delicto autem cum minore a clerico patrato praescriptio decurrere incipit a die quo minor duodevicesimum aetatis annum explevit.

In Tribunalibus apud Ordinarios vel Hierarchas constitutis, hisce pro causis munera Iudicis, Promotoris Iustitiae, Notarii atque Patroni tantummodo sacerdotes valide explere possunt. Instantia in Tribunali quovis modo finita, omnia acta causae ad Congregationem pro Doctrina Fidei ex officio quam primum transmittantur.

Tribunalia omnia Ecclesiae Latinae et Ecclesiarum Orientalium Catholicarum tenentur canones de delictis et poenis necnon de processu poenali utriusque Codicis respective observare una cum normis specialibus a Congregatione pro Doctrina Fidei pro singulo casu tradendis et omnino ad executionem mandandis.

Huiusmodi causae secreto pontificio subiectae sunt.

Per hanc Epistulam, de mandato Summi Pontificis omnibus Ecclesiae Catholicae Episcopis, Superioribus Generalibus institutorum religiosorum clericalium iuris pontificii et societatum vitae apostolicae clericalium iuris pontificii aliisque Ordinariis et Hierarchis interesse habentibus missam, in votis est ut non solum graviora delicta omnino vitentur, sed praesertim ad clericorum et fidelium sanctitatem etiam per necessarias sanctiones procurandam sollicita pastoralis cura ab Ordinariis et Hierarchis habeatur.

Romae, e sede Congregationis pro Doctrina Fidei, die 18 maii 2001.

+ JOSEPHUS Card. RATZINGER  
Praefectus

+ Tharsicius BERTONE, S.D.B.  
archiep. em. Vercellensis a Secretis

[1] Ioannes Paulus PP. II, Constitutio Apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 52, in AAS 80 (1988) 874.

[2] Congregatio pro Doctrina Fidei, Agendi ratio in doctrinarum examine, 29 iunii 1997, in AAS 89 (1997) 830-835.

[3] Suprema Sacra Congregatio Sancti Officii, Instructio Crimen sollicitationis, Ad omnes Patriarchas, Archiepiscopos, Episcopos aliosque locorum Ordinarios "etiam Ritus Orientalis": De modo procedendi in causis sollicitationis, 16 martii 1962, Typis Polyglottis Vaticanis MCMLXII.

[4] Cf. Codex Iuris Canonici, can. 1367; Codex Canonum Ecclesiarum Orientalium, can. 1442. Cf. et Pontificium Consilium De Legum Textibus Interpretandis, Responsio ad propositum dubium, 4 iunii 1999.

[5] Cf. Codex Iuris Canonici, can. 1378 § 2 n. 1 et 1379; Codex Canonum Ecclesiarum Orientalium, can. 1443.

[6] Cf. Codex Iuris Canonici, can. 908 et 1365; Codex Canonum Ecclesiarum Orientalium, can. 702 et 1440.

[7] Cf. Codex Iuris Canonici, can. 927.

[8] Cf. Codex Iuris Canonici, can. 1378 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1457.

[9] Cf. Codex Iuris Canonici, can. 1387; Codex Canonum Ecclesiarum Orientalium, can. 1458.

[10] Cf. Codex Iuris Canonici, can. 1388 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1456 § 1.

[11] Cf. Codex Iuris Canonici, can. 1362 § 1 n. 1; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 2 n. 1.

[12] Cf. Codex Iuris Canonici, can. 1362 § 2; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 3.

La traducción al inglés, distribuida por la misma asociación de defensa de víctimas de la pederastia clerical *Bishop Accountability*.

( <http://www.bishop-accountability.org/resources/resource-files/churchdocs/EpistulaEnglish.htm> )

**CONGREGATION FOR THE DOCTRINE OF THE FAITH LETTER  
sent from the Congregation for the Doctrine of the Faith  
to Bishops of the entire Catholic Church  
and other Ordinaries and Hierarchs having an interest  
REGARDING THE MORE SERIOUS OFFENSES  
reserved to the Congregation for the Doctrine of the Faith**

[Translation of the text was printed in *Origins* 31:32, January 24, 2001, and posted at <http://www.austindiocese.org/epistle/2002/graveoffenses.doc>]

In order to fulfill the ecclesiastical law, which states in Article 52 of the apostolic constitution on the Roman Curia, "[The Congregation for the Doctrine of the Faith] examines delicts against faith and more grave delicts both against morals and committed in the celebration of the sacraments which have been reported to it and, if necessary, proceeds to declare or impose canonical sanctions according to the norm of common or proper law,"(1) it was necessary first to define the method of proceeding in delicts against the faith: This was accomplished through the norms titled *Agendi Ratio in Doctrinarum Examine*, ratified and confirmed by the supreme pontiff, Pope John Paul II, together with Articles 28-29 approved in forma specifica.(2)

At approximately the same time, the Congregation for the Doctrine of the Faith, through an ad hoc commission established, devoted itself to a diligent study of the canons on delicts both of the Code of Canon Law and the Code of Canons of the Eastern Churches in order to determine "more grave delicts both against morals and in the celebration of the sacraments" and in order to make special procedural norms "to declare or impose canonical sanctions," because the instruction *Crimen Sollicitationis*, issued by the supreme sacred Congregation of the Holy Office on March 16, 1962,(3) in force until now, was to be reviewed when the new canonical codes were promulgated.

Having carefully considered opinions and having made the appropriate consultations, the work of the commission finally was completed. The fathers of the Congregation for the Doctrine of the Faith examined the commission's work carefully and submitted to the supreme pontiff conclusions on the determination of more grave delicts and the manner of proceeding to declare or impose sanctions, with the exclusive competence in this of the apostolic tribunal of this congregation remaining firm. All these things, approved by the supreme pontiff himself, were confirmed and promulgated by the apostolic letter given motu proprio beginning with the words *Sacramentorum sanctitatis tutela*.

The more grave delicts both in the celebration of the sacraments and against morals reserved to the Congregation for the Doctrine of the Faith are:

-Delicts against the sanctity of the most august eucharistic sacrifice and the sacraments, namely:

1. Taking or retaining the consecrated species for a sacrilegious purpose or throwing them away.(4)
2. Attempting the liturgical action of the eucharistic sacrifice or simulating the same.(5)
3. Forbidden concelebration of the eucharistic sacrifice with ministers of ecclesial communities which do not have apostolic succession and do not recognize the sacramental dignity of priestly ordination.(6)
4. Consecrating for a sacrilegious purpose one matter without the other in the eucharistic celebration or even both outside a eucharistic celebration.(7)

-Delicts against the sanctity of the sacrament of penance, namely:

1. Absolution of an accomplice in sin against the Sixth Commandment of the Decalogue.(8)
2. Solicitation in the act, on the occasion or under the pretext of confession, to sin against the Sixth Commandment of the Decalogue, if it is directed to sin with the confessor himself.(9)
3. Direct violation of the sacramental seal.(10)

-A delict against morals, namely: the delict committed by a cleric against the Sixth Commandment of the Decalogue with a minor below the age of 18 years.

Only these delicts, which are indicated above with their definition, are reserved to the apostolic tribunal of the Congregation for the Doctrine of the Faith.

As often as an ordinary or hierarch has at least probable knowledge of a reserved delict, after he has carried out the preliminary investigation he is to indicate it to the Congregation for the Doctrine of the Faith, which unless it calls the case to itself because of special circumstances of things, after transmitting appropriate norms, orders the ordinary or hierarch to proceed ahead through his own tribunal. The right of appealing against a sentence of the first instance, whether on the part of the party or the party's legal representative, or on the part of the promoter of justice, solely remains valid only to the supreme tribunal of this congregation.

It must be noted that the criminal action on delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by a prescription of 10 years.(11) The prescription runs according to the universal and common law;(12) however, in the delict perpetrated with a minor by a cleric, the prescription begins to run from the day when the minor has completed the 18th year of age.

In tribunals established by ordinaries or hierarchs, the functions of judge, promoter of justice, notary and legal representative can validly be performed for these cases only by priests. When the trial in the tribunal is finished in any fashion, all the acts of the case are to be transmitted ex officio as soon as possible to the Congregation for the Doctrine of the Faith.

All tribunals of the Latin church and the Eastern Catholic churches are bound to observe the canons on delicts and penalties, and also on the penal process of both codes respectively, together with the special norms which are transmitted by the Congregation for the Doctrine of the Faith for an individual case and which are to be executed entirely.

Cases of this kind are subject to the pontifical secret.

Through this letter, sent by mandate of the supreme pontiff to all the bishops of the Catholic Church, to superiors general of clerical religious institutes of pontifical right and clerical societies of apostolic life of pontifical right, and to other interested ordinaries and hierarchs, it is hoped not only that more grave delicts will be entirely avoided, but especially that ordinaries and hierarchs have solicitous pastoral care to look after the holiness of the clergy and the faithful even through necessary sanctions.

Rome, from the offices of the Congregation for the Doctrine of the Faith, May 18, 2001.

Cardinal Joseph Ratzinger  
Prefect

Archbishop Tarcisio Bertone, SDB  
Secretary

[Notes added from the Latin text]

[1] Ioannes Paulus PP. II, Constitutio Apostolica Pastor bonus, De Romana Curia, 28 iunii 1988, art. 52, in AAS 80 (1988) 874.

[2] Congregatio pro Doctrina Fidei, Agendi ratio in doctrinarum examine, 29 iunii 1997, in AAS 89 (1997) 830-835.

[3] Suprema Sacra Congregatio Sancti Officii, Instructio Crimen sollicitationis, Ad omnes Patriarchas, Archiepiscopos, Episcopos aliosque locorum Ordinarios "etiam Ritus Orientalis": De modo procedendi in causis sollicitationis, 16 martii 1962, Typis Polyglottis Vaticanis MCMLXII.

[4] Cf. Codex Iuris Canonici, can. 1367; Codex Canonum Ecclesiarum Orientalium, can. 1442. Cf. et Pontificium Consilium De Legum Textibus Interpretandis, Responsio ad propositum dubium, 4 iunii 1999.

[5] Cf. Codex Iuris Canonici, can. 1378 § 2 n. 1 et 1379; Codex Canonum Ecclesiarum Orientalium, can. 1443.

[6] Cf. Codex Iuris Canonici, can. 908 et 1365; Codex Canonum Ecclesiarum Orientalium, can. 702 et 1440.

[7] Cf. Codex Iuris Canonici, can. 927.

[8] Cf. Codex Iuris Canonici, can. 1378 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1457.

[9] Cf. Codex Iuris Canonici, can. 1387; Codex Canonum Ecclesiarum Orientalium, can. 1458.

[10] Cf. Codex Iuris Canonici, can. 1388 § 1; Codex Canonum Ecclesiarum Orientalium, can. 1456 §1.

[11] Cf. Codex Iuris Canonici, can. 1362 § 1 n. 1; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 2 n. 1.

[12] Cf. Codex Iuris Canonici, can. 1362 § 2; Codex Canonum Ecclesiarum Orientalium, can. 1152 § 3.

En otro asunto, el 30 de mayo termina en el tercer piso del Palacio de Bellas Artes la exposición de la arquitectura y la pintura del fraile benedictino Gabriel Chávez de la Mora, quien entre otros proyectos participó en la restauración de la catedral de Cuernavaca, bajo el obispado de Don Sergio Méndez Arceo. Asimismo, Gregorio Lemercier (quien se hizo famoso al introducir el psicoanálisis entre los benedictinos en Cuernavaca) le encargó la capilla del monasterio de

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Santa María de la Resurrección, en Cuernavaca, y allí hizo diseños que se adelantaron al Concilio Vaticano II, como diseñar una capilla en donde el sacerdote no daba la espalda a los fieles.

Es curioso que sea Bellas Artes y no la Iglesia Católica Mexicana quien haga este homenaje a Fray Gabriel Chávez. Lo más probable es que muy pocos sacerdotes estén enterados de esta exposición, pues en estos momentos la jerarquía católica mexicana está mucho más preocupada en limpiar su imagen.

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