

In the face of scandals involving sexual abuse against minors committed by clerics, a question arises about the liability of the superiors responsible for the clerics who committed such offences. Claims for damages to be awarded against ecclesiastical legal entities (e.g. dioceses) for harm inflicted by clerics are filed with Polish common courts. While the concept of liability borne by a superior for trespasses committed by a subordinate has been the subject matter of multiple studies under Polish law (as well as under legal orders of other countries), it has not been thoroughly examined under the Canon Law. The Catholic Church has been frequently accused that it merely performs religious and spiritual acts, rather than invoke certain forms of liability from bishops.

The research project aims to address this deficiency. The principal scientific purpose of this project is to comprehensively and thoroughly analyze and systematize the concept of penal, disciplinary and civil liability (incl. liability for damages) under the Canon Law of diocesan bishops of the Catholic Church for sexual abuses committed by clerics under their responsibility. The inspiration for the thorough study of the ecclesiastical legislation was provided by the Apostolic Letter issued *motu proprio* *Come una madre amorevole* of 4 June 2016 and the Apostolic Letter issued *motu proprio* *Vos estis lux mundi* of 7 May 2019, both promulgated by Pope Francis. The first Act of Law is a breakthrough regulation as it establishes, for the first time in the history of Catholic Church, a procedure for removing bishops from office for negligence or unlawful acts to the detriment of individuals or the entire community. The other Act establishes, *inter alia*, a penalty for interfering with, or avoiding, civil or canonical investigations, whether penal or administrative, relating to sexual offences committed by clerics.

The general hypothesis of the research project is as follows: Diocesan bishops bear not only moral and spiritual responsibility, but also canonical liability (penal and disciplinary liability, and liability for damages) for sexual offences to the detriment of minors committed by clerics under the management of such bishops. Such liability is specific and takes various forms in accordance with the provisions of the Canon Law. In order to determine the legal grounds for the liability, a detailed analysis of the provisions of the Canon Law will be made, to provide answers to the following questions: To what extent the canonical status of a cleric subordinated to a bishop may be comparable to the relationship between an employer and an employee? Is every act of a cleric under the Canon Law strictly regulated and supervised by a bishop or does a cleric enjoy a certain autonomy and if so, how should the liability for harm inflicted by a cleric be allocated?

Multiple provisions of the Canon Law define in detail the duties of a bishop in this respect: conferring the orders of priesthood only to individuals who possess requisite qualities, showing concern for the development of spiritual and intellectual life of the clergy, fostering the discipline among the clergy, particularly in the area of continence and celibacy, and appropriately responding to reports of possible misconduct, conferring offices and functions to suitable individuals who possess requisite qualities and removing those whose ministry becomes harmful, and ensuring that presbyters who are found not to be suitable are not conferred the capacity to hear the confessions. Negligence of these duties may underpin bishop's fault in selection or fault in supervision.

The liability of bishops for torts committed by clerics under their management also includes the obligation to rectify the harm done. It is interesting to note that the Pontifical documents from 2016 and 2019 pass over that obligation with silence. A study of bishops' liability should therefore attempt to identify the reasons why the ecclesial legislator chose to ignore that question and to describe the nature of the harm inflicted as a results of a bishop's negligence and indicate how it should be rectified.

The authors of this research project intend to ensure that published findings contribute not only to a better application of the law within the Church but also prove useful in the wider context - in the general law doctrine and, most importantly, in the judicial decisions of common courts. Polish courts, when examining cases regarding civil liability of a diocese or other legal persons of the Catholic Church, invoke the Canon Law. This is not only justified but simply necessary for a fair judgement to be made. It seems impossible to fairly assess fault and liability of a diocesan bishop without conscientiously referring to the provisions of the religious law dealing with this matter. The project has also social importance in that it is expected to contribute to disseminating knowledge and raising awareness of the liability of the Catholic Church bishops for offences committed by clerics under their management. This applies both to parties involved in possible disputes on this matter, but also the entire community (within and outside of the Church). It seems desirable that such legal awareness contributes to shaping responsible public opinions in the context of scandals involving sexual abuse against minors at the Church.