

## CANONICAL UPDATES – THE SYNODAL PATH OF THE CHURCH

### INTRODUCTION

The Roman Catholic Church inspired by the Holy Spirit is led by the hierarchy carrying out the threefold mission of Christ preaching, sanctifying and governing. The two main task of the Church is preaching the gospel and sanctifying the people of God and the governing function regulates these two ministries. Hence the Church led by the Spirit of God brings legislations and norms to protect the unity of the Church, and to nourish the faith of the people of God. The Pope as legislator carries out the task of regulating the life and the ministry of the hierarchy as well as the people of God. The present legislator His Holiness Pope Francis giving high priority to the task of charity wants to cleanse the financial systems to bring accountability, transparency and to blot out the corruption rooted in the very hierarchical circle and also to bring confidence in the minds of the people.

The pope is making lot of efforts especially calling for a renewed thinking through the forthcoming Synod to give high priority to the proposals of the lower rung i.e., the ordinary people. As legislator, he is constantly giving constitutions, exhortations, letters, encyclicals having varied authority either *motu proprio* or depending on the request or the need giving guidance. The synodal path proposed by the Pope is making the people at the grass root level to think and to act and to question the unlawful structure in the church, corruption, deeply rooted favouritism, and enjoying the power and authority by the hierarchy for their selfish motives. Let us now go into some of the documents of the Church in order to see the vision of the Church and to imbibe the spirit behind those documents in order to carry out in our day to day ministry.

### 1. PREDICATE EVANGELIUM (PREACH THE GOSPEL)

Pope Francis has published on 19<sup>th</sup> March 2022 a new constitution called “Predicate Evangelium (Preach the Gospel) implementing his reform of the organization and structure of the Roman Curia. It comes into force on 5<sup>th</sup> June 2022 on the Solemnity of Pentecost. It replaces *Pastor Bonus* the apostolic constitution on the Roman Curia promulgated by Pope John Paul II on June 28, 1988 and later modified by both popes Benedict XVI and Francis. With the publication of the new constitution, Pastor Bonus is “fully abrogated and replaced.”

#### 1.1. No more Congregations or Pontifical Councils

- a) Under the new constitution, all the Vatican’s main departments are now known as “dicasteries.” The powerful Vatican Congregation for the Doctrine of the Faith for example will now be called the “Dicastery for the Doctrine of the Faith.”

- 
- b) Along with removing the title “congregation” from Vatican departments, the new constitution renames pontifical councils as “dicasteries.” For example, the Pontifical Council for Legislative Texts will be called “Dicastery for Legislative Texts”
  - c) The constitution says: “The Roman Curia is composed of the Secretariat of State, the Dicasteries and other bodies, all juridically equal to each other.”
  - d) The document explains that “it became necessary to reduce the number of departments, joining together those whose purpose was very similar or complementary, and rationalize their functions with the aim of avoiding overlapping of competencies and making their work more effective”.
  - e) The 16 dicasteries are: Dicastery for Evangelization, for the Doctrine of the Faith for the Service of Charity, for the Eastern Churches, for Divine Worship and the Discipline of the Sacraments, for the Causes of Saints, for Bishops, for Clergy, for Institutes of Consecrated Life and Societies of Apostolic Life, for the Laity, Family, and Life, for Promoting Christian Unity, for Interreligious Dialogue, for Culture and Education, for Promoting Integral Human Development, For Legislative Texts and for Communication.

### 1.2. The Secretariat of State

- a) Under the new constitution, the Secretariat of State assumes the role of a Papal Secretariat. Pope Paul VI made the Secretariat of State the central body of the Roman Curia with his 1967 apostolic constitution *Regimini Ecclesiae Universalis*. Thus, the constitution of Paul VI described the Secretariat of State as the Secretariat of the Supreme Pontiff while the Code of Canon Law 1983 also speaks of “The Papal Secretariat.” Nothing is new in the end. The name “Secretariat of State” is not lost.
- b) Its functions, however, become those of a papal secretariat which will also organize inter-dicasterial meetings. Of course, the pope’s presence at such meetings is not foreseen in the constitution, but it can be taken for granted.

### 1.3. The Apostolic Camera

- a) The Apostolic Camera is a branch of the Roman Curia that administers the goods of the Church during the sede vacante period. It is a venerable institution that dates back to the 12th century. It comprises the Camerlengo, the vice-chamberlain, the general auditor, and the college of clerical prelates of the Camera.
- b) But as early as 2020, the titles of the general auditor and the college disappeared from the Pontifical year book. It was a clear signal of change.

- 
- c) The Apostolic Camera is not mentioned in *Praedicate Evangelium*. According to the new constitution, the **Camerlengo** is assisted by three assistant cardinals. One is the Cardinal Coordinator of the Council for the Economy and the other two are “identified according to the modalities provided for by the legislation on the vacancy of the Apostolic See and the election of the Roman Pontiff.”

#### 1.4. Propaganda Fide – Dicastery for Evangelization

- a) Founded in 1622, the Congregatio de Propaganda Fide, later called the Congregation for the Evangelization of Peoples had substantial autonomy also from a financial point of view. Under the new constitution, the congregation is merged into the **Dicastery for Evangelization** along with the Pontifical Council for Promoting the New Evangelization. Article 68 reads: The patrimony set aside for the missions is administered through its own special office, headed by the Adjunct Secretary of the Section, without prejudice to the obligation to render due account to the Secretariat for the Economy”.
- b) The **dicastery will continue to oversee** the appointment of bishops in the mission territories. Likewise, it regains its financial autonomy. Article 55 of the constitution reads: “The Dicastery for Evangelization is chaired directly by the Roman Pontiff. Each of the two sections is governed in his name and by his authority by two pro-prefects.”
- c) There are **two sections**: The first section of the Dicastery for Evangelization which absorbs the Pontifical Council for the promotion of the New Evangelization, will be the “section for the fundamental questions of evangelization in the world.” The second section, responsible for the new evangelization and the new particular Churches, is in fact, the ancient Propaganda Fide.

#### 1.5. The Dicastery for the Doctrine of the Faith

- a) That Pope Francis considers evangelization to be primary could already be seen from the reform of the Congregation for the Doctrine of the Faith, launched in February 2022 and now incorporated into *Praedicate Evangelium*.
- b) It has two sections: disciplinary and doctrinal – makes a clear separation between questions of discipline and those of faith. Before, the basic idea was that even crimes such as child abuses were crimes against the faith.

#### 1.6. Dicastery for the Service of Charity

- a) The **office of Papal Charities** has always been considered part of the “Papal Family (Familia Pontificalis), rather than a department of the Roman Curia. This is why the Papal Almoner, who runs the office, joins the procession that accompanies state visits to the Vatican and sits next to the pope during the exchange of speeches. The almoner was thus an expression of charity that emanated directly from the Pope and had no universal dimension. The universal

characteristic was instead embodied by the Pontifical Council Cor Unum, which was later merged into the Dicastery for the Promotion of Integral Human Development. Now the Papal almoner becomes the head of a “Dicastery for the Service of Charity,” becoming part of the Curia and leaving the Papal Family.

- b) The Dicastery for Promoting Integral Human Development retains its title under the apostolic constitution, but the old competencies of Cor Unum are not listed among its prerogatives.
- c) During a vacancy in the Apostolic See – by death or resignation of the pope – all prefects lose their office. The sole exception until now was the Apostolic Penitentiary, the cardinal in charge of the “internal forum”. The mercy of God was never to be interrupted. Praedicate Evangelium adds the papal almoner to that – the service of charity is never to be interrupted.

### 1.7. The Pope's Finances

- a) **The Administration of the Patrimony of the Apostolic See** is increasingly defined as a sort of central bank of the Holy See. The inclusion of an investment committee should be noted which ought to serve to avoid mistakes such as that of the investment in the luxury building in London.
- b) **APAS** will coordinate all investments in practice and the Institute for the Works of Religion becomes its operational arm. An investment committee was already present within IOR. It remains to be seen whether this will continue to operate or if APSA will manage all investment expertise.

### 1.8. The Role of Laity

- a) There is no longer a distinction between congregations and pontifical councils because all the Vatican's main departments are now defined as dicasteries.
- b) Previously the heads of the congregations were cardinals and leaders of the pontifical councils at least archbishops reflected the idea that all departmental leaders should have a form of episcopal collegiality with the pope. Moreover, since the congregations were decision making bodies, it was necessary that their leaders were clerics that is cardinals, archbishops and bishops.
- c) Now with the present changes, the constitution underlines that “any member of the faithful” can lead one of the newly constituted Vatican dicasteries or other bodies, “given their particular competence, power of governance and function.”

## 2. RECOGNITUM LIBRUM VI

Pope Francis issued an apostolic letter called *Recognitumlibrum VI* on 26<sup>th</sup> April 2022 bringing Church law up to date on the rules of dismissal from religious institutes in the light of the updated penal law on sanctions related to clerical sexual abuse and other

crimes. It modifies one sentence from Canon 695 of the existing Code of Canon Law. It reads: Canon 695, §1 says “A religious must be dismissed from the institute for the delicts mentioned in can. 1395, 1397 and 1398, unless in the delicts mentioned in can. 1395, §2-3 and 1398 §1, the superior decides that dismissal is not completely necessary and that correction of the religious, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.”

Can. 695 § 1. A member must be dismissed for the delicts mentioned in cann. 1395, 1397, and 1398, unless in the delicts mentioned in cann. 1395 §§ 2-3 and 1398 § 1, the major superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way.

- ❖ Canon 1395 of the new code refers specifically to “a cleric living in concubinage” and clerics who continue in some other external sin against the sixth commandment which causes scandal, as well a cleric who “forces someone to perform or submit to sexual acts.”
- ❖ Canon 1397 of the Code gives the details of the punishments for a person who commits homicide, gravely wounds another person, or procures an abortion.
- ❖ Canon 1398 deals with clerical sexual abuse of a minor and the distribution of pornographic images of minors.

Pope Francis made the change after hearing from the Pontifical Council for Legislative Texts and the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. With the change, canon 695 now refers to the appropriate canons in the revised Book VI of the Code of Canon Law which came into force on Dec. 8<sup>th</sup> 2021. The reformed penal code moved the canons concerning the crime of sexual abuse of minors and crimes of child pornography from the section on “crimes against special obligations” to that of “crimes against life, dignity, and freedom of the person in Book VI.

Bishop Juan Ignacio Arrieta, Secretary of Pontifical Council for Legislative Text comments as:

- a) By adding to Canon 695 §1 an exception for the offenses mentioned in Canon 1395 §3, Pope Francis has again permitted religious superiors—specifically, major superiors—to address the canonical offense of rape in a manner that does not entail dismissal from the religious institute.
- b) And by adding to Canon 695 §1 an exception for the offenses mentioned in Canon 1398 §1, Pope Francis has again permitted religious superiors—specifically, major superiors—to address the canonical offense of the sexual abuse of minors in a manner that does not entail dismissal from the religious institute.

- c) In doing so, Pope Francis has also now permitted major superiors to address the offenses of sexual abuse of vulnerable adults and child pornography in a manner that does not entail dismissal from the religious institute.

### 3. DESERIO DESIDERAVI (I Have Earnestly Desired)

Pope Francis promulgated the Apostolic Letter *DeserioDesideravi* on 29<sup>th</sup> June 2022 on the feast day of Sts. Peter and Paul. It is a completion to Francis's *Motu Proprio Traditionis Custodes*. With this latest document the Pope is calling the Church to a greater appreciation of and reflection upon the liturgical patrimony which we presently possess.

Pope Francis promulgated *Traditionis Custodes* with a corresponding letter to the bishops of the world. Then the Congregation for Divine Worship and the Discipline of the Sacraments promulgated a Response to a series of doubts which arose from TC. In all these three documents there is a consistent refrain for a desire of unity in worship and in the Church. While releasing the document, the Dicastery for Divine Worship provided the intent of this document on 29<sup>th</sup> June 2022. It notes that DD is “not an instruction or directory, but instead a meditation which offers many ways to understand the beauty and truth of the Liturgy.”

#### Important Themes

- a) **Bring Others to the Supper of the Lamb:** “The world still does not know it, but everyone is invited to the supper of the wedding of the Lamb (Rev. 19:9). To be admitted to the feast all that is required is the wedding garment of faith which comes from the hearing of his Word (Rom 10:17). The Church tailors such a garment to fit each one with the whiteness of a garment bathed in the blood of the Lamb (Rev. 7:14). We must not allow ourselves even a moment of rest knowing that still not everyone has received an invitation to this Supper or knowing that others have forgotten it (Art 5).
- b) **Theological Sense of Liturgy:** “With this letter I simply want to invite the whole Church to rediscover, to safeguard, and to live the truth and power of the Christian celebration” (Art 16). Pope Francis reminds us that the journey to the rediscovery of the theological understanding of the Liturgy and of its importance in the life of the Church is owed to the Second Vatican Council but also the liturgical movement that preceded it. Pope underlined “the beauty of the Christian celebration and its necessary consequences for the life of the Church not to be spoiled by a superficial and foreshortened understanding of its value and being exploited in service of some ideological vision”.
- c) **Observe the Rubrics:** The document insists that every aspect of the celebration must be carefully tended to and every rubric must be observed. Such attention would be enough to prevent the abuses in the celebration of paschal mystery (Art 23).



gestures and words that place order within our interior world making us live certain feelings, attitudes and behaviours (Art 51).

- j) **Priest President of Liturgy:** Pope cautions that the way of living the liturgical celebration by the Christian communities is conditioned by the way in which their pastor presides in the assembly... different models of presiding. rigid austerity, or an exasperating creativity, a spiritualizing mysticism or a practical functionalism, a rushed briskness or an overemphasized slowness, a sloppy carelessness or an excessive finickiness, a superabundant friendliness or priestly impassibility... Pope warns that these models of presiding have a common root: a heightened personalism of the celebrating style which at times expresses a poorly concealed mania to be the centre of attention (Art 54).
- k) **The Priest and Jesus' burning heart of love:** The priest himself should be overpowered by this desire for communion that the Lord has toward each person. It is as if he were placed in the middle between Jesus' burning heart of love and the heart of each of the faithful, which is the object of the Lord's love. To preside at Eucharist is to be plunged into the furnace of God's love (57).

The liturgical reform from Vatican II has been left largely incomplete, and the fruit of the current liturgy will never flourish, and the whole process of renewal of the Church started at the Council will never be fully realized, until the people are aided and equipped so as to encounter the saving mysteries of the liturgy is saved, redeemed and sanctified. Pope Francis is calling the Church and her ministers to enter more deeply into the reality of the liturgy and help lead the People of God into this same reality.

#### 4. TOTUM AMORIS EST (Everything Pertains to Love)

Pope Francis issued an Apostolic Letter entitled *TotumAmoris Est* on the 400<sup>th</sup> anniversary of the death of St. Francis de Sales on 5<sup>th</sup> January 2023 in which he recalls how the Doctor of the Church was capable of helping people seek God in charity, joy and freedom in an era of great changes. Describing him as a fine interpreter of his time, and an extraordinary director of souls, the Holy Father highlights the great vocation of this French saint, Patron of journalists and communicators and exiled bishop of Geneva, who asked himself in every situation in life where the greatest love is to be found.

- i. According to St. Francis de Sales, Pope explains that the experience of God "is intrinsic to the human heart". This idea, underpinning his entire life, "centred on God" is explained in his "Treatise on the Love of God". At the very thought of God, one immediately feels a certain delightful emotion of the heart, which testifies that God is God of the human heart".
- ii. The reflection of St. Francis de Sales on spiritual life is "of outstanding theological importance", the Holy Father writes, for it embodies two "essential dimensions of any genuine theology". The first one is spiritual life itself because "theologians emerge from the crucible of prayer", whereas the second-dimension regards "the ability to



- think in the Church and with the Church” as Christian theologians are called to carry out their work “immersed in the life of the community”.
- iii. Towards the end of his life, Francis realized that the world was changing and the mark of a completely evangelical sense of the need to respond to those changes. While confronting Protestants, St. Francis de Sales “came to realize increasingly, along with the need for theological discussion, the effectiveness of personal relationships and charity.”
  - iv. The legacy of St. Francis de Sales for our times is the decision to “reinterpret and propose anew to each man and woman the beauty of our relationship with God.” Divine providence draws our hearts to God’s love without any imposition but by invitations, enticements and holy inspirations. He defines true devotion as none other than a genuine and not generic, love of God, a manifestation of charity, therefore far from being “something abstract”. Pope Francis clarifies that devotion is meant for everyone, in every situation, and each of us can practice it in accordance with our own vocation.
  - v. Pope Francis summarizes his thoughts on the life of St. Francis de Sales by remarking that “those who think they are rising to God, yet fail to love their neighbour, are deceiving both themselves and others.” Instead, Christian life is discovering the joy of loving and “the source of this love that attracts the heart is the life of Jesus Christ” who gave his life for us.

## 5. IN ECCLESIASUM COMMUNIONE (In the Communion of Churches)

Pope Francis publishes the new Apostolic Constitution “In Ecclesiarum Communionem” (In the Communion of Churches) on 6<sup>th</sup> January 2023 which reorganizes the Vicariate of Rome by strengthening the role of the Episcopal Council and making the Pope, as Bishop of Rome more present in the Vicariate’s decisions. It comes into effect from 31<sup>st</sup> Jan 2023. It replaces the previous constitution “Ecclesia in Urbe” (The Church in the City) issued by St. John Paul II in 1988.

**5.1. The aim of the revision:** It is clearly reported in a papal instruction: “The vicariate, too is called “to become more suitably channelled for the evangelization of today’s world rather than for her self-preservation” and to be at the service of a church that reaches out to everyone, evangelizing in word and deed, embracing human life and “touching the suffering flesh of Christ in others.”

The new document aims to revitalize the vicariate’s mission by giving “primacy” to charity and the proclamation of divine mercy, synodality with the faithful and promoting greater collegiality, particularly between the pope and his auxiliary bishops of Rome.

### 5.2. New Offices:

- a) Among the many changes, **the Pope created two new bodies:** an office dedicated to safeguarding minors and vulnerable people and an independent supervisory

commission of experts appointed by the Pope who monitor the work and administrative, and economic affairs of the vicariate.

- b) The Pope reiterates in the document how “The church loses its credibility when it is filled with what is not essential to its mission or, worse, when its members, sometimes even those invested with ministerial authority, are a source of scandal by their behaviours that are unfaithful to the Gospel.
- c) In fact, Pope Francis lists “some of the most serious and urgent commitments” that call for pastoral action by the Vicariate. These includes vigilance over economic management “so that it may be prudent and responsible” and “conducted consistently with the objective that justifies the possession of goods by the Church. Finally, he concludes “only in the total giving of oneself to Christ in order to serve the salvation of the world does the church renew her fidelity.”

### 5.3. Hierarchical Figures of the Vicariate

The Pope dwells on **the hierarchical figures of the Vicariate: Cardinal Vicar**, Vicegerent and auxiliary bishops. All are appointed by the Pope for an indefinite period of time and cease from office by a decree from Pope. The Vicar continues to exercise “the episcopal ministry of magisterium, sanctification and pastoral government for the diocese of Rome with the ordinary power of the Vicar” under the terms established by the Pope. The Vicar will not undertake important initiatives or ones exceeding ordinary administration without first reporting to the Pope.

The Pope strengthens the role of the **Episcopal Council** which becomes the “primary agent of Synodality” and “the high-level place of discernment and pastoral and administrative decisions.” The Pope will preside over it when it meets at least three times a month. The agenda and the minutes of the meetings of the council should be sent to the Pope.

The Cardinal Vicar in his function of co-ordinating diocesan pastoral care always acts in communion with the episcopal council and if he differs from the concurring opinion, he must do so only after having evaluated the matter with the Pope. The Episcopal Council must also give its approval for the appointment of chaplains, church rectors and those responsible for pastoral services.

The regulations governing the **Diocesan Council for Economic Affairs**, a group that assists the Pope in the economic administration of the diocese, must also be approved by the Pope, with “criteria of transparency in the management of funds.” In the same vein, an **independent Review Commission** is established at the Vicariate of Rome as an internal control entity with its own regulations approved by the Pope.

**5.4. Guidelines:** The Pope gives a set of rules and procedures for choosing new parish priests, whose “spiritual, psychological, intellectual, pastoral characteristics and experience in previous service, if any must also be evaluated.” The Cardinal Vicar, having

TAMILNADU CANONIST ASSOCIATION ANNUAL MEET  
TINDIVANAM 24-25 JAN 2023

completed the process shall submit the candidates for the office of parish priest to the Pope who will appoint. The Cardinal Vicar will also submit first to the Pope all candidates “for possible admission to Holy Orders” after those candidates have received approval by the episcopal council.

In fact, the Pope will have a much greater role in the vicariate, staying informed with required reporting, presiding over meetings of the episcopal council and taking part in major decisions concerning pastoral, administrative and financial matters, including requiring his final approval of the diocese’s annual budget report.

Date: 25.01.2023  
Shevapet

REV. DR. A. ALAGU SELVAN  
Judicial Vicar and Parish Priest