

CANON LAW UPDATE

January 2025

DECREE OF THE HOLY FATHER FOR THE REMEMBRANCE IN THE PARTICULAR CHURCHES OF THEIR OWN SAINTS, BLESSEDS, VENERABLES AND SERVANTS OF GOD

16 November 2024

- -the Church publicly honours the Saints and Blesseds, on pre-established dates and in predetermined ways
- -not a matter of inserting a new memorial into the liturgical calendar, but of promoting with appropriate initiatives outside the liturgy, or of recalling within it, for example in the homily or at another time deemed appropriate, those figures who have characterized the local Christian path and spirituality.
- -the doc urges the particular Churches, starting from the coming Jubilee of 2025, to remember and honour these figures of holiness, every year on 9 November, the Feast of the Dedication of the Lateran Basilica.

- - an effort to honour the holy men and women who have shaped the faith of their communities.
- - the often-overlooked holiness of the poor, the sick, and the suffering
- -to remember both within and outside the liturgy. Homilies, educational programs, and community events could explore the lives of these saints-next-door, whose lives continue to be examples for people today.

APOSTOLIC LETTER Già da tempo (Long-standing Issue) IN THE FORM OF A "MOTU PROPRIO" OF THE SUPREME PONTIFF FRANCIS

16 April 2023

-Whereby Certain Norms of the Code of Canons of the Eastern Churches Are Amended Regarding Bishops Who Have Reached the Age of Eighty in the Synod of Bishops of Their Respective Churches *sui iuris*

- - Bishops who reach 80 years of age lose their deliberative voting rights in the Synod of Bishops for their Church *sui iuris*, including elections of Patriarchs, Bishops, and candidates for certain offices.
- -This rule does not apply to active Patriarchs or Eparchial Bishops still in office.
- -Canons 66, §1; 102, 149; and 183 of the Code of Canons of the Eastern Churches have been modified to reflect this change
- -Provisions allow Patriarchs to invite non-bishop hierarchs or experts to the Synod for consultation on specific matters, making sure their input is limited to expressing opinions without voting rights

**APOSTOLIC LETTER IN THE FORM OF A "MOTU PROPRIO" OF THE SUPREME PONTIFF
FRANCIS**

AMENDING CANONS 295–296 REGARDING PERSONAL PRELATURES

8 August 2023

- -It moved the supervision of personal prelatures (*e.g., Opus dei*) from the Dicastery for Bishops to the Dicastery for Clergy,
- -*Ad charisma tuendum* had also changed the status of the leader of the Work, who no longer had the rank of bishop: he could no longer bear the attributes of a bishop and or exercise the authority of a bishop.
- -now assimilates personal prelatures into “public clerical associations of pontifical right.”

- -The prelate of a personal prelature is now considered to be a “moderator”—a title reserved for leaders of associations of the faithful, like other existing communities, such as the Emmanuel Community—who retains the authority of an ordinary. In other words, prelates will remain leaders with executive power, which allows them in particular to open seminaries and incardinate deacons and priests.
- -The text also recalls that the faithful belonging to a personal prelature remain under the jurisdiction of their local diocese, which remains the region’s natural authority.

APOSTOLIC LETTER IN THE FORM OF A "MOTU PROPRIO" OF THE SUPREME PONTIFF FRANCIS "Munus Tribunalis" BY WHICH THE PROPER LAW OF THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURA IS AMENDED

21 JUNE 2008

- -the highest judicial authority in the Catholic Church beside the Pope himself
- -Harmonises the proper law of the Apostolic Signatura with his 2022 reform of the Curia, "Praedicate evangelium".

The changes concern

- -the replacement of the word "clerics" with "presbyters" in Art. 1 of the Proper Law, considering what is established in art. 195 § 1 PE.
- -the replacement of the word "Dicastery" with the word "Tribunal" in Art. 3 and with the word "Apostolic Signatura" in Art. 32;

- -the replacement of the expression “issued by the Dicasteries of the Roman Curia” with the expression “issued by the Curial Institutions” in Art. 34;
- -the replacement of the expression “to promote and approve the establishment of inter-diocesan tribunals” with the expression “to approve the erection of tribunals of all kinds established by the bishops of several dioceses” in Article 35;
- -the replacement of the word “Dicastery” with “Curial Institutions” in Articles 79, 80, 81, 92 and 105.

By a chirograph

By a chirograph (formal, handwritten document or decree issued directly by the Pope), comprising of 19 articles, Pope Francis has instituted the Pontifical Committee for World Children's Day, led by Franciscan Father Enzo Fortunato, to oversee the pastoral organization and ecclesial animation of this new initiative.

20th November 2024

- **Goals of World Children's Day:** The celebration aims to:
 - Advocate for children's rights in the Church's pastoral mission.
 - Promote an evangelizing, child-focused Church community.
 - Encourage the Church to adopt the humility and openness of children.
 - Help children grow in faith and understanding of Jesus.
 - Highlight the Church as a nurturing mother in catechesis and worship.
- The committee will collaborate with local Churches and Episcopal Conferences to integrate these goals into ongoing pastoral care for children.

Note of the DICASTERY FOR THE DOCTRINE OF THE FAITH ***GESTIS VERBISQUE*** On
the Validity of the Sacraments

2 February 2024

- -the doc urges the ministers to be faithful to the liturgical text, form and matter and intention, while administering the sacraments.
- -Anomalies and abuses *“I baptize you in the name of the Creator...”* and *“In the name of your dad and mom...we baptize you.”*
- -The Church Preserves the sacraments and the Church is Preserved by the Sacraments: The Church is the ‘minister’ of the Sacraments, but she does not own them. (no. 11)

- -The doc states, that because of their rootedness in Scripture and Tradition, the matter and the form of the Sacraments have never depended on, nor could they depend on, the will of individuals or specific communities. The Church's responsibility is not to determine these elements at someone's whim or pleasure, but—provided their substance is preserved, her task is to point them out authoritatively, in docility to the action of the Holy Spirit. (no. 15)
- Matter and form and the intention of the church should be preserved. Here, the issue of the minister's intention should be distinguished clearly from that of his personal faith and moral condition, which do not affect the validity of the gift of grace (no. 18)

- -The liturgy itself allows for the variety that keeps the Church from “rigid uniformity.” This is why the Second Vatican Council decreed that “provisions shall also be made, when revising the liturgical books, for legitimate variations and adaptations to different groups, regions, and peoples, especially in mission lands, provided that the substantial unity of the Roman Rite is preserved.” (no. 21).
- -the priest acts in persona Christi (representing Christ the Head) and nomine Ecclesiae (in the name of the Church).
- -The ars celebrandi (art of celebrating) should prioritize Christ’s presence, nurture active participation of the assembly, and adhere to liturgical norms, avoid extremes of rigid formalism or creativity.

The Dicastery for the Doctrine of the Faith's **Norms for Proceeding in the Discernment of Alleged Supernatural Phenomena** establish rules for how to evaluate alleged supernatural occurrences

- -The Norms came into effect on May 19, 2024, replacing the previous Norms Regarding the Manner of Proceeding in the Discernment of Presumed Apparitions or Revelations (of 1978).
 - -The revision of the 1978 Norms began in 2019 and involved various consultations envisioned by the then Congregation for the Doctrine of the Faith (Congresso, Consulta, Feria IV – *Wednesday the fourth day of the liturgical week, starting from Sunday*, and Plenaria)
- Some Bishops have wanted to make statements such as, “I confirm the absolute truth of the facts” and “the faithful must undoubtedly consider as true...”.

-since 1950, no more than six cases have been officially resolved, even though such phenomena have often increased without clear guidance and with the involvement of people from many Dioceses.

Possibly:

- Our Lady of Beauraing (Belgium, 1932–1933)
- Our Lady of Banneux (Belgium, 1933)
- Our Lady of Akita (Japan, 1973)
- Our Lady of Kibeho (Rwanda, 1981–1989)
- The Miracle of Lanciano (Italy, 8th Century, renewed recognition)
- Our Lady of Itapiranga (Brazil, 1994–1998)

-the doc comes out with the idea of concluding the discernment process not with a declaration of “de supernaturalitate” but with a “Nihil obstat,” which would allow the Bishop to draw pastoral benefit from the spiritual phenomenon.

Six possible conclusions

- **Nihil obstat** (“Nothing stands in the way.”): It is a declaration that a text, book, or teaching contains nothing contrary to the faith or morals of the Church.
- **Prae oculis habeatur**: “Let it be kept in mind” or “It should be borne in mind.” often used as a cautionary note or directive, reminding the faithful or Church authorities to consider specific points or principles while dealing with a matter.

- **Curatur** “It is ensured” or “It is taken care of.” This phrase typically refers to ensuring that a particular instruction or directive is carried out or implemented, especially concerning doctrinal or pastoral responsibilities.
- **Sub mandato:** “Under mandate” or “By mandate.” Indicates that an action, declaration, or decision is made or authorized under the explicit directive of a higher authority, often referring to the Pope, a bishop, or the Dicastery for the Doctrine of the Faith.
- **Prohibetur et obstruatur:** “It is prohibited and obstructed.”, is used to formally ban or block certain practices, teachings, or publications deemed contrary to the faith or harmful to the Church.
- **Declaratio de non supernaturalitate:** “Declaration of non-supernaturality.” This is a formal judgment issued by the Church stating that an alleged apparition, revelation, or miraculous event lacks evidence of supernatural origin. This does not necessarily mean it is fraudulent or harmful, but that it cannot be confirmed as supernatural by the ecclesiastical authorities.

Dicastery for Oriental Churches
Concerning Biritualism, Transfers of ascription to a given sui iuris Church (transitus ad aliam Ecclesiam sui iuris) and adaptation of rite

November 2024

- a very useful document from the Oriental Churches (shared with Episcopal Conferences), which provides insights and indications into biritualism, transfers of ascription, and the adaptation of rite. Given the growing diaspora of Eastern Catholics in Latin territories, these are cases one is increasingly likely to encounter.
- - Grant of Biritualism is an indult, justifiable when there are real and manifest pastoral needs
- -Tendency in Western countries that suffer from a shortage of clergy, to ascribe sacred ministers for the exclusive service of Latin rite communities, this is to be discouraged.

-Assurance that the cleric need to carry out his ministry for the benefit of the faithful of his own church sui iuris

1. Letter from the cleric

2. letter of request from the Hierarch or Ordinary in whose circumscription the applicant will exercise ministry in the rite other than his own, containing:

- the pastoral distinction of the priest in the ecclesiastical circumscription

- the preparation of the priest to celebrate the rite

- the community of the rite proper to the priest for which he cares, certifying that this ministry takes priority over that which he exercises on behalf o other faithful.

3. Letter of consent from the Ordinary or Hierarch of the priest (of his own rite).

-The Hierarch may ask the Latin Ordinary (if there is a shortage of priests)

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-Indults of biritualism are granted to individuals (not groups) and ad tempus, with a maximum duration of five years, possibly (but never automatically) renewable by a new Rescript from the Dicastery, following a specific and motivated request, which should be sent before the expiration of the previous indult.

-in no case, should the indult of biritualism be considered as an insertion into the Church in whose rite one is asked to celebrate.

-Except in cases of extreme gravity, incardinating Eastern clerics into Latin dioceses should be avoided. This is all the more so because, as mentioned, an Eastern ecclesiastic cannot exercise his ministry exclusively, or even predominantly, in the Latin Church, with the sole exception of Eastern Churches with an abundance of clergy, in which case an agreement for fidei donum service could be stipulated with a maximum duration of five years.

TRANSFER OF CHURCH (TRANSITUS AD ALIAM ECCLESIAM SUI IURIS)

Two Scenarios

-Non-Catholic Oriental to Catholic Oriental

Given the current and ever-increasing risk that the many eastern Catholic faithful in the diaspora will be ‘Latinized,’ the current practice of the Dicastery for the eastern Churches, which is competent in this matter, is therefore not to grant transfers to the Latin Church for eastern Catholic faithful, except in the case of marriage (as provided for by cCEO can. 33) or for particular and serious reasons individually and restrictively assessed by the Dicastery itself. However, this does not prevent these Catholics, according to their own conscience, from participating, even actively, in the life of the Latin rite communities that they already frequent, especially where there are no communities of their own rite.

From one catholic sui iuris to another sui iuris or Latin

- -present a written petition, describing in detail the specific special motivations, not reducible exclusively to habit or ritual preference, that justify the granting of such a grace.
- -written approval of the Local Ordinary of the rite to which the faithful wishes to pass
- -Written consent of the Ordinary of the rite to which he or she belongs.

Updated version of CIC 1983

- https://canonlawabstracts.uk/html/code_of_canon_law.pdf (for a downloadable PDF file)
- https://canonlawabstracts.uk/html/code_of_canon_law.html (for a webpage version)