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**Institute of Eastern  
Canon Law, Paurastya  
Vidyāpīṭham, Vadavathoor,  
Kottayam - 686 010, India**



**Major Archiepiscopal  
Tribunal, Mount Saint  
Thomas, Kakkanad,  
Kochi - 682 030, India**

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# Evolution of the Special Law on Canonization, Especially after the Second Vatican Council

Paul Pallath\*

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## Introduction

Canonization is as old as Christianity, although its tonalities and modalities varied in the course of centuries, according to the circumstances of history. First of all a brief outline of the historical evolution of canonization and the gradual development of procedural norms is provided, without which it is impossible to comprehend the special law after the Second Vatican Council. For the same purpose particular attention is paid to the law in vigour at the time of the Council, as contained in the Latin Code 1917. Then the post-conciliar evolution of the special law on canonization is treated, focusing attention on the diocesan or eparchial inquiries, especially on the innovative points. The law on relics and the administration of temporal goods of the

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\* Paul Pallath is Relator of the Congregation for the Causes of Saints.

causes, although related to canonization, is not considered in this article.

## **1. Historical and Canonical Evolution of Canonization until 1917**

The origin of canonization can be traced back to the cult of martyrs from the very first century itself. The word martyr (from the Greek expression *martys*) originally signifies witness and it was attributed to apostles and disciples who were eye witnesses of the Christ event, culminated in the paschal mysteries: passion, death, resurrection and ascension of Christ as well as the consequent descent of the Holy Spirit. However, gradually the word was adopted to refer to those who rendered the extreme testimony to Christ with the effusion of their blood and the sacrifice of their life. Such martyrs began to be spontaneously considered as saints by the Christian communities who also rendered them cult or veneration. Thus, until the IV century, namely until the last persecution of Emperor Diocletian (284-305), there were mostly martyr saints.<sup>1</sup>

### **1.1. Episcopal Canonization until 1234**

In the period of cult of the martyrs (I-IV centuries) obviously there was no canonical process leading to a sentence or official decision of canonization. The liturgical cult of martyrs was the result of spontaneous veneration based on the fundamental historical fact that they had offered their life for the faith. Such spontaneous desire of the faithful to render honour to martyrs was followed by the approval of the local bishop, who agreed with the faithful to institute the cult.<sup>2</sup> In ancient Christianity the

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1 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi* (quarta edizione), Città del Vaticano 2018, 166-167.

2 Cf. H. Misztal, *Le Cause di canonizzazione: Storia e procedura*, Città del Vaticano 2005; A. Amore, "Culto e canonizzazione dei santi nell'antichità cristiana", in *Antoniano* 52 (1977) 38-80.

unique criterion considered necessary for the canonization of a martyr was the certainty of martyrdom, namely the violent death inflicted upon him or her on account of the hatred of the faith (*in odium fidei*) and voluntarily accepted by him or her for the love of Christ.<sup>3</sup>

With the edict of Milan in February 313 Emperor Constantine (306-337) granted freedom to Christianity in the Roman Empire. Thus the persecution against Christianity terminated and subsequently it was not possible to embrace martyrdom of blood in the Empire. Then, not only the cult of martyrs flourished with the embellishment of sepulchres and the edification of chapels, shrines, churches and basilicas, but also there emerged a new category of saints, called confessors.<sup>4</sup>

The authentic Christian life lived in perfect fidelity to the message of Christ, fulfilling the evangelical precepts, began to be equated with a slow and real martyrdom without blood. Thus bishops, ascetics, monks and missionaries of the Gospel, who led a life of martyrdom, witnessing Christ and practising virtues throughout their life, also began to be considered as saints. The promoters of the cult of confessors also were primarily the people of God, to whom the clergy were subsequently associated. The popular origin of the veneration of confessors is explicitly stated in the handbook of the Congregation for the Causes of Saints:

It was originally the voice of the people (*vox populi*) that led to the veneration of a confessor under the force of their own sentiment, enthusiasm and admiration for his virtues and for the miracles ascribed to him, without a prior examination or control. In other words, the life of the confessor, as it was known and judged by the people, was the foundation and root of canonization; the veneration that a confessor received during

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3 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 170.

4 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 174-142; H. Misztal, *Le Cause di canonizzazione*, 129.

life continued even after death, and this meant and was in fact a true canonization.<sup>5</sup>

Such canonization by the people was then recognized by the local bishop. The day of death, namely the day of birth in heaven, began to be considered as a feast of any saint, whether a martyr or a confessor.

In the beginning the manner of canonization consisted in the exhumation of the body of a martyr or confessor from the sepulchre and its transfer to an altar, a chapel or a basilica constructed for the same purpose. From VIII century a decree of the local bishop was also added, which was often emanated in an assembly of the diocesan clergy or episcopal synod, after reading the life of the candidate or hearing the testimony of witnesses. Until the end of the XI century such canonization was considered as the natural right of the diocesan bishop; even when a papal intervention was requested for greater solemnity, splendour and authority, the Roman Pontiff authorised the local bishop to conduct the canonization.<sup>6</sup>

## **1.2. Papal Canonization until 1588**

Until the first decades of the XIII century both procedures, namely the episcopal canonization and the pontifical canonization coexisted and proceeded in a parallel manner. Even when requests were made to the Pope for some canonizations he limited himself to grant his consent and the local bishop conducted the ceremony in the manner as described above; obviously the Pope performed canonizations in the diocese of Rome. Although some authors refer to previous pontifical acts, the first historically certain papal canonization of a saint from outside of Rome was that of Saint

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5 Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 179.

6 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 183-192; H. Misztal, *Le Cause di canonizzazione*, 133-135.

Udalric, Bishop of Augsburg, conducted by Pope John XV (985-996) on 31 January 993 during the Roman synod at the Lateran.<sup>7</sup>

When requests were made, the subsequent popes from Gregory V (996-999) to Leo IX (1049-1054) either authorized or personally decreed the canonization of some saints outside of Rome, but without excluding episcopal canonization, which also continued in a parallel manner.<sup>8</sup> The reservation of the exclusive right of canonization to the Roman Pontiff is commonly attributed to Pope Alexander III (1159-1181). Knut I, King of Sweden from 1167 to 1195 referred to Pope Alexander that the people used to venerate an unworthy monk as a martyr, who was merely killed by two of his companions, while he was intoxicated. On 6 July 1170 (or 1171) the Pope sent a response to the King, bishops, clergy and faithful of Sweden in which he affirmed: “Although there would happen many signs or miracles through him, it is not lawful for you to venerate him as a saint without the authority of the Roman Church”.<sup>9</sup> This letter concerning the prohibition of episcopal canonization is known in history as the decree *Audivimus*. Obviously this is a decision given in a particular case. However, with the promulgation of the Decretals of Pope Gregory IX (1227-1241) on 5 September 1234, the medieval code of canon law, prepared by Raimond of Penyafort (at the command of the Pope), who also inserted the Decree *Audivimus* in the work, the

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7 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 195-196; the papal bull of canonization can be found in, *Leggi della Chiesa su beatificazione e canonizzazione dall'anno 993 all'anno 2000*, a cura di Luigi Porsi, Roma 2006, 20-21. Udalricus in Latin, Ulrich in German was born in 890 at Kyburg (Zurich) in present-day Switzerland. He was bishop of Augsburg in Germany from 923 until his death on 4 July 973.

8 Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 196-202.

9 “[...] *Cum etiamsi signa et miracula per eum plurima fieret, non licet vobis pro sancto absque auctoritate Romanae Ecclesiae eum publice venerari*”. *Patrologia Latina* 200, 1261; see also Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 199; H. Misztal, *Le Cause di canonizzazione*, 138.

said decree obtained obligatory force in the whole Church.<sup>10</sup> Thus canonization gradually became the exclusive right of the Roman Pontiff.

### **1.3. Development of the Special Law after the Reservation of the Right of Canonization to the Roman Pontiff (1588-1917)**

After the promulgation of the Decretals of Pope Gregory IX it is generally held that only the Pope is competent to canonize any person, because canonization signifies the attribution of public and universal cult to a saintly person and only the Pope has universal jurisdiction. Moreover canonical procedures also gradually emerged, in order to inquire into the life and virtues of the candidates to the sainthood, for the examination of the acts of the Inquiry in Rome, and for the decision of the Pope to proceed to canonization. In addition to the development of procedural law, the rite and ceremonies of canonization also gradually emerged.

The process at that time contained the following elements: the commission or authorization of the Pope to conduct an investigation on the life, miracles and the reputation of sanctity; successive examination of the acts of the Inquiry and approval of the virtuous life of the person concerned in Rome; conclusion of the cause with the solemn canonization, during which the formula of rite was pronounced and the hymn *Te Deum* was sung. The annual feast day was also fixed, normally on the day of death. Then a solemn pontifical document, namely a specific bull of canonization was emanated for perpetual memory (*Ad perpetuam rei memoriam*) and a notorial document attesting the celebration of the event.<sup>11</sup>

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10 *Decretales Gregorii IX*, in Emil Friedberg (ed.), *Corpus iuris canonici II: Decretalium collectiones*, Leipzig 1881, 1-928; *decree Audivimus, Decretalia*, lib. III, tit. XLV, cap. I. Before inserting the decree *Audivimus*, it is written as a title: “*Sine Papae licentia non licet aliquem venerari pro sancto*”.

11 Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 206; H. Misztal, *Le Cause di canonizzazione*, 140-141.

After Pope Gregory IX, different succeeding popes contributed to the development of the law on canonization, but here only a few important ones are mentioned. With the Constitution *Immensa Aeterni Dei* of 22 January 1588 Pope Sixtus V (1585-1590) created fifteen Congregations for the governance of the Church, among which the Congregation for Sacred Rites and Ceremonies, appointing five cardinals as its members. The task of the Congregation was to regulate everything concerning the administration of sacraments, exercise of divine worship as well as the veneration and canonization of saints.<sup>12</sup> This Congregation obviously contributed to the development of procedural laws and the rite of canonization.

### **1.3.1. Pope Urban VIII and the Prohibition of New Cult**

Pope Urban VIII (1623-1644) issued a number of decrees on the cult of saints, among which those of 13 March and 2 October of 1625 are very important even for the causes of saints until the present day. As we have already seen, from the very beginning of Christianity veneration and cult of saintly persons originated spontaneously in a particular place and then extended to different parts of the world, especially in the case of great saints, even before the Church officially made any pronouncement. However, by the aforementioned decrees Pope Urban VIII strictly prohibited the beginning of any new ecclesiastical cult, declaring that the existence of any unauthorized recent cult should constitute an impediment to the canonical procedure. He even prohibited the publication of books and other writings on the life, miracles, martyrdom, as well as on revelations and visions of persons died in odour of sanctity. However, having considered the fact that the cult of a saint already existing could have juridical justifications, he determined that those cults already formed and introduced by

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12 *Bullarium Romanum VIII*, Romae 1863, 989-990. In the course of time the Congregation was given slightly different names: Congregation for Sacred Rites and later Sacred Congregation of Rites.



the common consent of the Church or those existed from time immemorial with the tolerance of the Apostolic See or the local Ordinary would not be prejudiced.<sup>13</sup>

Later on 5 July 1634 he promulgated the apostolic constitution *Caelestis Hierusalem cives*, in which he confirmed all the previous decrees and enacted further norms on the procedure for canonization.<sup>14</sup> Preliminary to each cause of canonization, a particular canonical process had to be conducted to ascertain whether obedience was given to the Urban-decrees on the absence of cult. Thus the ordinary way of procedure for canonization was established as that of non-cult or absence of cult towards a servant of God (*via de non cultu*), while for the Servants of God, to whom a cult was attributed at least 100 years before 1634, it was possible to proceed in consideration of that cult (*per viam cultus*). The latter were called excepted cases (*casus excepti*), namely cases excepted from the decrees of Urban VIII.<sup>15</sup> The complete reversal of order enforced by the Pope can be summarized as follows:

With the aforementioned provisions the Pope brought about a complete mutation to the previous order of the canonization process. Until that moment a cause of canonization had a great chance of success if public cult already existed. Thus up to that time the most frequent way had been the way of cult (*via cultus*), and rarely had cases been conducted in which the candidate for the altar did not previously enjoy public cult. It can be said that until that moment the “ordinary way” had been the way of cult and the “extraordinary” way, that of absence of cult. The Pope disposed that the way of the absence of cult would become the

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13 On 12 March 1642 the Pope made to publish all his decrees on canonization as a book entitled, Urbani VIII Pont. O. M. *Decreta servanda in beatificatione et canonizatione Sanctorum. Accedunt instructiones et declarationes quas E.mi et R.mi S.R.E. Cardinales praesulesque Romanae curiae ad id muneris congregati ex eiusdem Summi Pontificis mandato condiderunt*, Romae 1942.

14 *Ibidem*.

15 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 211-212.

ordinary way and for this he determined a clear and transparent procedure, while the way of cult became the extraordinary way [...].<sup>16</sup>

Pope Urban VIII also established norms for the procedures in the Congregation of Rites. The diocesan process could be opened 10 years after the death of a Servant of God, but he prescribed that the procedures at the Congregation could be started only 50 years after the death of the Servant of God, and that too after obtaining the permission of the Pope.<sup>17</sup>

### **1.3.2. Pope Benedict XIV and His Unique Contribution**

Pope Benedict XIV (*Prospero Lambertini*) was promoter of the faith of the Congregation of Sacred Rites from March 1712 to April 1728, during which period he studied several causes of canonization, expressing his erudite opinion on them. Subsequently, when he was Archbishop of Bologna (1731-1740), he wrote a very comprehensive and elaborate treatise on beatification and canonization, entitled *De Servorum Dei beatificatione et de Beatorum canonizatione*, consisting of five volumes.<sup>18</sup>

In the said work Benedict XIV took into consideration all the decisions, decrees and letters of the popes, especially those of Urban VIII, the procedures and acts of the Congregation of Sacred Rites, as well as the scholarly works of eminent theologians and canonists. He extensively illustrated and clarified the key concepts of martyrdom, heroic exercise of virtues,

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16 H. Misztal, *Le Cause di canonizzazione*, 148.

17 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 211-212.

18 Benedict XIV (Prospero Lambertini), *De Servorum Dei beatificatione et beatorum canonizatione*, 5 voll. seventh edition, Prati 1839-1842; Latin-Italian edition, V. Criscuolo (ed.), vol. I/1-IV/2, Città del Vaticano 2010-2020. For the biographical profile of Benedict XIV and for details concerning his service as the promoter of the faith, see the presentation of V. Criscuolo, in Latin-Italian edition vol. I/1, Città del Vaticano 2010, 9-71.

reputation of martyrdom or sanctity, as well as the nature and quality of miracles. He also treated different diocesan processes related to beatification and canonizations, the function and competence of various officials at the diocesan tribunal and of those at the Holy See, procedures at the Congregation of Sacred Rites, as well as the role of the Roman Pontiffs, to whom the exclusive right of beatification and canonization was reserved. In brief, the monumental work of Benedict XIV constituted the summa of everything concerning canonization, the bedrock of the legislation in the Latin Code 1917 on the matter, and still remains an authoritative reference book for all those who handle matters concerning canonization.

After his elevation to the throne of St Peter on 17 August 1740 Pope Benedict XIV clarified and completed the legislation on beatification and canonization by a number of decrees.<sup>19</sup> With the apostolic constitution *Ad sepulcra Apostolorum* he also decided that the beatifications and canonizations should always and exclusively be celebrated at the Vatican Basilica.<sup>20</sup>

#### **1.4. Origin of Beatification (XVI Century)**

Originally the words, “blessed” and “saint” were interchangeably used without making any juridical distinction and variation of content. For example, in this sense expressions like Blessed Apostles Peter and Paul, Blessed Virgin Mary began to be used. From the primitive Church until the XVI century there existed only canonization and even in official documents this expression was consistently employed, even if the cult was permitted only for a circumscribed territory; the canonization was not preceded by beatification.<sup>21</sup>

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19 Such decrees can be found in *Leggi della Chiesa*, 201-236.

20 Cf. *Leggi della Chiesa*, 237.

21 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 219-220; F. Veraja, *Le cause di canonizzazione dei santi: commento alla legislazione e guida pratica*, Città del Vaticano 1992, 90; for more on beatification, see F. Veraja, *La beatificazione: storia, problemi, prospettive*, Roma 1983.

From XVII century a clear distinction began to emerge between the two attributions of “blessed” and “saint”, with their respective juridical, theological and liturgical contents, according to which beatification was primarily intended as an intermediate stage of canonization. Initially such distinction was bound to the public cult offered to a Servant of God from time immemorial as an excepted case, then recognized and ratified by an official decree in accordance with the legislation and conditions established by Pope Urban VIII.<sup>22</sup>

At that time beatification consisted in the concession of public cult by the celebration of Holy Mass and divine office as well as granting of the title blessed, underlining that it was an intermediate step, aimed at canonization.<sup>23</sup> Beatification was none other than the concession of public ecclesiastical cult to a Servant of God in a determined place.<sup>24</sup> The granting of the title of blessed with the permission of public cult limited to a particular country, a city or a religious family continued as a step towards canonization until the present day, although with some variations.

## **2. The Law of Canonization according to the Code of Canon Law 1917**

With the *motu proprio Arduum sane* of 19 March 1904 Pope Pius X constituted a Commission of cardinals for the preparation and compilation of the Code of Canon Law.<sup>25</sup> The long and complex work of codification lasted for 12 years.<sup>26</sup> In

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22 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 221.

23 *Ibidem*.

24 Until Vatican II for beatification the Pope issued an apostolic letter granting the cult of a Servant of God. Then there emerged a solemn ceremony analogous to that of canonization. Cf. F. Veraja, *La beatificazione*, 90.

25 Pius X, *Arduum sane* (motu proprio), in *Acta Sanctae Sedis* 36 (1903) 549-551.

26 For a brief history of the codification of CIC 1917, see the authoritative preface written by Cardinal Pietro Gasparri in *Codex Iuris Canonici*,

the meantime Pope Pius X died on 20 August 1914 and Pope Benedict XV succeeded him. With the apostolic constitution *Providentissima Mater Ecclesia* of 27 May 1917 the Pope promulgated the Code of Canon Law for the Latin Church, which obtained force of law on 19 May 1918.<sup>27</sup> Since the work of codification was undertaken under the supervision of the aforementioned two Roman Pontiffs, the Code is also known as Pio-Benedictine Code of Canon Law (CIC 1917).

The fourth book of the Code is entirely dedicated to Procedures and it is divided into three parts, of which the second part entitled: The Causes for Beatification of the Servants of God and the Canonization of the Blessed, contains 143 canons (1999-2141). In fact all the laws and procedural norms existing at that time, as established by Pius X and Urban VIII, especially the legislation and doctrine of Pope Benedict XIV, were studied, updated and incorporated into the Pio-Benedictine Code, thus constituting a comprehensive and organic body of law for the causes of beatification and canonization. Only some important aspects of this legislation concerning the diocesan processes, which will be helpful to comprehend the post Vatican II law on canonization, are taken into consideration.<sup>28</sup>

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Pii X P.M. iussu digestus, Benedicti P. XV auctoritate promulgatus, Praefatione, Fontium annotatione et Indice analitico-alphabetico ab Em.mo P. Card. Gasparri auctus, Romae 1919, pp. XXI-XLIII; English translation in Edward N. Peters (curator), *The 1917 Pio-Benedictine Code of Canon Law*, San Francisco 2001, 1-19. See also, G. Ghirlanda, *Il diritto nella Chiesa: mistero di comunione*, Roma 1990, 77-86; D. Salachas-L. Sabbarese, *Codificazione latina e orientale e i canoni preliminari*, Roma 2003, 21-76.

27 Benedict XV, *Providentissima Mater Ecclesia* (apostolic constitution), in *Acta Apostolicae Sedis* (= AAS) 9-II (1917) 5-7.

28 This section is based on canons 1999-2141 of Latin Code 1917 which will be cited in brackets, in order to avoid unnecessary footnotes. Two important studies on the legislation are: J. Noval, *Commentarium Codicis Iuris Canonici*, lib. IV: *De processibus*, pars II: *De causis beatificationis*

The very first canon itself categorically affirms what was the normal practice from the time of the promulgation of the Decretals of Pope Gregory IX (1227-1241):

Causes for the beatification of the Servants of God and for canonization of the Blessed are reserved solely to the judgment of the Holy See (c. 1999 § 1).

The only Dicastery at the Holy See competent in these cases was the Congregation of Sacred Rites. Local Ordinaries could do only those things which were expressly asked of them in the canons of the Code.<sup>29</sup>

The two ways of canonization that existed from the time of Pope Urban VIII were reiterated and confirmed: the ordinary way of non-cult and the extraordinary way of cult. The Code affirmed:

Canon 2000 § 1: Causes of this sort can proceed in two ways, namely the ordinary non-cult way or the extraordinary case of exception, that is, of cult.

§ 2. The ordinary way is followed when, before there is any discussion of the virtues, it is understood that there can be shown no public cult for the Servant of God already in place or, if there was an abuse, that it has been put aside; the extraordinary way is used when it can be shown that a certain Servant of God is already in possession of a public and ecclesiastical cult.

The extraordinary way of canonization, namely that of cult, is applicable only to those Servants of God who, after the pontificate of Pope Alexander III (1159-1181) and before the

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*servorum Dei et canonizationis Beatorum*, Romae 1932; J. Blaher, *The Ordinary Process in the Causes of Beatification and Canonization: A Historical Synopsis and Commentary*, Washington DC 1949.

29 Cf. CIC 1917, c. 253 § 3 and c. 1999 §§ 2-3; Pope Pius XII, *Cleri sanctitati* (apostolic letter issued motu proprio on Eastern Rites and Persons), c. 200.

year 1534, namely the time established by the constitution of Pope Urban, had a cult by tolerance (cf. c. 2125). For such cases the scope of the process is to prove the beginning of cult and its continuation up to the closing of the procedures (c. 2130). In this article we treat only the non-cult way of canonization, which is the most common and normal procedure at that time and today.

## 2.1. The Ordinary Process

According to the CIC 1917 there were two main processes: the ordinary informative process and the apostolic process. The ordinary process meant the investigation about a Servant of God conducted under the authority of the local Ordinary, while the apostolic process was under the authority of the Roman Pontiff and the Apostolic See. The scope of the long and laborious ordinary process was simply to ascertain whether a cause could be introduced at the Apostolic See. The Code explicitly stated:

Canon 2038 § 1: In order to obtain from the Apostolic See the introduction of a Cause for the beatification of a Servant of God, it must first be proven in law [that there exists] purity of doctrine in his writings and likewise the reputation of his sanctity, virtues, and miracles or martyrdom and the absence of any obstacle that would seem to be peremptory [to the Cause], and that no public cult is being offered him presently.

The ordinary process itself was practically distinguished into three processes: 1) process on writings (*processus super scriptis*); 2) informative process (*processus informativus*); 3) process on non cult (*processus de non cultu*). The scope of these three processes was to examine: 1) the writings of the Servant of God; 2) reputation of sanctity, virtues in general, and miracles for confessors or martyrdom and its cause for martyrs; 3) absence of cult.

1. The process on writings (cc. 2042-2048): the scope of this process was to collect all the published and unpublished

writings of the Servant of God such as sermons, letters, diaries, autobiographies and whatever other items, whether written by himself or through another person (c. 2042). All such documents, examined by the Ordinary and catalogued by the notary, as well as signed and sealed by the Ordinary or his delegate and by the promoter of faith were to be sent to the Congregation of Sacred Rites (cf. cc. 2044-2046). It was the obligation of the Ordinary to transmit the writings with a juridical report to the Congregation (c. 2061). If other writings of the Servant of God were discovered during the course of the cause they were to be immediately transmitted to the Congregation.

2. The Informative Process (cc. 2049-2056): this process was conducted on the reputation of sanctity arising from virtues (in general) or martyrdom and miracles. At this stage “it is not necessary that there be shown specifics on virtues, martyrdom or miracles, but it suffices that there be evidence of reputation in general, spontaneous (in nature), not developed by art or human diligence, arising among honest and serious persons, active from the days of the individual and continuing in the present among the greater part of the population” (c. 2050 § 2). Proofs were obtained through the interrogation of witnesses and the collection of documents. After the publication of the process, the original (archetype) had to be preserved in the diocesan archives, while a transcript was sent to the Congregation of Sacred Rites through the Postulator according to the norm of law (cf. cc. 2054-2056).

3. The Process on non-Cult (cc. 2057-2060): first of all the tribunal had to interrogate some witnesses, at least two of them *ex officio*, as to whether public cult was even given to the Servant of God. Then the tribunal had to inspect the tomb of the Servant of God, the room in which he lived or died and any other place where sign of cult could rightly be suspected of being present. Finally the tribunal had to emit a sentence as to whether or not a cult of the Servant of God did arise. As in the other two



processes, the Ordinary had to transmit the acts of process on non cult to the Congregation of Rites.

## **2.2. The Examination of Ordinary Process in the Congregation for Sacred Rites**

Once the writings of the Servant of God reached the Congregation, after the preliminary procedures, they were submitted to the review of two theological censors selected by the same Congregation, who remained anonymous. After rigorous scrutiny of the writings and profound study the two theological censors submitted their written judgments indicating “whether in the writings there is anything contrary to faith or good morals” (c. 2068). If the opinion of the theological censors disagreed, a third theologian was appointed, who had to fulfil his responsibility in the same manner (c. 269). The judgments of the theological censors were printed as fascicle, which was known as the Position on Writings (*Positio super scriptis*). If something contrary to the faith or morals was found in the writings of the Servant of God, after hearing the opinion of the cardinal fathers (members) of the Congregation, the Roman Pontiff decided whether it was possible to proceed further (c. 2071). Obviously at this stage the cause could be rejected. If there were not difficulties a decree on writings was issued, stating that the cause could proceed further.

After the arrival of the informative process of a Servant of God (confessor or martyr) in the Congregation, having completed the preliminary juridical formalities, a summary (*summarium*) of the acts, containing testimonies and relevant documents, was compiled. To this was added a treatise called information (*informatio*) on the reputation of sanctity and virtues in general or on martyrdom (cf. c. 2076). After studying all these, the Promoter general of faith wrote his judgment, expressing his objections against the introduction of the cause, to which the advocate of the cause could respond in writing (c. 2078).

Subsequently a Position was printed on the introduction of the cause (*Positio super introductione causae*), containing all the aforementioned elements and letters of ecclesiastical and civil authorities requesting the Roman Pontiff to take up the cause of the particular Servant of God for beatification.

Judgement on the validity of informative process instructed by the Ordinary, on the reputation of sanctity and martyrdom, as well as on the absence of any peremptory obstacles was offered by the Cardinal Fathers or members of the Congregation in an ordinary session. The Cardinal Reporter of the cause presented a report and proposed the doubt or question: “*whether a commission of the introduction of the cause is to be assigned in this cause and for obtaining the result for which the action is undertaken*”.<sup>30</sup> If the judgment of the Cardinals was favourable, the commission of the introduction of the cause was presented to the Pope to be signed, if it pleased him. If the Pope signed the commission, then the Secretary of the Congregation published a decree on the introduction of the cause. Then the cause was completely subtracted from the Ordinary who could not do anything without the express permission of the Congregation.

The process on the absence of the cult was also examined by the Cardinal Fathers in an ordinary session and then the sentence of the Ordinary was confirmed with a decree of the Congregation, if there was nothing objectionable. If there was any sign of public cult, the Congregation had to order for its removal and the cause was suspended for a congruent time (c. 2085). All these long procedures were to determine whether a cause of beatification and canonization could be introduced at

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30 CIC 1917, canon 2082: “*Iudicium circa valorem processus informativi ab Ordinario instructi, circa famam sanctitatis vel martyrii et circa absentiam cuiuslibet obstaculi peremptorii profertur a Patribus Cardinalibus in comitiis ordinariis, Cardinali Ponente referente ac proponente dubium: an signanda sit commissio introductionis causae in casu et ad effectum de quo agitur*”.

the Apostolic See. If the necessary elements were not present, the cause was concluded and it was not officially introduced at the Apostolic See.

### **2.3. The Apostolic Process**

After the decree on the absence of cult, the apostolic process could be started, which would be completely under the authority of the Roman Pontiff and the Apostolic See. Upon request remittal (remissorial) letters were sent from the Roman Pontiff to the Cardinal Prefect, calling for the instruction of “the apostolic process on reputation of sanctity, miracle or martyrdom, and on the virtues and specific miracles or on martyrdom and its cause” (c. 2087). Remittal letters were sent to at least five judges (through the Postulator), who constituted a tribunal. If an ordinary was present among the judges, he acted as president; otherwise the president was designated by the Congregation for Sacred Rites (c. 2088).

The Promoter general of faith (of the Congregation) appointed two sub-promoters who took part in the process in his name. Interrogatories for the examination of witnesses were formulated by the Promoter general of faith also taking into account the objections raised during the discussion of the ordinary informative process and they were sent to the sub-promoters of faith (cc. 2089-2090). The tribunal in its first session selected a notary and an assistant notary and other necessary officials (c. 2093 § 2). In normal circumstances the apostolic process had to be completed within two years and the acts had to be transmitted to the Sacred Congregation within that period (cc. 2095-2097). During the apostolic process the witnesses were interrogated mainly on specific virtues of the Servant of God (virtues in general were already examined in the ordinary process), namely each of the theological virtues, cardinal virtues, evangelical counsels, humility and other virtues eventually practised by the Servant of God. Further documents,

if available, were also collected. Then all the acts of the apostolic process were transmitted to the Congregation for Sacred Rites.

#### **2.4. The Examination and Decision after the Apostolic Process**

The procedures within the Congregation were also very complex and long; a detailed treatment of this is not within the scope of this article. Hence only some indications are given. After a preliminary examination of the acts, the decree of validity was promulgated (cf. cc. 2098-2100). However, the discussion on virtues was not undertaken before fifty years passed from the death of the Servant of God (c. 2101). After the elapse of fifty years the discussion on heroic exercise of virtues by the Servant of God or martyrdom and its cause proceeded step by step. There were three congregations or meetings, antepreparatory, preparatory and general, also with variation of participants such as the Cardinal Reporter, cardinal members, Promoter general of faith, other officials, consultants, etc.; before each congregation a Position (*Positio*) was also prepared, adding the result of the previous ones. Canon 2104 clearly stated the argument to be considered at different levels of congregations:

In the causes of confessors the following doubt (question) must be discussed: whether there is proved the theological virtues of faith, hope, charity both toward God and toward neighbour as well as the cardinal virtues of prudence, justice, temperance and fortitude, and that these exist in a heroic degree in the cause and for obtaining the result for which the action is undertaken. However, in the cause of martyrs the question is: whether the martyrdom and its cause have been shown and what signs, that is, miracles exist in the cause and for obtaining the result for which the action is undertaken.<sup>31</sup>

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31 CIC 1917, canon 2104: “In causis confessorum discuti debet dubium: an constet de virtutibus theologalibus Fide, Spe, Caritate tum in Deum tum

The general congregation or meeting was held in the presence of the Roman Pontiff, to whom was reserved the final judgement as to whether the heroic exercise of the virtues of the Servant of God or his martyrdom and its cause has been established; the other participants had only a consultative vote (c. 2114). If the decision of the Roman Pontiff was positive, at his command, the Congregation of Rites published a decree declaring the exercise of all virtues by the Servant of God at a heroic level or the martyrdom (c. 2115). From the date of publication of the decree the Servant of God could be called venerable.

## **2.5. Beatification and Canonization**

For beatification of a venerable Servant of God two miracles were required. However, for martyrs a dispensation from miracles could be obtained from the Roman Pontiff (cf. cc. 2116-2117). Also for the examination of miracles, the same procedure (as described above) was followed at the Apostolic See with three congregations or meetings: antepreparatory, preparatory and general, the only difference being the presence of medical experts (cf. cc. 2118-2123). However, after the decree of approval of the miracles, a new discussion had to be conducted in the presence of the Roman Pontiff on the question: “Whether it is safe to proceed to the beatification of the Servant of God”. If the final response of the Roman Pontiff was affirmative, then beatification followed (c. 2124).

For the canonization of the Blessed, the approval of two other miracles that occurred after the beatification was required. At the request of the Postulator, the Congregation for Sacred Rites issued a decree, authorizing a new process on miracles, according to the norms described above. The procedures for

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*in proximum, necnon de cardinalibus Prudentia, Iustitia, Temperantia, Fortitudine, earumque adnexis in gradu heroico in casu et ad effectum de quo agitur; in causis vero martyrum: an constet de martyrio eiusque causa et de signis seu miraculis in casu et ad effectum de quo agitur”.*

the examination of the process on these new miracles at the Apostolic See were also the same as before (cf. cc. 2138-2139). At the conclusion of all the procedures the Roman Pontiff issued a decree by which he communicated his decision to proceed to the solemn canonization of the Blessed (cf. c. 2140).

### **3. The Law on Canonization after the Second Vatican Council: Simplification and Progress**

After the reservation of the right of canonization to Roman Pontiff alone, in the course of time the procedures for canonization became very long, complex and formalistic, both the process in diocese and the examination, discussion as well as decision at the Apostolic See. However, the Second Vatican Council did not legislate on canonization, nor did it make any modification in the procedures. Yet the doctrine of the Council on episcopal collegiality, sacramental origin of episcopal power and the reinstatement of the ecclesiology of communion with the valorisation of the local or particular Churches necessitated the modification of the law on canonization as well, relegating more power and competence to diocesan bishops in this matter.

Moreover, putting an end to a myopic concept of holiness as a monopoly of the clergy and religious, the Council proclaimed the universal call of all Christian faithful to holiness. It clearly stated:

The Lord Jesus, the divine Teacher and Model of all perfection, preached holiness of life to each and everyone of His disciples of every condition [...]. Thus it is evident to everyone, that all the faithful of Christ of whatever rank or status, are called to the fullness of the Christian life and to the perfection of charity; by this holiness as such a more human manner of living is promoted in this earthly society. In order that the faithful may reach this perfection, they must use their strength accordingly as they have received it, as a gift from Christ. They must follow in His footsteps and conform themselves to His image seeking the will of

the Father in all things. They must devote themselves with all their being to the glory of God and the service of their neighbour. In this way, the holiness of the People of God will grow into an abundant harvest of good, as is admirably shown by the life of so many saints in Church history.<sup>32</sup>

After highlighting the importance of martyrdom and religious life observing evangelical counsels in a special way, the Council stated: “Therefore, all the faithful of Christ are invited to strive for the holiness and perfection of their own proper state. Indeed they have an obligation to so strive”.<sup>33</sup> After the Council not only priests and religious, but also more Christian faithful, men and women from all over the world, who led an authentic evangelical life, began to be considered for canonization. This also necessitated a simplification and acceleration of procedures, but without hampering their seriousness and integrity.

### **3.1. Pope Paul VI: Unification of Processes**

With the Apostolic Constitution *Regimini Ecclesiae universae* of 15 August 1967 Pope Paul VI promulgated the post conciliar reform of the Roman Curia.<sup>34</sup> The Pope confirmed the double competence of the Sacred Congregation of Rites,<sup>35</sup> namely on the divine worship of the Latin Church and everything regarding beatification and canonization of the Servants of God, including those “belonging to the Eastern rites” and relics. Correspondingly the Congregation was divided into two main sections: liturgical section for divine worship and judicial section for the causes of saints.<sup>36</sup> The historical-hagiographical

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32 Vatican II, *Lumen gentium* (dogmatic constitution on the Church, 21 November 1964), no. 40.

33 Vatican II, *Lumen gentium*, no. 42.

34 Paul VI, *Regimini Ecclesiae universae* (apostolic constitution on the governance of the universal Church), in *AAS* 39 (1967) 885-928.

35 In *Regimini Ecclesiae universae*, the name “Sacred Congregation of Rites” is found (in Latin, *Sacra Congregatio Rituum*).

36 Paul VI, *Regimini Ecclesiae universae*, chapter V, nos.58-60.

office, governed by special statutes, was of assistance to both sections.<sup>37</sup>

With the apostolic letter *Sanctitas clarior* issued motu proprio on 19 March 1969 Pope Paul VI reorganized the processes for the beatification of the Servants of God and canonization of the Blessed according to the spirit of Vatican II.<sup>38</sup> After explaining the importance of offering to the faithful authentic models of sanctity, namely martyrs and others who practised the Christian virtues in a heroic manner, the Pope set forth the nature and scope of the reform:

But in order for such most shining examples of holiness to be conveniently known and to glimmer fully in their limpid light, diligent canonical investigations are necessary, conducted with care and commitment, as required by the importance of the subject, investigations that Our Predecessors, especially Benedict XIV of happy memory, have in accordance with the needs of the time, validated with very wise provisions which were then inserted into the Code of Canon Law. However, having changed the customs and ways of life, it has seemed convenient and opportune to review the criteria and methods of the investigation mentioned above, and to adapt them to the needs of our time, so that the supreme authority of the Supreme Pontiff and that of the Bishops closely related to each other could make the path for the introduction of the cause of beatification and canonization of the Servants of God easier and faster.<sup>39</sup>

The Pope abolished the ordinary process conducted on the authority of the bishop and the apostolic processes instructed by the authority of Holy See under its jurisdiction, unifying all of them into a single process. The Pope stipulated:

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37 Paul VI, *Regimini Ecclesiae universae*, chapter V, no. 63.

38 Paul VI, *Sanctitas clarior* (apostolic letter issued motu proprio on the process of beatification and canonization), in *AAS* 59 (1967) 149-153.

39 Paul VI, *Sanctitas clarior*, Introductory part.



From now on, in the causes of non-cult, which proceed in the ordinary way, a single exploratory process will be instructed, that is ordered to the search for evidence, which will be based on a double authority: ordinary that is already recognized, exercised by proper law and often enlarged; and authority delegated by the Apostolic See, which is added to the previous one, confirming and strengthening it.<sup>40</sup>

The right to introduce or open a cause belongs to the diocesan bishops or hierarchs, who have to consult the Holy See, presenting suitable and convincing reasons, from which it can be deduced that the cause rests on solid and legitimate motives. Having obtained the approval of the Holy See, the Bishop or the Hierarchy can open the cause with the publication of a decree.<sup>41</sup>

As we have seen above, the ordinary process itself was practically distinguished into three processes: the process on scriptures, the informative process on reputation of sanctity and virtues in general or martyrdom and the process on the absence of cult. Pope Paul VI abolished these three distinct processes, conveniently integrating them into a single process. The Pope asserted: “The process contains a single investigation: 1) into the writings of the Servant of God; 2) on his life and virtues or martyrdom, as well as on non-cult”.<sup>42</sup> Once the process is over, the acts and proofs are sent to the Sacred Congregation of Rites.

Moreover, with the apostolic constitution *Sacra Rituum Congregatio* of 8 May 1969, Pope Paul VI divided the Sacred Congregation of Rites, creating two separate congregations: Sacred Congregation for Divine Worship and Sacred Congregation for the Causes of Saints.<sup>43</sup> The Pope took

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40 Paul VI, *Sanctitas clarior*, no. 1.

41 Paul VI, *Sanctitas clarior*, nos. 2-4.

42 Paul VI, *Sanctitas clarior*, no. 5.

43 Paul VI, *Sacra Rituum Congregatio* (apostolic constitution on the division of the Sacred Congregation of Rites), in *AAS* 61 (1969) 297-305.

this decision because of the enormous and diversified work undertaken in both sectors, namely the post Vatican II liturgical reform and numerous causes of saints from all over the world, both of which needed a different kind of study and methodology. With the same apostolic constitution, the new Congregation for the Causes of Saints took on its own structure with three distinct offices: 1) the judiciary office guided by the secretary; 2) the second office presided over by the Promoter general of faith; and 3) the historical-hagiographical office, directed by the Relator general.<sup>44</sup> The Pope also clearly explained the functioning of these three offices and the procedures to be followed in the examination and discussion of the causes for beatification and canonization in the Congregation.<sup>45</sup>

### **3.2. Legislation of Pope John Paul II as the Law in Force at Present and Its Salient Features**

On 25 January 1983 Pope John Paul II promulgated the Code of Canon Law for the Latin Church, which obtained legal force on 27 November 1983.<sup>46</sup> The new Code, which abrogated the Pio-Benedictine Code of 1917, contains only a single canon concerning the causes of canonization, which follows:

Canon 1403 §1: The causes of the canonization of the servants of God are regulated by special pontifical law.

§2. The prescriptions of this Code, however, are applicable to the aforementioned causes whenever the pontifical law refers to the universal law or when it is a question of norms which affect those causes from the very nature of the matter.<sup>47</sup>

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44 Paul VI, *Sacra Rituum Congregatio*, no. 6.

45 Cf. Paul VI, *Sacra Rituum Congregatio*, nos. 7-13.

46 John Paul II, *Sacrae disciplinae leges* (apostolic constitution promulgating the Latin Code 1983), in AAS 75, pars II (1983) VI-XIV.

47 The Eastern Code, promulgated on 18 October 1990, makes only a simple statement in canon 1057: "In the causes for canonization of the servants

According to the nature of the matter, in the causes of beatification and canonization the norms of the Code on trials and procedures are applied concerning the constitution of the tribunal, functions of tribunal officials, collection of testimonial and documental proofs, intervention of medical experts, etc.

Since the law on beatification and canonization contained in CIC 1917 was abrogated with the promulgation of the Code of Canon Law on 25 January 1983, on the same day Pope John Paul II published the “special pontifical law” on the matter with the apostolic constitution *Divinus Perfectionis Magister*, which took effect from that very day.<sup>48</sup> The Pope continued the simplification of the process of beatification and canonization initiated by Pope Paul VI, who practically abolished the separate apostolic process and reduced the triple diocesan process into a single one, comprising all the elements necessary for evaluation and decision of the heroic practice of virtues or martyrdom of a Servant of God. After the theological-historical introduction, the apostolic constitution is divided into three parts: I) Inquiries to be Made by Bishops; II) The Sacred Congregation for the Causes of Saints; III) Procedure in the Sacred Congregation.

In the introductory section of the apostolic constitution, after referring to the previous legislations including that of Paul VI, the Pope states that the scope of this reform is to obtain a simpler process and to associate the bishops more closely with the Holy See:

Most recent experience, finally, has shown us the appropriateness of revising further the manner of instructing causes and of so structuring the Congregation for the Causes of Saints that we might meet the needs of experts and the desires of Our Brother Bishops, who

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of God, the special norms established by the Roman Pontiff are to be observed”. There is no corresponding second part for this canon.

48 John Paul II, *Divinus Perfectionis Magister* (apostolic constitution on the process of beatification and canonization), in *AAS* 75 (1983) 349-355.

have often called for a simpler process while maintaining the soundness of the investigation in matter of such great import. In light of the doctrine of the Second Vatican Council on collegiality, We also think that the Bishops themselves should be more closely associated with the Holy See in dealing with the causes of saints.<sup>49</sup>

In the same apostolic constitution the Pope authorized the Sacred Congregation for the Causes of Saints to publish special norms to be followed by the bishops in inquiries of this kind. Hence, on 7 February 1983 the Congregation promulgated the Norms to be Observed in Inquiries Made by Bishops in the Causes of Saints, after obtaining the approval of the same Pope who ordered them to be published.<sup>50</sup> The apostolic constitution *Divinus Perfectionis Magister*, together with the Norms to be Observed, constitutes the law in force for the beatification and canonization until the present day. After 24 years of experience, on 17 May 2007 the Congregation for the Causes of Saints<sup>51</sup> published the Instruction *Sanctorum Mater* after obtaining the approval of Pope Benedict XVI who ordered its publication.<sup>52</sup> With this Instruction, in the light of its experience the Congregation “intends to clarify the dispositions of currently existing laws in the causes of saints, to facilitate their application

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49 John Paul II, *Divinus Perfectionis Magister*, introductory part.

50 Sacred Congregation for the Causes of Saints, *Norms to be Observed in Inquiries Made by Bishops in the Causes of Saints* (in Latin, *Normae Servandae in Inquisitionibus ab Episcopis in Causis Sanctorum*), in *AAS* 75 (1983) 396-403.

51 In the apostolic constitution *Pastor bonus* promulgated on 28 June 1988 Pope John Paul II dropped the qualification “sacred” added to the Dicasteries of the Roman Curia. Thus after this date simply the name, Congregation for the Causes of Saints, is in vogue. Cf. *AAS* 80 (1988) 841-912.

52 Congregation for the Causes of Saints, Instruction *Sanctorum Mater* (for conducting diocesan or eparchial Inquiries in the causes of Saints), Rome 2007; also in *AAS* 99 (2007) 465-510.

and indicate the ways of executing them both in recent and in ancient causes”.<sup>53</sup> In this article only some innovative aspects of the law in force concerning the diocesan or eparchial Inquiry alone are taken into consideration, leaving out legislation on the Congregation for the Causes of Saints and the procedures in the same Congregation.<sup>54</sup>

### **3.2.1. The Right and Competence of Bishops to Start the Inquiries Confirmed**

As we have already seen, in the early Church canonization was the competence of bishops. In tune with this tradition the present legislation recognizes the right of the diocesan or eparchial bishop to begin all kinds of inquiries concerning beatification and canonization. Pope John Paul II explicitly asserts:

It is the right of diocesan Bishops or Bishops of the Eastern Rite and others who have the same powers in law, within the limits of their own jurisdiction, either *ex officio* or upon the request of individual members of the faithful or of legitimate groups and their representatives, to inquire about the life, virtues or martyrdom and reputation of sanctity or martyrdom, alleged miracles, as well as, if it be the case, ancient cult of the Servant of God, whose canonization is sought.<sup>55</sup>

The bishop competent to instruct the diocesan or eparchial Inquiry into heroic virtues or martyrdom is the one in whose territory the Servant of God died. The bishop competent to instruct the diocesan or eparchial Inquiry into an alleged miracle is the one in whose territory the presumed miraculous healing

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53 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, Introduction.

54 For details concerning the Congregation for the Causes of Saints and the procedures in the same Congregation, see Congregation for the Causes of Saints, *Le cause dei santi*, 452-505; H. Misztal, *Le Cause di canonizzazione*, 335-382.

55 John Paul II, *Divinus Perfectionis Magister* I, 1.

occurred.<sup>56</sup> The petitioner, who intends to initiate a cause, appoints a Postulator, who must be approved by the competent bishop. Then the Postulator is to present to the bishop the petition (*libellus*) in which he requests the initiation of the cause. The petition can be presented only five years after the death of the Servant of God. Before accepting the petition, “the Bishop must verify whether, in that period of time, an authentic reputation of holiness or of martyrdom and of intercessory power has developed among the People of God”.<sup>57</sup>

From the very beginning of Christianity until today reputation of martyrdom or sanctity and that of intercessory power among the people of God has been the very basis of canonization. If there does not exist any authentic reputation of martyrdom or sanctity the competent bishop cannot initiate the official Inquiry. The Congregation for the Causes of Saints explicitly states:

Before deciding to initiate the cause, the diocesan or eparchial Bishop must verify if, among a significant portion of the people of God, the Servant of God enjoys an authentic and widespread reputation of holiness or of martyrdom as well as an authentic and widespread reputation of intercessory power.

This reputation must be spontaneous and not artificially produced. It must be stable, continuous, widespread among trustworthy people and existing among a significant portion of the People of God.<sup>58</sup>

If there does not exist an authentic and widespread reputation of holiness or martyrdom and of intercessory power the bishop

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56 Congregation for the Causes of Saints, *Norms to be Observed*, no. 5, a-b; Instruction *Sanctorum Mater*, article 21, §§ 1-2.

57 Congregation for the Causes of Saints, *Norms to be Observed*, no. 9, a; Instruction *Sanctorum Mater*, article 25, §§ 1-3.

58 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 7, §§ 1-2.

is to reject the petition by means of a decree in which he is to explain the reasons for it.<sup>59</sup>

Once the petition has been accepted the bishop is to seek the opinion of the conference of bishops (at least of the region) in the Latin Church and that of the synod of bishops or council of hierarchs in the Eastern Catholic Churches about the appropriateness of initiating the cause, because beatification of a Servant of God, although he or she belonged to a diocese or eparchy is an event of great importance for the entire local Church or an Eastern Catholic Church.<sup>60</sup> This is also a manifestation of the collegial spirit as well as communion and unity among the bishops at the local or ecclesial level. After obtaining the official written document of such consultation the bishop is to make public the petition of the Postulator to initiate the cause by means of an edict, inviting all the faithful to bring to his attention any useful information regarding the cause.<sup>61</sup>

### **3.2.2. Non Objection of the Holy See**

As we have seen above, in the apostolic constitution *Divinus Perfectionis Magister* Pope John Paul II established that it is the right of diocesan or eparchial bishops “to inquire about the life, virtues or martyrdom and reputation of sanctity or martyrdom, alleged miracles, as well as, if it be the case, ancient cult of the Servant of God, whose canonization is sought”. There is no mention of any permission or non objection of any superior authority. However, the Norms to be Observed, subsequently published by the Congregation for the Causes of Saints with the approval of the same Pope, required a kind of consultation of the same Congregation:

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59 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 40.

60 Cf. Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, articles 41-42.

61 Cf. Congregation for the Causes of Saints, Norms to be Observed, no. 11, b; Instruction *Sanctorum Mater*, article 43.

In the meantime, the Bishop is to send to the Sacred Congregation for the Causes of Saints a brief report on the life of the Servant of God and the relevance of the cause, in order to ascertain whether there is any obstacle on the part of the Holy See to the cause.<sup>62</sup>

According to the ordering of articles in the Norms to be Observed the provision about such consultation of the Congregation is found after the appointment of theological censors and the historical commission. However, the Instruction *Sanctorum Mater*, which in article 40 reiterates the right of the bishop to accept the written petition of the Postulator for the initiation of the cause, places articles 45 and 46 about the non objection (*nihil obstat*) of the Holy See immediately after the publication of the edict and the consultation of the conference of bishops, the synod of bishops or the council of hierarchs (as the case may be), but before officially accepting the petition of the Postulator. This indicates that it would be better to seek the non objection of the Holy See after taking the preliminary steps, but before canonically initiating the cause by approving the petition of the Postulator to open the cause. The aforementioned two articles on non objection are reproduced here:

Art. 45 - § 1. Although Art. 40 § 1 of the present Instruction maintains its full force, the diocesan or eparchial Bishop, before accepting the written request of the postulator to initiate the cause, would be well advised to ask the Congregation for the Causes of Saints whether there is, on the part of the Holy See, any obstacle to the cause.

§ 2. The Bishop is to send to the Congregation his request for the *nihil obstat* together with a short report in which he illustrates the biographical data of the Servant of God (date, place and diocese of birth and of death, activity in the Church, etc.) and the importance of the cause for the Church.

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62 Congregation for the Causes of Saints, *Norms to be Observed*, no. 15, c.



Art. 46 - The Congregation will send the answer to the Bishop in a letter which is to be included in the acts of the cause.<sup>63</sup>

Although the bishop sends his request for the “*nihil obstat*” to the Congregation for the Causes of Saints, the answer will indicate whether “on the part of the Holy See” (not on the part of the said Congregation alone) there is any obstacle to the cause. Hence, when the request of the bishop for non objection reaches the Congregation, with a letter signed by the Prefect, the Congregation will consult all the concerned Dicasteries of the Holy See. For example, if non objection is sought for a religious founder in a mission territory, the Congregation may seek the non objection of the following Dicasteries: the Congregation for the Doctrine of the Faith, the Congregation for the Evangelization of Peoples, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as well as the Vatican Apostolic Archives. For all Eastern Catholics obviously the Congregation for the Eastern Churches will also be consulted.<sup>64</sup>

Also from a practical point of view it would be prudent to seek the non objection of the Holy See, “before accepting the written request of the postulator to initiate the cause”, as the Congregation indicates, because if the Holy See finds objections to the cause at a later stage the entire work may become futile. If the Congregation answers that the Holy See has objections to the cause of a particular person, it is not possible to proceed further, unless everything is thoroughly clarified later and the Congregation has modified its response.

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63 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, articles 45-46. Article 40 mentioned in the cited text affirms the competence of the bishops to accept the written request for the initiation of the cause.

64 This information is based on my experience as a Realtor of the Congregation for the Causes of Saints since 16 September 2013 until the present day.

### **3.2.3. Only One Single Diocesan Inquiry on Heroic Virtues or Martyrdom**

As we have seen above, according to the Pio-Benedictine Code there were two separate processes: the ordinary process conducted on the authority of the bishop and the apostolic process conducted under the authority of the Roman Pontiff and the Holy See. Already Pope Paul VI unified both these processes, abolishing the separate apostolic process. The ordinary process itself was practically distinguished into three processes: the process on writings, the informative process on virtues or martyrdom and the process on non-cult. According to the present legislation there is only a single diocesan (or eparchial) Inquiry, during which all what is necessary for establishing heroic exercise of virtues or martyrdom is collected and scientifically arranged. Moreover, as we see below, whatever was done at the Congregation in Rome during the ordinary process is now assigned to the competence of the bishop.

1. Theological Censors: according to the previous legislation, after the collection of the writings of the Servant of God, they had to be sent to the Congregation of Rites, which submitted them to two theological censors in Rome for their respective votes. According to the law in force by means of distinct decrees the bishop himself nominates at least two theological censors to examine the writings of the Servant of God. Regarding the task of the theological censors in the Instruction *Sanctorum Mater* article 64 the Congregation for Saints affirms:

§ 1. The Theological Censors must examine the published writings of the Servant of God and verify that there is nothing contained in them contrary to Faith and good morals.

§ 2. It is advisable that the Theological Censors also examine the unpublished writings of the Servant of God

and express their opinion on the absence of elements contrary to Faith and good morals.

§ 3. In their opinions the Theological Censors are also to delineate the personality and spirituality of the Servant of God.<sup>65</sup>

The Congregation respects the judgment or opinion of the local theological censors, thus demonstrating full trust and confidence in the competent experts chosen by the diocesan or eparchial bishop.

**2. Historical Commission:** another novelty of the new legislation is the appointment of a local historical commission in all cases for the collection of writings and documents, especially unpublished ones. In fact, the bishop nominates, by decree, at least three experts in historical matters and in matters that pertain to archives, who make up the historical commission. The task of the experts is to search out and gather all the writings of the Servant of God, those not yet published, as well as each and every historical document, either handwritten or printed, which in any way regard the cause.<sup>66</sup> At times the historical commission limit itself to conduct research in the archives within the diocese or neighbouring places and in the religious institute, if the Servant of God is a religious. Obviously this is not enough; the historical commission is obliged to consult all the archives anywhere in the world, which may have any possibility of containing some documents concerning the candidate for beatification. Obviously the historical commission cannot ignore the archives of the Apostolic See, which preserves great treasures and many authentic documents concerning the Church, bishops, priests and religious, as well as other Christian faithful who led an authentic

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65 Regarding theological censors, see also Congregation for the Causes of Saints, *Norms to be Observed*, no. 13.

66 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 68; cf. also *Norms to be Observed*, no. 14, b.

Christian life in any manner. When the historical commission finishes its work, a comprehensive report is to be prepared, which should be submitted to the bishop or his delegate. About this report the Instruction *Sanctorum Mater* states:

Art. 73 - § 1. After the search and collection of the unpublished writings and documents have been concluded, the experts must prepare one single, precise and detailed Report, that, together with the documentation gathered, they are to hand over to the Bishop or his Delegate.

§ 2. In the Report, the experts must:

1° indicate and testify that they fulfilled their task faithfully;

2° present a list of the archives consulted;

3° include a list of the writings and documents discovered;

4° express a judgment on the authenticity and value of the same writings and documents;

5° express a judgment on the personality and spirituality of the Servant of God as they appear in the same writings and documents, not omitting to indicate eventual negative aspects.

§ 3. The experts must indicate eventual obstacles to the cause to the Bishop or his Delegate who is to inform the postulator so that he can remove them.<sup>67</sup>

The Report as a whole must be jointly signed by all the experts of the historical commission, who are to be called to testify separately as *ex officio* witnesses. They are to declare under oath that: 1) they conducted all the investigations; 2) they gathered all that which pertains to the cause; 3) they have

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67 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 73; cf. also *Norms to be Observed*, nos. 12 and 14.

neither changed nor destroyed any document or text. Other *ex officio* questions, that deal with the personality and the work of the Servant of God, may be asked of the witnesses in order to clarify negative elements of a certain importance in the cause.<sup>68</sup> Such declaration under oath also indicates the serious obligation of the historical experts to consult all the archives in the world which may probably contain any document about a Servant of God.

**3. Difference between recent and ancient causes:** the law in force makes a clear distinction between these two kinds of causes. Often diocesan tribunals for inquiries create enormous confusion, without understanding the difference between ancient and recent causes, especially under the aspect of collecting proofs. In fact, the distinction between them itself is based on the types of proofs to be collected. The Instruction *Sanctorum Mater* clearly articulates the difference:

Art. 29- § 1. A cause is recent when the virtues or martyrdom of the Servant of God can be proven through the oral depositions of eyewitnesses.

§ 2. In a recent cause, the Inquiry will concentrate mainly upon the hearing of witnesses, while always keeping in mind the necessity to search for and gather all the documentary proofs of the cause.

Art. 30- § 1. A cause is ancient when the proofs regarding the virtues *in specie* or the martyrdom of the Servant of God can be brought to light only from written sources as there are no eyewitnesses of the heroicity of virtues or of the martyrdom of the Servant of God.

§ 2. In an ancient cause, the Inquiry will prevalently regard the research of the experts in historical matters and in

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68 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 76; cf. also *Norms to be Observed*, nos. 16, c and 21, b.

matters that pertain to archives, while keeping in mind the necessity to hear some witnesses about the existence of the reputation of holiness or of martyrdom and of intercessory power and, if it be the case, about cult given to the Servant of God, in more recent times.<sup>69</sup>

In recent causes the heroic exercise of virtues or martyrdom is mainly proved by the testimonies of eyewitnesses (*de visu*), utilising documents in a subsidiary and supportive manner for consolidating and strengthening the proofs. However, even in these cases the biography of the Servant of God is reconstructed in the Position (*Positio*) to be prepared in Rome according to the historical-critical methodology, based on original and authentic documents. Moreover, if the responses of the witnesses are not consistent (for example, simple yes, no, certainly), without any reference to concrete facts or to precise and specific examples of the exercise of individual virtues, they will not be very useful for the scope. Hence, the collection of all possible documents is necessary even in recent causes, besides this being an obligation of the historical commission. In recent causes several witnesses may be cited, who are to be interrogated on the life, virtues, spirituality and reputation of sanctity of the Servant of God, depending on the ambit of their personal acquaintance with him or her.

In ancient causes, the heroic exercise of virtues or martyrdom is mainly proved by documents, utilizing the testimonies of witnesses only for demonstrating the continuation of the reputation of sanctity at the time of their deposition. In ancient causes of confessors each of the theological virtues, cardinal virtues, evangelical counsels and other annexed virtues, the specific spirituality and charism of the Servant of God, as well as the continuation of the reputation of sanctity and intercessory

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69 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, articles 29-30; cf. also *Norms to be Observed*, no. 7.

power from the time of death up to the opening of the Inquiry are to be proved by documents. Similarly, in the causes of martyrs, the martyrdom, the continuation of the reputation of martyrdom and the exercise of virtues at least in an ordinary way are to be proved in the same manner. The importance of a historical-critical biography, reconstructed according to scientific methodology, increases in ancient causes. Since in these causes everything depends on documents, it is enough that only a few witnesses are cited, who may be interrogated on the reputation of sanctity or martyrdom since they do not personally know the life and virtues of the Servant of God. In ancient causes if sufficient documentation for proving the virtues or martyrdom and the respective reputation is not available the cause cannot proceed further and even if it is presented to the Congregation, it may be rejected by its historical commission, consisting of six historical experts.

Causes of mixed nature: about 30 or more years after the death of a Servant of God, even if some persons may be qualified as eyewitnesses (*de visu*), for merely seeing him or her for a brief period of time, without any real acquaintance, they may not be able to give an authentic testimony about his or her life and heroic practice of virtues or martyrdom. It is also possible that because of old age and faded memory witnesses may not be able to provide an authentic testimony. In such cases even in the presence of the so-called eyewitnesses the cause may be instructed as an ancient one. Even if the promoter of justice has prepared an elaborate questionnaire concerning the whole life of the Servant of God, it is enough to ask them only those questions concerning the continuation of reputation of sanctity and intercessory power.

### **3.2.4. Declaration on the Absence of Cult**

As we have already seen, according to the Pio-Benedictine Code a separate process had to be conducted with interrogation

of some witnesses and production of documents concerning the absence of cult offered to a Servant of God. This process, which ended with a sentence of the tribunal, to be confirmed by a decree of the Congregation of Rites, has been abolished. However, in accordance with the dispositions of Pope Urban VIII, prior to the clause of the Inquiry the bishop or his delegate, the promoter of justice and the notary of the cause are to inspect the tomb of the Servant of God, the room where he lived and/or died, and other possible places where signs of unlawful cult can be found.<sup>70</sup> Then the bishop or his delegate makes a declaration of non cult:

If no abuses of cult are discovered, the Bishop or his Delegate is to proceed to the preparation of the “Declaration on the Absence of Cult”, that is, the declaration which attests to the fact that the Decrees of Urban VIII have been observed.<sup>71</sup>

Obviously this declaration is to be inserted in the acts of the Inquiry and sent to the Congregation for the Causes of Saints.

### **3.2.5. Inquiry on Alleged Miracles**

From the very beginning of Christianity miracle, as a sign of true martyrdom or sanctity, has always been considered necessary for the concession of public cult. In fact miracle is a divine confirmation of the authenticity of martyrdom or heroic exercise of Christian virtues, a “finger of God”, which seals the human judgement or decision on beatification and canonization.<sup>72</sup>

According to the Latin Code 1917 at least two miracles were needed for beatification of confessors, while exception was given for martyrs. For canonization, whether of confessors

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70 Congregation for the Causes of Saints, *Norms to be Observed*, no. 28; Instruction *Sanctorum Mater*, articles 118.

71 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 119; cf. also *Norms to be Observed*, no. 28, a.

72 Cf. Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 111.



or martyrs, two miracles after beatification were required. However, the law in force does not provide any indication concerning the number of miracles. After the Second Vatican Council it has been established by tradition that one miracle is required for the beatification of confessors, but none for that of martyrs. For the canonization of any blessed, whether confessor or martyr, normally another miracle occurred after beatification is required.

The bishop competent to instruct the diocesan or eparchial Inquiry into an alleged miracle is the one in whose territory the alleged miracle occurred.<sup>73</sup> If the bishop is convinced of the prospect of a healing occurred through the intercession of a Servant of God, after preliminary investigation, he is competent to open an Inquiry; he does not need any non objection or permission from the Congregation for the Causes of Saints or from any other superior authority. The tribunal officials, the procedures for the Inquiry, as well as the manner of collecting documentary and testimonial proofs for alleged miracles are the same as those of the Inquiry on virtues or martyrdom, the main difference being the participation of medical experts. Hence the present legislation provides common norms for both inquiries, indicating only the differences of an Inquiry on a presumed miracle at the proper places.<sup>74</sup>

Even if an alleged healing or miracle occurred through the intercession of the Servant of God before or during diocesan Inquiry on virtues, the Inquiry on the alleged miracle is to be conducted by a separate and independent tribunal constituted by the bishop for this purpose. Since the Congregation for the Causes of Saints proceeds with the alleged miracle only after the preparation of the Position on virtues and its examination by the

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73 Congregation for the Causes of Saints, Instruction *Sanctorum Mater*, article 21 § 2; cf. also *Norms to be Observed*, no. 5, b.

74 For detailed information concerning the inquiry on presumed miracles, see Congregazione delle Cause dei Santi, *Le Cause dei Santi*, 423-444; H. Misztal, *Le Cause di canonizzazione*, 319-332.

theological consultants of the Congregation with an affirmative response, it is not necessary that the two inquiries be conducted simultaneously in fret and hurry, even in the absence of sufficient competent personnel. After the conclusion of the Inquiry on virtues, Inquiry on a presumed miracle can be started in total tranquillity and serenity, conducting both inquiries in the best possible manner.

#### **4. Offer of Life: A New Way of Beatification and Canonization**

On 11 July 2017 Pope Francis issued the apostolic letter (motu proprio) *Maiorem hac dilectionem*, introducing a new way of beatification and canonization.<sup>75</sup> This new way, called “offer of life”, is based on the gospel principle: “No one has greater love than this, to lay down one’s life for one’s friends” (Jn 15:13), which the Pope quotes in the beginning of the apostolic letter.

Traditionally there are two classical ways of beatification: martyrdom and heroic exercise of virtues. To these may be added a third category (less known and rarely practised now), the so-called excepted cases, namely the confirmation of an ancient cult, after the pontificate of Pope Alexander III (1159-1181) and before the year 1534, as established by Pope Urban VIII (1623-1644). Hence the “offer of life” can be considered as a fourth way of beatification.<sup>76</sup>

Based on the aforementioned gospel principle Pope Francis explains the concept of offer of life as follows:

Worthy of special consideration and honour are those Christians who, following more than closely the footsteps and teachings of the Lord Jesus, have voluntarily and

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75 Francis, *Maiorem hac dilectionem* (apostolic letter issued motu proprio on the offer of life), in *L'Osservatore Romano*, 12 luglio 2017, 8; in *AAS* 109 (2017) 831.

76 Cf. M. Bartolucci, “Una quarta via per la beatificazione”, in *L'Osservatore Romano*, 12 luglio 2017, 7; in Congregazione delle Cause dei Santi, *L'offerta della vita nelle cause dei santi*, Città del Vaticano 2017, 13-15.

freely offered their life for others and persevered with this determination unto death.

Certainly the heroic offering of life, inspired and sustained by charity, expresses a true, complete and exemplary imitation of Christ, and thus is deserving of that admiration that the community of faithful customarily reserves to those who have voluntarily accepted the martyrdom of blood or have exercised Christian virtues to a heroic degree.<sup>77</sup>

After the introductory part, the Pope establishes precise criteria for the beatification of a Servant of God for offer of life:

The offer of life, in order that it be valid and effective for the beatification of a Servant of God, must respond to the following criteria:

- a) a free and voluntary offer of life and heroic acceptance *propter caritatem* of a certain and untimely death;
- b) a nexus between the offer of life and premature death;
- c) the exercise, at least as ordinarily possible, of Christian virtues before the offer of life and, then, unto death;
- d) the existence of a reputation of holiness and of signs, at least after death;
- e) the necessity of a miracle for beatification, occurring after the death of the Servant of God and through his or her intercession.<sup>78</sup>

The heroic offering of life, in fact, partially resembles that of martyrdom because there is the heroic gift of self, up to death

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77 Francis, *Maiorem hac dilectionem*, in *L'Osservatore Romano*, 12 luglio 2017, 8; in *AAS* 109 (2017) 831.

78 Francis, *Maiorem hac dilectionem*, in *L'Osservatore Romano*, 12 luglio 2017, 8; in *AAS* 109 (2017) 831.

included, but it differs from it because there is no persecutor or assassin who would like to impose the choice against Christ. Similarly, the offering of life resembles that of the heroic practice of virtues because there is a heroic act of charity (gift of self), inspired by the example of Christ, but it differs from it because it is not the expression of a prolonged exercise of all the virtues at an extraordinary level.<sup>79</sup> The fourth way presupposes the ordinary exercise of Christian virtues, which renders a person capable of a free and voluntary gift of self in a supreme act of Christian charity, imitating Christ who offered himself to the Father for the salvation of the world.

The Inquiry on the offer of life is conducted in the same manner as in the causes of martyrdom and heroic virtues according to the same law in force. Obviously in recent causes some specific questions are to be asked to the witnesses on the offer of life and the ordinary exercise of Christian virtues. In ancient causes the offer of life is to be proved by original and authentic documents, while witnesses are mainly interrogated on the continuation of the reputation of the offer of life.

## **Conclusion**

In the course of centuries the competent authority for the official declaration of canonization, the procedural norms and laws for diocesan or eparchial inquiries, the manner of examination and decision at the Holy See considerably mutated, but one basic principle has always remained intact: the people of God really canonize a person. The odour of sanctity or martyrdom cannot be concealed; the people of God recognize and admire the heroic exercise of virtues, martyrdom or offer of life from the part of a true disciple of Christ, and spontaneously seek his or her prayers, blessings and intercession already during life, and especially after death, venerating him or her. Such spontaneous, authentic

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79 Cf. M. Bartolucci, “Una quarta via per la beatificazione”, in *L'Osservatore Romano*, 12 luglio 2017, 7; also in Congregazione delle Cause dei Santi, *L'offerta della vita*, 16.

and sufficiently widespread reputation of sanctity, martyrdom or offer of life and of intercessory power (not artificially created propaganda or social media campaign) is the real beginning of canonization. Obviously public ecclesiastical cult, which is conducted in the name of the Church by official ministers, is prohibited according to the spirit of the decrees of Pope Urban VIII before a decision by the supreme authority of the Church, but spontaneous veneration and honour of the people of God towards a saintly person, in other words reputation of sanctity, is an essential precondition for the opening of any cause of beatification, which eventually leads to canonization as well.