

Instructing a Cause of Beatification and Canonization of a Servant of God

A review of the canonical process

Canon Law on Canonization

- Legislation for Causes of Saints was included in 1917 CIC:
Book IV, De Processibus
Pars Secunda, De Causis Beatificationis Servorum Dei et Canonizationis
Beatorum, cc. 1999-2141.
- Legislation for Causes of Saints was excluded in 1983 CIC, except for canon 1403
 - §1. Special pontifical law governs the causes of canonization of the servants of God.
 - §2. The prescripts of this Code, however, apply to these causes whenever the special pontifical law refers to the universal law, or norms are involved which also affect these causes by the very nature of the matter.

Applicable Special Legislation

John Paul II, Apostolic Constitution *Divinus Perfectionis Magister*, 1983.
(abbreviated DPM)

Congregation of the Causes of Saints, *Normae Servandae in Inquisitionibus ab Episcopis Faciendis in Causis Sanctorum*, 1983.
(abbreviated NS)

Congregation of the Causes of Saints, Instruction *Sanctorum Mater*, 2007. (abbreviated SM)

For Reference

The current legislation in Causes of Saints is available at causesanti.va



The screenshot shows the website causesanti.va. The browser address bar displays "Not Secure — causesanti.va". The website header features the logo of the Congregation of the Causes of Saints and a row of portraits of popes and saints. The navigation menu includes: HOME, PROFILO, IL CARDINALE PREFETTO, STUDIUM, DOCUMENTI, SANTI, BEATI, ARCHIVIO STORICO, and PUBBLICAZIONI. The current page is "DOCUMENTI", with a breadcrumb trail "Congregazione delle Cause dei Santi > Documenti" and the date "DOMENICA 14 LUGLIO 2019". A search bar labeled "Cerca" is present. The "DOCUMENTI" section lists the following items:

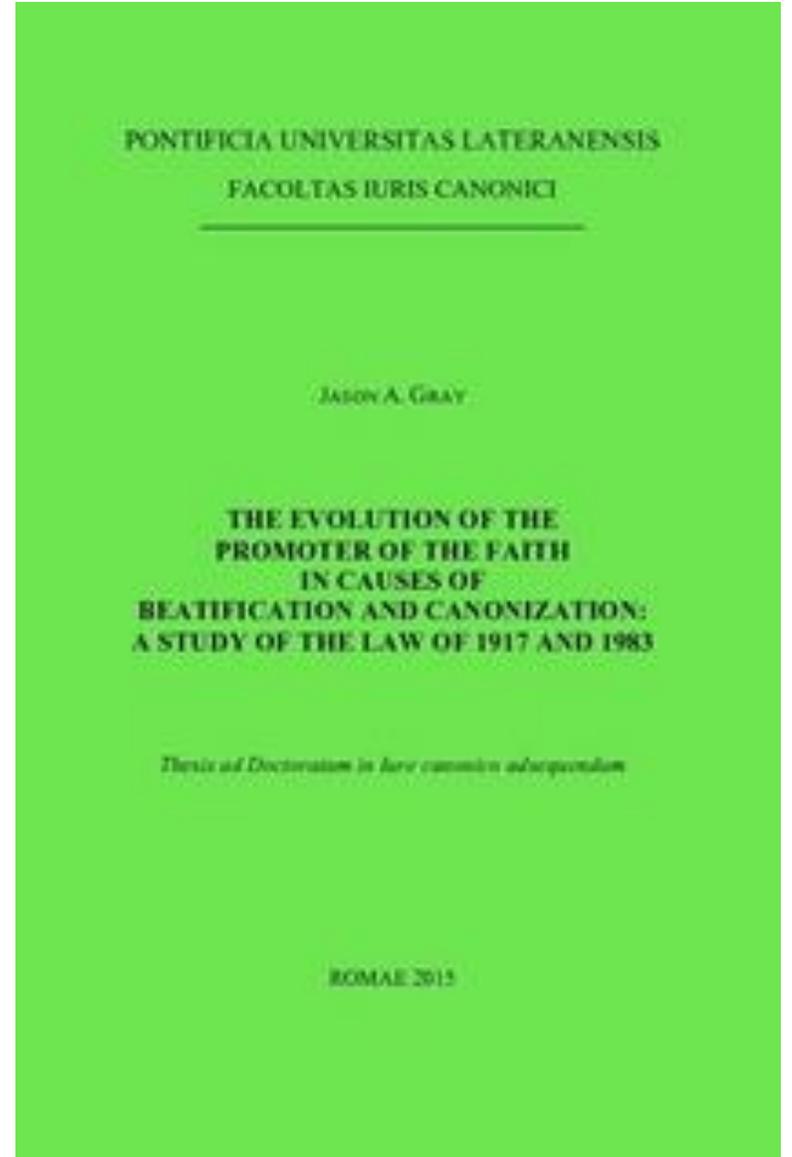
- **Divinus Perfectionis Magister** (1983)
Costituzione Apostolica sulla Beatificazione dei Servi di Dio e sulla Canonizzazione dei Beati
[Latina, Italiano, English, Español, Français, Português]
- **Normae Servandae in Inquisitionibus ab Episcopis Faciendis in Causis Sanctorum** (1983)
Norme per le Inchieste Diocesane o Eparchiali
[Latina, Italiano, English, Español, Français, Português]
- **Procedure nei Riti della Beatificazione** (2005)
[Italiano]
- **Sanctorum Mater** (2007)
Istruzione per lo Svolgimento delle Inchieste Diocesane o Eparchiali nelle Cause dei Santi
[Latina, Italiano, English, Español, Français, Português]

For Further Reference

More information about the historical development of the institution of Canonization can be found in the first chapter of this thesis.

The text is free and available on line:

www.jgray.org



The Purpose of the Diocesan Inquiry

- The object of the Diocesan Inquiry is the gathering of proofs of the heroic virtues, the martyrdom, or the miraculous intercession of a Servant of God sufficient for moral certitude.
- The evaluation of the evidence takes place in the Congregation of the Causes of Saints.
- The judgment in a Cause is made by the Holy Father.

The Object of the Diocesan Inquiry

- For an alleged martyr, it is necessary to prove the three elements of martyrdom:
 1. a violent death;
 2. the hatred for the faith (*odium fidei*) on the part of the persecutor;
 3. the voluntary acceptance of death for love of Christ.
- Furthermore, the reputation (*fama*) of martyrdom and intercessory power should be proven.

The Object of the Diocesan Inquiry

- For an alleged confessor, it is necessary to prove:
 1. The practice of the theological virtues of faith, hope and charity both toward God and neighbor;
 2. The practice of the cardinal virtues of prudence, temperance, fortitude, and justice both toward God and neighbor;
 3. The practice of the virtues connected to one's state in life, including poverty, chastity, obedience and humility;
 4. The practice of these virtues to a heroic degree;
- The presence of the reputation (*fama*) of virtues and intercessory power.

The Object of the Diocesan Inquiry

- For an alleged miracle, it is necessary to prove:
 1. The lack of any natural explanation for the miraculous event;
 2. The intercession of the Servant of God was invoked in connection to the miraculous event.
- The proof of martyrdom or heroic virtue means the Servant of God is worthy of imitation.
- The proof of a miracle means the Servant of God a sure intercessor.
- Miracles have traditionally been used as a sign of divine confirmation to assist the Church in her judgment.

Introduction of a Cause

- Every cause must have a petitioner (NS, 1). The petitioner assumes the moral and financial obligation of promoting the cause.
- The petitioner may be a natural person who can guarantee the advancement of the Cause.
- The petitioner is more often a juridic person, such as a diocese, a parish, a religious institute, or an association of the faithful.
- The petitioner is recognized as such by the competent bishop.

Introduction of a Cause

- The petitioner must nominate a postulator who functions as both advocate and procurator for the petitioner (NS, 2-4).
- The postulator can be a priest, a religious, or a lay person who is an expert in theology, canon law, history, and in the praxis of the Congregation of the Causes of Saints.
- In the Roman phase, there must be an approved Roman postulator.
- In the diocesan phase, the petitioner can simply nominate a diocesan postulator. If a Roman postulator has been nominated, he or she can nominate a vice-postulator as his or her representative in the diocese.

Introduction of a Cause

- The competent bishop is the bishop of the diocese in which the Servant of God died (NS, 5).
- With respect to an alleged miracle, the competent bishop is the bishop of the diocese in which the miracle allegedly occurred.
- Competence can be transferred by the Congregation of the Causes of Saints with the agreement of the bishops involved.

Introduction of a Cause

- Confessors are those who have confessed the faith and practiced a life of virtue to a heroic degree. The Causes of individual confessors are studied individually.
- A Cause may be introduced for a group of martyrs, provided that they were martyred at the same time, in the same place and under the same persecution (SM, 32).
- If they died in multiple dioceses, the bishops involved must all agree to unite the Cause under one competent bishop.

Introduction of a Cause

- The postulator presents the *libellus* to the competent bishop, asking for the instruction of the Cause (NS, 8).
- The petition cannot be presented within 5 years of the death of the Servant of God, nor later than 30 years after death, lest the Cause be too quickly anticipated or overly delayed (NS, 9).

Introduction of a Cause

- With the petition, the postulator must include (NS, 10):
 1. a biography of the Servant of God;
 2. a copy of all published writings of the Servant of God;
 3. a list of witnesses who can testify to the virtues or martyrdom and intercessory power of the Servant of God. Contrary witnesses cannot be excluded.

Introduction of a Cause

- Eye witnesses (*de visu*) are first hand witnesses and must be heard.
- Hearsay witnesses (*de auditu ab videntibus*) are second hand witnesses and may be heard.
- Third hand witnesses (*de auditu ab audientibus*) are not foreseen (NS, 17).

If there are living first hand witnesses, the Cause is considered recent. Witnesses testify to the virtue or martyrdom of the Servant of God.

Otherwise, the Cause is considered ancient. The inquiry depends on documentary proof and the witnesses are heard about the reputation of holiness or martyrdom (NS, 7).

Preliminary steps in the inquiry

- If the bishop accepts the petition, he must:
 1. Consult with the other bishops of the territory about whether the Cause should be initiated (NS, 11a);
 2. Issue the edict ordering the publication of the petition so the faithful can present useful information about the Cause (NS, 11b);
 3. Request the *Nihil Obstat* of the Holy See to learn if there are any objections (NS, 15c).

Preliminary steps in the inquiry

- The published writings of the Servant of God must be examined by two sworn Theological Censors who separately offer opinions about any doctrinal errors regarding faith or morals in the writings (NS, 13).
- Non-published writings of the Servant of God may also be examined.
- The presence of a doctrinal error may block any further progress in a Cause. Nevertheless, the absence of any error does not guarantee the success of the Cause.

Preliminary steps in the inquiry

- A Historical Commission must be appointed, composed of at least three sworn historical experts, to gather all documentary evidence related to the Servant of God, especially unpublished writings and other documents about the Servant of God (NS, 14).
- The experts must hand over the documents and a separate report about the authenticity of the documents, the archives visited, and the life and personality of the Servant of God.

Instruction of a Cause

- The bishop appoints the members of the Tribunal of Inquiry, all of whom must swear an oath, including the episcopal delegate, the promoter of justice, and one or more notaries (NS, 6).
- In causes of miraculous healing, a medical expert is also appointed to the Tribunal (NS, 34a).
- The episcopal delegate and promoter of justice must be priests and experts in canon law, theology, and history.
- As with everyone appointed, there must be a letter of appointment, an oath upon assuming the office, and an oath upon completing the office, all marked with a seal.

Instruction of a Cause

The persons involved in the Diocesan Inquiry:

- The petitioner and the postulator are favorable to the Cause.
- The diocesan bishop, theological censors, historical experts, episcopal delegate, and notaries are all neutral objective parties, neither favoring nor opposing the Cause.
- Who stands in opposition to create the true *contradictorium*?
- The role of opposing a Cause fell to the former Promoter of the Faith, the so called devil's advocate, a role that appears to fall to the promoter of justice in the current law.

Where is the devil's advocate? Who stands in opposition?

- “O, while you live, tell truth and shame the devil!” (*Hotspur in Shakespeare's Henry IV, Act III, Scene I*)
- “You want to know something funny? I discovered the law again. You actually made me think about it. I managed to go through three years of law school without doing that.” (*Mitch McDeere in The Firm*)
- “You want answers?” “I want the truth!” (*Col. Nathan R. Jessup and Lt. Daniel Kaffee in A Few Good Men*)
- “The devil's in the detail.” (*Old German maxim*)
- “If the rules don't work, you change them.” (*Alan Dershowitz in Reversal of Fortune*)

Instruction of a Cause

- The evidence presented so far includes:
 - All published and unpublished writings of the Servant of God
 - All other documents related to the Cause
 - Theological opinions about the writings of the Servant of God
 - A historical report about the Servant of God's life, personality and spirituality
 - A list of witnesses, presented by the postulator
- The promoter of justice must:
 - Compose the interrogatory (NS, 15a)
 - Propose some witnesses to be examined *ex officio* (NS, 16a)

Opening Session

- The Bishop holds the Opening Session to swear the oaths of all the members of the Tribunal of Inquiry (SM, 86-88).
- All the information gathered so far is presented at the Opening Session.
- The Opening Session may be held in public.

Sessions for hearing the witnesses

- The Episcopal Delegate leads the sessions for the witness testimony.
- The Episcopal Delegate must cite the witnesses and the Promoter of Justice, but never the Postulator.
- After the witness swears an oath, the Episcopal Delegate asks each question on the interrogatory. *Ex officio* questions can be added by the Episcopal Delegate on his own or at the suggestion of the promoter of justice.
- The Notary records all the answers given and authenticates the process (NS, 16).

Sessions for hearing the witnesses

- Although not found in the 1983 Code, the Congregation continues to employ the traditional terminology of the “sessions” for the hearing of witnesses (e.g. SM, 61).
- Every session has a beginning, a middle, and an end. Everything that happens during the session is recorded by the notary. Nothing may happen in the Inquiry outside of a formal session.
- The promoter of justice must be cited for every session. If the promoter was not cited and was absent from the session, the acts of that session are invalid. This invalidity is not remedied by his inspection of the acts at publication.

Sessions for hearing the witnesses

- A variety of witnesses should be heard, relatives and non-relatives, clergy, religious, and laity.
- *Ex officio* witnesses are often heard last. It is presumed that the postulator will present favorable witnesses. The promoter of justice should be alert to any potential negative witnesses who should be heard.
- If a session takes place in another territory, canon 1469 §2 should be observed.

Special issues for religious orders

- If the Servant of God was a member of an religious order, no member of the order can serve as episcopal delegate, promoter of justice, notary, or theological censor.
- One of this historical experts may be chosen from the same religious order, as well as the postulator (SM, 50).
- For a Cause of a religious, a significant number of witnesses must be from outside the Institute (NS, 19).

Special issues for miracles

- In Inquiries involving miracles, the Medical Expert must be cited and may also suggest additional questions *ex officio*.
- Witnesses must include the person who was healed, the physicians who attended to the person, and those who prayed for the intercession of the Servant of God.
- Two other experts *ab inspectione* must testify regarding the current state of health of the healed person (NS, 34).

Decrees of Urban VIII

The Tribunal of Inquiry must visit the places where the Servant of God lived and died for signs of unlawful cult according Urban VIII (NS, 28). Examples of unlawful cult include:

- Mass or Divine Office celebrated in the Servant of God's honor;
- Churches or chapels dedicated in the name of the Servant of God;
- Mortal remains buried or displayed under an altar;
- Relics publicly displayed or revered;
- Images displayed in a church or chapel with a halo, rays, or nimbus;
- Books published about miracles, revelations, or graces attributed to the servant of God;
- Decorations at the tomb, such as testimonials, images, or votive candles.

Conclusion of the inquiry

- It is common for the Tribunal of Inquiry to authenticate the mortal remains of the Servant of God (SM, 141).
- The Acts must be published to the Promoter of Justice and the Postulator, who may ask for additional evidence to be presented (NS 27).
- The Acts are copied and carefully authenticated. The original acts (archetype) are sealed and kept in the local curia. Two authentic copies are sealed and sent to Rome (NS 29-31).
- Any copyists or translators must have a letter of appointment with a seal and must take an oath.

Conclusion of the inquiry

- The Closing Session is held by the Bishop.
- All those who took part swear their oaths again.
- The Acts are closed and sealed for transmission to the Congregation of the Causes of Saints.
- The Closing Session may be held in public, but without excessive praise of the Servant of God lest the faithful be misled (NS, 36).

Steps in the Congregation

- When the acts arrive in the Congregation of the Causes of Saints, the seal will be inspected. If it is intact, the acts can be opened and are bound in multiple volumes.
- The acts of the diocesan inquiry will be examined for their juridic validity. The inquiry must also have been sufficient for its intended effect (DPM, 13, 1º).
 - Dubium: *An constet de validitate in casu et ad effectum de quo agitur*

Steps in the Congregation

- When studying the validity of the Inquiry, the Congregation may respond *affirmative, negative, or suspensive*.
- A suspensive determination could be for a procedural defect or a more substantial defect (*in procedendo vel in decernendo*).
- A suspensive determination could be resolved by supplementary documentary evidence or by a supplementary Inquiry.

Excursus on Miracles

- A first class miracle (*quoad substantium*) deals with the substance of a thing and represents a metaphysical impossibility.
 - Multiplying bread; Changing water into wine; Raising the dead
- A second class miracle (*quoad personam*) deals with the individual person, for whom a particular circumstance is impossible.
 - Healing the man with a withered hand; Healing the man born blind
- A third class miracle (*quoad modum*) deals with a circumstances that might be possible, but not in the manner or mode in which it occurred.
 - Any other healing that is instantaneous, perfect and lasting.

Questions and Answers