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Urban VIII i Benedict XIV – Reformers of the canon law

I. INTRODUCTION

While talking about sanctity, the Catholic Church points, first of all, to the God's appeal: *So be perfect as perfect as your Holy Father*. As Vatican Council II teaches: *all Christians, whatever state and trade they are, are called to the full Christian life and to perfect love (Lumen Gentium, no. 20) because the sanctity is expressed in various ways in various people, who in their own state of life strive for perfectness in love, setting an example for others (LG nr 39).*

The servants of God, the blessed and the saints are an enormous heritage of Christian faith, spirituality and holiness of the Church. The task of the people of the Church is to pass this rich inheritance to the next generations. However, before one can officially venerate the saints, their heroic life, their practice of virtues or their martyrdom must be proven during the canon proceeding. In order to show the faithful a model of sanctity, worth admiring and following, the Church takes procedural steps during which it is essential to collect widely understood evidence.

To complete the above subject of the work, the author used extensive subject literature;

however, undoubtedly, the basis for the deliberations are the works of Professor Henryk Misztal.

II. CANON LAW IN HISTORICAL DEVELOPMENT

Since the beginning of the Church existence, the saints have been publicly worshipped. In the times of martyr cult (1st - 4th centuries) there was no investigation before the martyrs were awarded public cult. It came into being spontaneously among Christians. The cult of martyrs included the following elements, which constituted a primary form of canonisation: 1) funeral, being the beginning of the cult, 2) the meeting of the commune at the grave of the martyr, joyfully celebrating the funeral, rejoicing at the martyr's glory in heaven, 3) in the funeral participated the bishop who was the head of the commune and simultaneously the official witness of the cult, 4) celebrating the death anniversary (*dies natalis*), which became the holy day of this martyr.

It is worth noticing that a new type of hagiographic literature appeared, i.e. martyr's acts (*acta martyrum*) and collections of miracles (*raccoltae miraculorum*). The former are almost the only source of knowledge about the life, mar-

tyr's death and the way onto the altars. And, if acknowledging martyrs is assumed as the first form of the historical process, the acts mentioned will play the part of evidence in this process.

Traditionally, it is assumed that the Edict of Milan (313 A.D.) ended this so-called great era of martyrs. New saints appeared who were later called confessors. As Henryk Misztal rightly stated: *if the martyr was Christ's witness through his death, the confessor bore full witness to Christ by living his life in accordance with the principles of the Gospel*. The confessors recruited mainly from among bishops and ascetics. The former, due to their office, were exposed to suffering in defence of faith, while the ascetics raised admiration of the faithful with their life full of penance. Also in those days the hagiographic literature appears: lives (*vitae*), biographies (*biografie*), histories (*historiae*). In this way the value of document in canonisation cases is developing.

The basic form of canonisation since the 4th century until the papal reservation, was the transfer of the relics, i.e. translation (*translatio*), and elevation (*elevatio*). They are the methods of canon proceedings preceded by some form of hearing of evidence. The transfer and the elevation is a renewed funeral ceremony during which the body taken from the grave is positioned in a place appropriate to celebrate the holy mass. If *translatio* refers mainly to the fact of placing the body in an appropriate place with specific celebrations, then *elevatio* refers to taking the body out of the grave and placing it above the ground. In Middle Ages the transfer of the body carried the value of canonisation, therefore its celebration was solemn, often with the neighbouring clergy participating in the ceremony.

No exact borderline exists between canonisations performed by *translatio* and *elevation*,

and canonisations announced by papal bulls (decrees) because for some time both these forms existed simultaneously. Pope Alexander III (1159-1181), as a result of some abuse which occurred in the Catholic Church, issued in 1181 the Decree of *Audivimus*, in which he declared that: *no one shall be venerated in public as saint without the consent of the Pope (non licet vobis pro sancto absque auctoritate Romanae Ecclesiae, eum publice venerari)*. The promulgation of this decree took place together with its inclusion in the Decrees of Gregory IX in 1234.

The description of the 14th century canonization procedure by Jacobus Gaetani deserves more attention. This description called *Ordo romanus* is known from the work *Museum Italicum seu collectio veterum scriptorum* by J. Mabillon. In this document we read that the canonisation process in the 14th century included: 1) submitting letters of postulations to the pope, 2) taking the decision by the pope in the secret consistory to delegate bishops of the neighbouring place to the place of death of the servant of god, to conduct investigations into the odour of the sanctity of life, virtues and executing a written report on the case, 3) consulting the secret consistory on commencing the process, 4) appointing a tribunal for the process on life, virtues and miracles in accordance with pope's instructions, 5) examining the files of the process by Rome experts, appointed by the pope, 6) secret announcement of the papal decision during the secret consistory, 7) legal proceeding finished with reading the process files at the open consistory and announcing the papal decision.

Of enormous importance for the development of the canonisation procedure was the establishment of the Congregation of Rites (*Sacra*

Rituum Congregatio) in 1988 by Pope Sixtus V (1585-1521).

III. LEGISLATION OF URBAN VIII (MAFFEO BARBERINI) 6 VIII 1623 - 29 VII 1644

Despite the important role of rotal and canonistic jurisprudence in the 17th century, there can be seen some confusion of concepts in canonisation issues. There was no differentiation between public cult and private cult of people who died of sanctity. Bishops still thought that the right to elevate to the altars lies within their authority and often passed judgments on canonisation only on the grounds of the cult of the faithful and the miracles related to the servant of god. Even Clement VIII (1592-1605) and Paul V (1605-1621) tried to regulate these issues in legal terms but their decrees were not widespread enough and were not used in everyday practice. The uncertainty about the difference between beatification and canonisation reappeared in the Church literature and art. There was not enough knowledge of the forms of canonization. In order to meet this need, Pope Urban VIII created a clear and strictly defined canonization procedure. On 13th March 1625 *Decree on the Congregation of Inquisition* was issued, on 12 March 1631 the encyclical *De processibus rite conficiendis* (description of the canonization proceedings in a diocese) was sent to patriarchs, archbishops and bishops, and on 5 July 1634 - the apostolic constitution *Caelestis Hierusalem cives*.

According to Urban VIII's legislation, there were three common processes to be conducted: 1) in the diocese – this process referred to the odour of sanctity of the life and heroic virtues, 2) the process of observing Urban VIII's de-

crees, 3) the apostolic process delegated by the Holy See, and concerning the heroic virtues and miracles. It must be emphasized that with his breakthrough decrees the pope reversed the existing practice of canonization proceedings. Up till then the greatest chance of success had the case in which a public cult had already existed – the way of cult (*via cultus*), rare were the cases processed in which the servant of god did not enjoy the public cult – the way without cult (*via non cultus*). Pope Urban VIII introduced a reverse procedure. Since then the way without cult became the ordinary way of proceeding (*via ordinaria*), while the way of cult became the extraordinary proceeding (*via extraordinaria*).

Urban VIII made an exception in his decree in favour of the cases proceeded along the way of cult which, certainly, were the old cases. These cases were *exceptional causes* (*casus exceptus*). An exceptional cause included recognizing public cult with reference to the diseased who: 1) received it from time immemorial (*per immemorabilem temporis cursum*) or 2) by common consent of the Church (*per communem Ecclesiae consensum*), or 3) their cult resulted from the letters of the Church Fathers or Saint writers (*per patrum virorumque sanctorum scripta*), 4) or they were venerated with the knowledge and tolerance of the Holy See or 5) ordinaries (*scientia ac tolerantia Sedis Apostolicae vel ordinarii*). The time the cult began was to go back to at least 100 years prior to the constitution *Caelestis Hierusalem cives*, that is before 1534.

An ordinary often accepted the statement on the legality of the cult but, more often than not, the files from the process *super casu excepto* were sent to Rome to receive the papal cult confirmation (*confirmatio cultus*). If the confirmation of the cult legality was issued by the

Holy See, the act was considered equivalent to beatification (later called equivalent beatification *beatificatio aequipollens*). Urban VIII's decree used the terms of an ordinary process on the odour of sanctity, heroic virtues and miracles, but there were postulations often limited to the statement of legality and the papal confirmation (so-called equivalent beatification in the old sense - the confirmation of the cult legality without the prior acceptance of heroic virtues). When the case was to lead to canonization, the *letters of remittance* (*litterae remissoriales*) were sent, i.e. a delegation to conduct the *apostolic process about virtues*.

IV. LEGISLATION OF BENEDICT XIV (PROSPERO LORENZO LAMBERTINI) 17 VIII 1740 – 3 III 1758

Pope Benedict XIV (1740-1758) developed the reform of Urban VIII, and dealt evidence in the canonisation process. Even before being elected the pope, Benedict XIV, then Prosper Lambertini, created his great work *De Servorum Dei beatificatione et Beatorum canonizatione*, which became a guidebook for the canonization process. Next, in the decree of 23 April 1741 *De probationibus iudicialibus et de numero miraculorum ad beatificationem et canonizationem assequendam*, he intended to aggregate the principles of evidence in canonization cases. This pope introduced original, scientific concepts on old cases, around which there were pressing legal problems left unsolved by Urban VIII and Innocent XI, who preferred common cases based on witnesses' testimonies. As the main criterion of distinguishing the old cases from the common ones, Benedict XIV adopted the criterion of time, i.e. while defining the term *old time*, jurisprudence specified the passage of

60, 70 or 100 years from the death of a person till the moment the case was brought before the Congregation. Unfortunately, despite enormous progressiveness of his works, Benedict XIV did not succeed in breaking the mistrust towards a document as the basic evidence in old cases. The pope defined subsidiary probation (*probatio subsidiaria*) as a combination of eyewitnesses' testimonies and hearsay (auricular) testimonies, and sometimes only hearsay testimonies (*de auditu quandocumque a videntibus quandocumque non*), with various written sources. Subsidiary probation should give the judge proper moral certainty in such cases. Furthermore, Benedict XIV thought that on the basis of subsidiary probation one can prove the virtues so as to move on to proving miracles. Then, in the above mentioned decree of 1741, he decided that miracles may be verified only on the grounds of eyewitnesses' testimonies, which eliminated them from the old cases. It should be emphasized that an important novelty in probing old cases was Benedict XIV's statement that if subsidiary sources are complete, they also lead to full proof. (*constare*).

V. CONCLUSION

Canonisations have been present in the Church since the very beginning. Throughout the centuries the formal way of bearing witness to the sanctity has changed, whereas its essence has remained unchanged. Undoubtedly, one of the most important reforms of the canon law was implemented by Pope Urban VIII, from whom the way without cult became a common way of proceeding towards canonization while the way of cult was an extraordinary proceeding. This great reformatory work of Urban VIII was continued and developed by his successor

Pope Benedict XIV (1740-1758). Even before being elected the pope, Prosper Lambertini created his great work *De Servorum Dei beatificatione et Beatorum canonizatione*, which became a guidebook for the canonization process.

SŁOWA KLUCZE

prawo kanonizacyjne, kanonizacja, *Caelestis Hierusalem cives*, Urban VIII, wypadek wyjęty (*casus exceptus*).

STRESZCZENIE

Kanonizacje są obecne w Kościele od samego początku. Podczas wieków zmienił się formalny sposób dawania świadectwa

o świętości, podczas gdy jego istota pozostała niezmienna. Bez wątplenia jedną z ważniejszych reform prawa kanonizacyjnego przeprowadził papież Urban VIII - od którego droga braku kultu stała się zwyczajną drogą postępowania zmierzającego ku kanonizacji, a droga kultu postępowaniem nadzwyczajnym. Wielkie dzieło reformy Urbana VIII kontynuował i rozwijał późniejszy jego następca papież Benedykt XIV (1740-1758). Prosper Lambertini jeszcze przed wyborem na papieża, stworzył swoje wielkie dzieło *De Servorum Dei beatificatione et Beatorum canonizatione* - które stało się podręcznikiem do procesu kanonizacyjnego.

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