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The litigious nature of the beatification procedure

Thesisbooklet

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Though the nature of the man is vulnerable, it is possible to achieve saintliness at all times. It is also indicated by the construction of Lumen Gentium of the 2nd Synod of Vatican. The fragment of the aforementioned is not only about the accessible saintliness for everyone but also about pastoral effect of the saintly life, more precisely the affection of it. Our church very rightly heightened respectfully its saintly living members and points to them as an example to the devout congregation. However this homage has to be regulated or it would offend the unity of our faith and would cause disturbance in the life of our Church.

To the definition of saint the *Inde ab ipsis primordiis* published by the Religious Congregation on the 29th of June, 1988 gives guidance which provides the Dogmatic definitions of God's saints.

Why is beatification necessary? What was its function in older times and what is it today? The Church ensures with it that only those Saints are respected who heroically exercised virtues or were martyred with which they became worthy and eligible for the congregation's public honour. Christ calls everyone for saintliness. The Christian saintliness evolves in answer to the will of God. This will can develop in many ways in particular people, but the root of it is the same: the will of God at a certain point in history. God presents us through Saints. We can see our lives, values and humanity enhanced and sublimated in them. They drew the features of the redeemer on their inherited and acquired characteristics which are similar to ours by their pertinacious struggle. We can marvel in them what man with mercy is able to achieve. They who heightened the value of humanity deserve glory and therefore they are our ideal. Saints with their uncountable multitude not only shines every human state and situation with the light if Christ or are not only “fixed stars”, but also our dynamic helpmates: they intervene for us. We have faithful experience about it. The denial of the Saints’ intercession would prelude fraternal love from heaven, however love is stronger than death. God, who instilled love in the man's heart, does not deprive those who are struggling on earth from the support of the heavenly Saints: the love after death connects members of the victorious, the struggling and suffering church.

God with his almightiness usually does not govern his country by direct intervention in its history, but by the laws of creation and by the creatures he has chosen. The work of God is usually mediated by the laws of nature; the excellent means of the work supernatural are the saints.

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1 LG 50.
6 Jel 7,9-10
Saints not only affected our milieu, diffused the Kingdom of Heaven, the ideals of the Christian life, of the practice of the Christian virtue and the following of Christ, but also found salvation in Christ, their love towards us purifies and does not stay indifferent to our struggles. They mediate between God and us therefore we can ask for their protection: this is the reason for their respect. But when the Church celebrates mass on the day of any Saints, it does not offer the mass for that Saint but for God, because the sacrifice expresses worship. In this sacrifice, the Church grates God and asks him that those could mediate between Heaven and us whose memories we respect. We adore the Creator who with his mercy created Saints and they sanctity prove the deity of Christ.\(^8\) The worship of Saints has an eschatology aspect, in them we remember the Kingdom of Heaven.\(^9\) The church by canonization does not share in the holy glory, but it gets prophecies, miracles and takes the course of mysticism and entirely unifies with God in Christ.\(^10\) Worship has its ecumenical dimension as well. The 2\(^{nd}\) Synod of Vatican was the source the worship of saints who are the sources of the mystery of Christ who came ontologically to unify everyone with himself and all the people.\(^11\)

After the theological thesis it is essential to clarify some notions. The notion of sacrament could change during the procedure depending on whether the candidate was a martyr or he/she practised virtues especially love or what miracles he/she performed.\(^12\)

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\(^{8}\) E. HUSZÁR, *A szenttéavatás*, Budapest 1911, 4-5.
The notions of beatification and canonization are discussed in many lexicons and encyclopedias, for instance the Enciclopedia Cattolica.\textsuperscript{13} The beatification – beatificatio – is the action by which the Pope allows a public worship of one of his servants at a certain place, area or in a particular order.\textsuperscript{14} Beatification usually means the worship of the servant of the Lord, which is expanded to a definite territory – a diocese or a local church. Canonization is announced by the pope or by the ecumenical council, and the servant of the Lord is worshipped by the whole church. Beatification and canonization are two different categories.\textsuperscript{15} When the public worship of someone spreads, his or her canonization is starts and at the same time it is a beatification as well.\textsuperscript{16} Canonization is the final decision of the pope with which he declares that one of his servants gained the eternal glory and he orders his servant's public worship celebrated by the whole church.\textsuperscript{17} Those who have been beatified cannot bear the appellation of saints. Their heads cannot be depicted with a halo, only with diverging rays and their heads cannot adorn with diadems. Their cults were limited to those places and means which were assigned by the beatification order.\textsuperscript{18} Today saints and beatified are distinguished by their local and ecumenical worships.

Beatified are worshipped at local churches, saints are by the ecumenical church, the memorial days of the latter are included in the ecumenical church's calendar.\textsuperscript{19} The question, who is canonized, is only decided by the inspiration of the Holy See and by with human arguments.\textsuperscript{20}


\textsuperscript{14} P. ERDŐ, \textit{A szenttéavatási eljárás a XIII. században}, in \textit{Kánonjog} 10 (2008) 10.


\textsuperscript{17} F. ERDŐ, \textit{A szenttéavatási eljárás a XIII. században}, in \textit{Kánonjog} 10 (2008) 10.

\textsuperscript{18} IBID, 11.; F. X. WERNZ, \textit{Ius decretalium III/II.}, Romae 1905, 360.

\textsuperscript{19} F. VERAJA, \textit{Le cause di canonizzazione Dei santi}, Città del Vaticano 1992, 90-91.

Pope John Paul II. (1978-2005) often emphasized the pastoral importance of canonization. The worship of saints has always been present in the history of liturgy; it expresses the feelings of religious people.

Theology is concerned with the lives of saints, especially its particular branch, the ascetics. It is due to the frequent appearance of contrition and ascetics in saints' lives.

Beatification, as we can see, is at the moment a papal order. A long way leads to this provision: it has to be proved in a certain procedure that the candidate of the beatification led an exemplary life, heroically practised Christian virtues or was murdered because of his or her faith, or he/she suffered martyrdom and his/her mediation with God is proved by miracles. What kind of action is the procedure of beatification? Could it be regarded as a litigious procedure, how far it is so, in other words, how much it bears the features of the litigious provision. This thesis wishes to find the answers to these questions.

My thesis is concerned with the following issues:

I. The notion of litigious procedure and its variety.
II. The historical development of beatification.
III. The examination of virtues, martyrs and miracles.
IV. The particular course and participants of the procedure.
V. The notions and proofs of virtues, miracles and martyrdom.
VI. Comparison of a beatification and a different procedure: similarities and differences.

VII. Summary, conclusion.

Pope Celestine III. (1191-1198) found it obvious that beatification procedure has two characteristics:

- Divine right with human characteristics: the miracles are given by God, but they have to be examined by rules which were set up by humans with which the Holy Spirit gives help.

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- the final decision is of the Pope, but he is a member of the Episcopal board, therefore his decision is not individual, but of a corporal, after all of the Church.\textsuperscript{24}

The definition of the character of this procedure is still a controversial issue among canonists. The opinions differ about which procedures' characteristics does beatification bear: of the administrative, analogical or litigious?\textsuperscript{25} We can draw the conclusion from the debates that beatification and canonization have integrated into the proceedings.\textsuperscript{26} Within the procedural law, canonization takes the characteristics of administrative proceedings which are maintained for the pope exclusively.\textsuperscript{27} This opinion can be considered to be the most balanced of the authors'. Beatification and canonization were not discussed for a long time in the procedural reference books. For a long time, people stuck to the view that this procedure cannot be considered a lawsuit, because it does not consider the law-enforcement or the defence of subjective rights. Therefore beatification and canonization were left out from the specialized literature since these introduce the procedural law through classical suits. The insupportability of the aforementioned viewpoint is supported by the following facts. The following characteristics of the lawsuit appear in beatification procedure:

− there are participants who play the role of the plaintiff and the defendant, so they represent the participants of a lawsuit,
− the debate takes place in front of a court,
− the conflict of interests appears,
− the rules of the ordinary lawsuit refer to this procedure,
− the lawsuit takes place on different judicial levels to guarantee the lawfulness,
− it is possible both in diocesan and Vatican phase to raise objection against it,
− the obligatory character of the verification and its means are similar of the ordinary litigious proceeding.

The administrative nature of the proceeding is confirmed by the following facts:

− the contradictory principle does not appear in a classical way as in the lawsuit, there is not a conflict of by-interests: the defendant patronizes the interests of the church,


to reveal the truth, the form of litigation appears because with the disagreement of the opposing parties about the virtues of saints, in other words the suit is only a formal act during the procedure,

the culprit cannot intervene on his own behalf in the suit, it is compulsory to employ a representative,

the sentence given by a legal ecclesiastical authority does not imitate the declarative sentence,

the final sentence cannot be appealed.

When we discuss the nature of canonization, we usually use the term canon procedure although it can be called a specific procedure. Though canonization has a specific methodology, we use the word procedure. It is not difficult to notice that canonization is a special procedure. It is due to its material and nature that this procedure is special (for example as the annulations of marriages or criminal procedure), it is similar to the nature of administrative procedures (for example to a super ratum non consummatum procedure) and finally to the administrative criminal procedures which are for the defence of the religion. As it can be seen, canonization is a formal kind of legal procedure with a unique nature which gives it an administrative character. Although canonization can be regarded as a real legal procedure, because it takes the characteristics of this procedure most of all, the cases of saints do not exist as law, they represent different things than a legal procedure, therefore beatification and canonization can hard be integrated into law. It can easily be stated because the law does not expand to the death of the servants of the Lord, and beatification and canonization depend on the administrative decision of the Pope, therefore it is considered to be a legal act.

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28 J. L. GUTIÉRREZ, Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione, in Apollinaris 69 (1996) 197.
Canonization is traditionally called a procedure: the Promoter answers to the Postulator, and substantiate the candidate’s saintliness to the cardinals and episcopacy of the Congregation.\(^{31}\)

We can state that beatification is a legal act. Others claim that beatification is truth and law because during the procedure the truth has to be revealed which is defined by the life of the servant of the Lord: the examination of the heroic practice of Christian virtues and the saint’s reputation gives a special character to the procedure.\(^{32}\) This procedure has a kind of “sui generis” among other procedures, because it depends on the special emanation of the Holy Spirit. As the Popes said, “potius divinium quam humanum”.\(^{33}\)

According to J. Noval, the procedure is “ultra-iudiciales” or “iudiciales alterius naturae”.\(^{34}\) D.J. Blaher calls beatification “iudiciales-administrativi”\(^{35}\).

Roberti could not term this procedure; therefore he calls all the old procedures “toto coelo”, adding that the contradictory form makes beatification similar to lawsuit.\(^{36}\)

According to procedural experts, the material of canonization differs of the lawsuit. On the basis of this statement it is clear that canonization does not bear the features of a lawsuit (for example of the criminal procedure), the final conclusion is that it can be considered liminality.\(^{37}\)

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33 IBID. 212.: Innocenzo III nella bolla di canonizzazione di Wulstano Vescovo, Giusto Fontanini, Codex Constitutionum quas Romani Pontifices ediderunt in Sollemni Canonizatione SancTorum, Roma 1729, XXX, 40.

34 IBID; J. NOVAL, De Processibus, Pars I, Roma 1920, n. 5.; Pars 2, Roma 1932, n. 1.


Canonization is a special – private, intimate – administrative procedure where the dignity of candidates is examined for the beatification and canonization, in fact since the 13th century miracles has also been examined, so it is a true legal procedure. As Hostiensis defines, the form of canonization has to be distinguished from the forms of other ecclesiastical procedures, because the material of the former is totally different.38

The new legislation classifies beatification as a formal procedure, as a procedure which is administrative in nature and includes formal features but is a true legal procedure. So the Codex of 1917 classified it as a general procedure in its 4th book.39 Beatification can be regarded as an informative, true legal procedure.40

The Normae (Normae 7th February 1983) spoke about its similarities to inquisition because of the similarity of their examinations and their official procedures.41

The procedure can be led back to the governmental power and canonization is a complex act: administrative procedure with the nature of a lawsuit. The extension of the worship of saints to the ecumenical church is a legislative act, in other respect canonization falls in the competence of Magisterium. There is a difference between the papal act and its preparatory procedure. The former is a legislative act, the latter is a judiciary procedure.42

According to provocative proposals there is status quo among canonizations.43 The present form of canonization shows that it is the Pope’s exclusive right to canonize the beatified for the people of Lord when they are given public worship.44

Finally, we can state that this complex procedure does not unambiguously belong to any type of procedures. The complexity of the procedure or the fact that it bears the features of more kinds of procedures gives the ground of the argument. The opinion which is closest to the reality is which says that beatification is an administrative procedure with litigious features. As the activity of Magisterium appears in it – as the worship of saints has always been an integral part of the teaching of the Church – and the central figure of the suit, whom the suit is about is not alive and cannot be present in the suit in the usual way of opposing parties and contradictions.

39 IBID, 213.