

# CLSA PRECONVENTION – 2024 THE CAUSE OF BEATIFICATION AND CANONIZATION

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## ABBREVIATIONS AND BIBLIOGRAPHY

- NS:** Congregation of the Causes of Saints, **Normae Servandae** in Inquisitionibus ab Episcopis Faciendis in Causis Sanctorum, 7 February 1983.
- SM:** Congregation of the Causes of Saints, instruction **Sanctorum Mater**, 17 May 2007.
- ◆ Pope Francis, apostolic letter *Maiorem hac Dilectionem*: 11 July 2017.
  - ◆ Congregation of the Causes of Saints, Le Cause dei Santi, 4<sup>th</sup> edition, Libreria Editrice Vaticana: 2018.
- RP:** Congregation of the Causes of Saints, *Regolamento dei Postulatori*: 11 October 2021.

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## SCOPE OF THIS PRESENTATION

- Anyone involved in Causes of Saints is encouraged to read *Sanctorum Mater* for guidance.
- We will focus on those elements of the instruction of a Cause that are not specifically addressed in SM, those deserve further clarification, or those that are part of the established praxis of the Dicastery of the Causes of Saints.

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## LATIN RITE AND EASTERN RITE

- The Dicastery of the Causes of Saints has **universal** subject matter competence.
- In the Latin Rite:
  - The bishop of a diocese opens a **diocesan inquiry**, assisted by the chancellor.
- If a Cause is instructed in an Eastern Ritual Church *Sui Iuris*:
  - The eparch of an eparchy opens an **eparchial inquiry**, assisted by the protosyncellus.

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## THE PARTIES TO THE CAUSE

- The **petitioner** (*actor causae*) may be:
  - A physical person(s)
  - Or a juridic person, such as a religious order, an episcopal conference, a diocese, a parish, or an institution founded by the Servant of God.
  - Or a public or private association of the faithful with juridic personality, such as a guild, a foundation, etc.
    - But not an association without juridic personality, since it makes deliberative decisions about the Cause and handles financial contributions (c. 310; SM, Art. 10; RP, 2b).

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## THE PARTIES TO THE CAUSE

- The **petitioner** (*actor causae*) serves to promote the Cause (SM, Art. 9)
  - By establishing a seat or fixed place of operation,
    - where the faithful can request information, prayer cards, etc.,
    - where the faithful can report graces and favors received,
    - where donations can be given;
  - by paying for the expenses of the Cause; and
  - by disseminating information about the Cause, especially online,
  - In order to promote the reputation of holiness (*fama sanctitatis*) among the faithful (SM, Artt. 9-10).

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## THE PARTIES TO THE CAUSE

- The **postulator** represents the petitioner before all ecclesiastical authorities (RP, 3b).
  - Choice of a Roman postulator who nominates a local vice-postulator for the diocesan phase
  - OR choice of a local postulator for the diocesan phase and separate Roman postulator in the Roman phase of the Cause
  - The danger of choosing an incompetent postulator
- The Dicastery has imposed financial reforms, limiting postulators and their fees (RP, 11-12; Congregation of the Causes of Saints, *Norme sull' amministrazione dei beni delle Cause di beatificazione e canonizzazione*, 2016).

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## THE PARTIES TO THE CAUSE

- The **postulator** begins a preliminary investigation (SM, Artt. 17 and 19).
  - Identifying witnesses
  - Gathering unofficial accounts of the Servant of God
  - Preparing a biography of the Servant of God
  - Collecting all published writings of the Servant of God
  - Possibly even collecting unpublished writings
- The official testimony of the witnesses is taken by the officials of the diocesan inquiry, not by the postulator (SM, Art. 19 §§2 and 3).

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## THE REPUTATION OF HOLINESS

- The **reputation of holiness** (*fama sanctitatis*) is considered a work of the Holy Spirit, manifesting signs of the holiness of the Servant of God through the *sensus fidelium*.
- The postulator must establish the existence of a legitimate and widespread reputation of holiness among the faithful.
- This reputation cannot be artificial or manufactured (SM, Artt. 4-7). The postulator identifies and documents this reputation, but does not fabricate it.

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## THREE MODERN PATHS TO CANONIZATION

- **Confessors** who practice heroic virtue
  - Confessors are treated individually... mostly...
- **Martyrs** who willingly accept death for Christ in the face of the unjust persecutor who acts in hatred of the faith
  - Martyrs can be presented as a group: the Servant of God N and his X companions.
  - A group of martyrs must all have died because of the same unjust persecutor. The hatred of the faith on the part of the persecutor only needs to be proven once for the entire group of martyrs (SM, Art. 32).

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## THREE MODERN PATHS TO CANONIZATION

- In 2017, the **offering of life** for the sake of charity was added as an additional path in *Maiorem hac Dilectionem*.
  - Unlike martyrs who must die on account of a persecutor acting in hatred of the faith, the offering of life for charity does not require an unjust persecutor. It does, however, require proof of the practice of virtue in life, at least to an ordinary degree (*Maiorem*, Art. 2)

In 2022, the Dicastery recognized the offering of life of Servant of God Franz de Castro Holzwarth of the Diocese of San José dos Campos, Brazil who died in a prison riot in 1981.



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## THE DOUBT TO BE RESOLVED

- Each path to canonization has its own required elements of proof. These elements will guide the officials of the Tribunal of inquiry in the diocesan inquiry.
- Picking the wrong path may result in gathering the wrong proofs during the inquiry.
- The doubt must be proven with **moral certitude**.

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## THE DOUBT TO BE RESOLVED

- For a **Confessor** who practiced **heroic virtue**:

Whether it is proven that the Servant of God practiced the theological virtues (faith, hope, charity to God and to neighbor),

the cardinal virtues (prudence, justice, fortitude, temperance) and

the connected virtues (poverty, chastity, obedience, humility)

to a heroic degree;

and the existence of the reputation of holiness in life, at death and increasing after death, as well as the reputation of intercessory power.

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## THE DOUBT TO BE RESOLVED

- For a **martyr** who died for the faith:

Whether the martyrdom is proven, on account of the hatred of the faith by the persecutors, and the acceptance of death by the Servant of God;

and the existence of the reputation of martyrdom at death and increasing after death, as well as the reputation of intercessory power.

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## THE DOUBT TO BE RESOLVED

- For one who **offered his or her life** for charity

Whether the heroic offering of life of the Servant of God until death out of charity is proven as well as the Christian virtues, at least to an ordinary degree;

and the existence of the reputation of offering of life for charity at death and increasing after death, as well as the reputation of intercessory power.

- The apostolic letter *Maiorem hac Dilectionem*, 2017, Art. 2, requires a nexus between the offering and the death that occurs in a brief period of time.

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## THE DOUBT TO BE RESOLVED

- For an alleged **miracle**, which is investigated separately:

Whether it is proven that there is no natural cause that can explain the alleged miracle,

and whether it is proven that the intercession of the Servant of God was uniquely invoked.

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## THE COMPETENT BISHOP

- The libellus is presented to the **competent bishop** of the place where the Servant of God died or where the miracle occurred (NS, 5; SM, Art. 21).
- If the competent bishop is unwilling to instruct the Cause, for whatever reason, another willing bishop must be found.
  - Lack of qualified personnel on the part of the diocese...
  - Lack of widespread reputation of holiness among the faithful... (c. 1505 §2, 4°).
  - Other reasons...
- Transfer of competence is requested of the Dicastery of Causes of Saints with the agreement of both the bishop *a quo* and *ad quem* (SM, Artt. 22-24).

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## THE COMPETENT BISHOP

- It is permissible for the competent bishop to be the petitioner and to instruct the cause *ex officio* (SM, Art. 10 §1).
  - He must balance two roles: as the *actor causae* who is favorable to the Cause and as the competent bishop who must be neutral and objective.

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## THE LIBELLUS

- The **libellus** is presented to the bishop and asks for the opening of the Cause.
  - It must include information about the Servant of God and the facts and proofs that will support this request (c. 1504, 2°; SM, Art. 36 §3).
  - If the libellus is presented more than 30 years after the death of the Servant of God, the bishop must judge whether there has been any fraud or deceit on the part of the petitioner (SM, Artt. 26-27).
  - The libellus must include a biography of the Servant of God, copies of all published writings, and a list of witnesses (SM, Art. 37).
- As the representative of the petitioner, the postulator bears the burden of proof (c. 1526 §1).

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## THE LIBELLUS: WITNESSES

- The witness list will differ for recent and ancient causes.
- A cause is ancient if there are no living eyewitnesses to the life of the Servant of God (SM, Artt. 29-30). **Recent causes** are proven primarily by witness testimony. **Ancient causes** are proven primarily by documentary evidence.
- In recent causes, depending on circumstances, 50-100 witnesses are heard:
  - Eye witnesses, 1<sup>st</sup> class witnesses (*de visu*), must be heard.
  - 2<sup>nd</sup> class witnesses (*de auditu ab videntibus*) may be heard.
  - 3<sup>rd</sup> class witnesses (*de auditu ab audientibus*) are not heard (SM, Art. 98).
- In ancient causes, at least 12 witnesses are heard regarding the reputation of the Servant of God (RP, 20c-4).

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## THE LIBELLUS: WITNESSES

- A **variety of witnesses** should be heard:
  - Witnesses should include family and relatives, as well as non-relatives (SM, Art. 98 §1).
  - Witnesses include laity, religious, and clergy including bishops, if possible (RP, 20c-3).
  - For a religious Servant of God, a majority of the witnesses must be chosen from outside the institute, if possible, as well as from the members (SM, Art. 100).
  - Witnesses should include those favorable to the Cause, **but especially those contrary** (SM, Art. 96).

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## THE CITATION

- After accepting the libellus, the judge puts the respondent on notice by means of the citation (c. 1507 §1). In Causes of Saints, three parties are given notice of a diocesan inquiry. All three consultations can happen **concurrently**.
- The **conference of bishops** is consulted (SM, Artt. 41-42) **to see if the Cause is not opportune**;
- The **Holy See** is asked for a nihil obstat (SM, Artt. 45-46) **to see if there is anything opposing the Cause in the Dicasteries of the Roman Curia**;
- The faithful are notified by means of the **edict**, in which they are invited to present any evidence or make known their opinion (SM, Artt. 43-44). **Contrary witnesses may come forward at this time.**

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## WRITINGS OF THE SERVANT OF GOD

- The bishop appoints two **theological censors**:
  - Their names are secret, and presumably unknown to each other. They do not work in solidum and are not a “theological commission.” They are not called to testify (SM, Artt. 63 and 66; c. 1578 §1; CIC/17 c. 2067 §1).
  - They examine the published writings of the Servant of God for **errors of faith or morals**. They also comment on the spirituality and personality of the Servant of God.
  - If the writings are voluminous, more censors can be added, provided each writing is examined by two censors (SM, Art. 62 §3; CIC/17, c. 2067 §2).
  - They must read the published writings and may read unpublished writings if the nature of the writings warrants their examination.

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## WRITINGS OF THE SERVANT OF GOD

- The **published writings** of the Servant of God:
  - include books, bulletins, articles for journals, magazines or newspapers physically printed and intended to be disseminated publicly;
  - do not include things written privately: diaries, notes, letters, etc. These are considered **unpublished writings**;
  - do not include documents collected and published by others after the death of the Servant of God.

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## WRITINGS OF THE SERVANT OF GOD

- The **published writings** of the Servant of God:
  - do not include **digital assets**: video broadcasts, audio recordings, taped lectures, podcasts, blogs, social media posts, emails, text messages, etc.
  - If any proof is to be admitted, it must be included in the acta, i.e. rendered in written form on the page: black on white.
  - Any proof must be demonstrated to be authentic.

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## WRITINGS OF THE SERVANT OF GOD

- If there are no published writings of the Servant of God, this must be documented in the acts (SM, Art. 67).

Remember the ancient maxim:

***Quod non est in actis non est in mundo.***

- One function of the notary is to memorialize and document everything worth remembering in the trial (c. 1568). The Dicastery of the Causes of Saints only knows what is documented and written in the acts.
- This applies to any similar situation during the diocesan inquiry:
- When in doubt... write it out...

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## GATHERING DOCUMENTARY PROOFS

- The bishop appoints at least three experts in historical matters or archival research to the **historical commission**. These experts do work *in solidum*.
- They **gather all documents** written by the Servant of God as well as historical documents about the Servant of God. They must conduct a thorough search in all archives where the Servant of God lived or worked.
- They must authenticate the documents they gather.
- The list of archives consulted must be documented in the acts (SM, Artt. 68-72). If an archive is overlooked, a supplementary inquiry may be ordered by the Dicastery.

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## GATHERING DOCUMENTARY PROOFS

- This **historical commission** must provide a **report**
  - with a list of the archives consulted and the documents gathered,
  - commenting on the authenticity and value of the documents,
  - expressing a judgment on the personality and spirituality of the Servant of God, and
  - **not omitting any negative aspects** (SM, Art. 73).
- If the historical commission report is too short, it may hinder the cause, especially if the cause is ancient, that is, proven primarily through documentary evidence.

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## GATHERING DOCUMENTARY PROOFS

- Can the Historical Commission gather **too many documents** or compose too long of a report?
- The historians are to gather “each and every historical document, either handwritten or printed, which in any way regard[s] the cause (*etiam omnia et singula documenta historica sive manuscripta sive typis edita, quae quocumque modo causam respiciunt*)” (SM, 68 §2).
- Yet, if the Servant of God founded an institution, the experts must remember that they are reporting on the Servant of God and not the institution.
- The information gathered about the institution must help tell the tale of the Servant of God, and not the other way around.

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## OBJECTIONS TO THE CAUSE

- If any **obstacles to the Cause** are raised by the episcopal conference, the Holy See, the publication of the edict, the opinions of the theological censors, or the members of the historical commission:
  - It is for the postulator to see if the obstacles can be removed (e.g. SM, Art. 44).
- It is in the best interest of the Cause to deal with obstacles in a straightforward manner.
  - Obstacles cannot be hidden. When they surface, the postulator will need to be able to explain them eventually in the Holy See.
  - Some apparent obstacles can lead to explanations that actually vindicate the Servant of God.

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## HEARING WITNESSES

- Ordinarily the witnesses are **not heard concurrently** with the previous steps.
- Witnesses are heard **consecutively** – after the documentary proofs have been gathered (by the theological censors and the historical commission).
  - The details that emerge from the documentary proofs should shape the questions posed to the witnesses in order to better arrive at the truth (SM, Artt. 77-79).
  - However, the witnesses can be heard **concurrently** if there is concern that the proofs may be lost (*ne pereant probationes*). The witnesses should be questioned on all the important points related to the Servant of God, anticipating, if possible, any critical elements that may emerge from the censors or the historians (SM, Art. 82).

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## TRIBUNAL OF DIOCESAN INQUIRY

**The Tribunal** of the diocesan inquiry is composed of:

- Episcopal delegate – serving the impartial role as judge instructor
- Promoter of justice – serving the role against the cause (also known as the *advocatus diaboli*), in contrast with the Postulator – serving to promote the cause (also called the *advocatus Dei*)
- Notary
- Medical Expert – serving to advise the Tribunal in the investigation of medical miracles (SM Art. 53-60)

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## TRIBUNAL OF DIOCESAN INQUIRY

### Requirements for Office

- Episcopal delegate and promoter of justice:
  - priest
  - competent in theology, canon law, and history if the cause is ancient (SM, Artt. 54 and 57)
  - No specific pontifical degrees required, but a canon law degree is beneficial.

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## TRIBUNAL OF DIOCESAN INQUIRY

### Requirements for Office

- Postulator:
  - priest or lay
  - expert in theology, canon law, history and praxis of Dicastery (SM, Art. 12 §4)
- Vice-Postulator: mandated by the Postulator as representative.

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## EPISCOPAL DELEGATE & PROMOTER OF JUSTICE

- The **promoter of justice** is bound by office to provide for the public good (c. 1430). He cooperates in the search for the truth.
  - He is vigilant about the observance of the law and the thoroughness of the inquiry (SM, Art. 56).
- The **episcopal delegate** instructs the cause (SM, Art. 53). In this regard, he is to search for the truth, observe the law, and investigate thoroughly in the interest of the public good.
- Since these figures appear to serve similar functions, what differentiates them?

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## EPISCOPAL DELEGATE & PROMOTER OF JUSTICE

- In the canonical tradition of the 1917 Code:
  - The **episcopal delegate** performs the function of **judge**. He objectively gathers evidence.
  - The **promoter of justice** performs the function of the **promoter of faith**. He raises objections to the process and ensures the observance of the law.

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## EPISCOPAL DELEGATE & PROMOTER OF JUSTICE

- A vestige of this role as the **devil's advocate** is found in these functions performed by the promoter in the current law:
  - He must receive the information presented by the postulator and all other proofs gathered, in order to compose the interrogatory (SM, Art. 78).
  - He proposes ex officio witnesses beyond those proposed by the postulator (SM, Art. 96).
  - He proposes ex officio questions during the sessions for hearing the witnesses in order to arrive more precisely at the truth (SM, Art. 91 §2).
  - He indicates any difficulties that are to be clarified in the course of the Inquiry (SM, Art. 91 §4).
  - He and the postulator inspect the acts at publication (SM, Art. 123).

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## CITATION OF THE PROMOTER OF JUSTICE

- The promoter of justice:
  - **must be cited** for the sessions, like the defender of the bond in a cause of marriage nullity (SM, Art. 85 §1).
  - “If the promoter of justice ... was not cited in cases which require their presence, the acts are **invalid** unless they actually took part even if not cited or, after they have inspected the acts, at least were able to fulfill their function before the sentence” (c. 1433).

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## CITATION OF THE PROMOTER OF JUSTICE

- Regarding the participation of the promoter of justice:
  - “Since his specific function is to be the protector of the public good in causes of great importance, the promoter of justice must participate, in an active and methodical manner, with **physical and continuous presence**, at all the single Sessions of the Inquiry, and in direct collaboration with the episcopal delegate” (SM, Art. 91 §1).
  - “The promoter of justice may be **absent only for grave reasons** and this must be recorded in the acts of the relative session of the inquiry” (SM, Art. 91 §3).

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## INTERROGATORY

- The **interrogatory** of the promoter of justice must be thorough and detailed. See the templates provided with this workshop. It must include:
  - Details about the witness
  - Questions about the life of the Servant of God from childhood and throughout life; Questions related to his or her state of life; Questions about his or her death.
  - For a confessor (and for offering of life), questions about the virtues of faith, hope, charity, prudence, justice, fortitude, temperance, poverty, chastity, obedience, and humility.
  - For a martyr, questions about the manner of death, the acceptance of death, and the intentions of the persecutor.
  - For the offering of life, the intention to offer life for charity, the death, and the connection between the offering and the death in a short time.

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## INTERROGATORY

- The questions should be composed so that they are **effective** in searching for the truth.
- The interrogatory should follow canons 1562-1569, and especially canon 1564 which calls for brief and straight-forward questions that are not deceptive or suggestive.
- It is common for the interrogatory, especially for heroic virtue, to include 100 to 200 individual questions.
- These might be grouped into 30 to 40 principal questions, many of which would have subdivisions.

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## SESSIONS

- The language of **sessions** has fallen out of use in the current code.
- In the former law, each session of the Tribunal had a beginning and an end. The acts were sealed between sessions, so that nothing could be done to the acts without the presence of the judge, the promoter of faith and the notary, meeting in session (CIC/17 c. 2041 §2).
- The Dicastery continues to count the number of sessions in the diocesan inquiry.

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## SESSIONS

- Beginning with “Session I” or the opening session for the swearing of oaths, each session is consecutively numbered.
- Some witnesses with detailed information may be heard over several sessions.
- At other times, several witnesses might be heard in a single session.
- The last session is the one for the final oaths and the sealing of the acts to be sent to the Holy See.

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## TAKING TESTIMONY

- Testimony is taken in the presence of the officials of the Tribunal of inquiry, including the promoter of justice and the notary. The prescripts of Book VII and the formalities mentioned in *Sanctorum Mater* should be observed.
- The **notary** takes down the exact words of the witness on the critical points of the case (c. 1567 §1).
- The use of a court stenographer is not recommended as it will increase substantially the pages of the acts which will already be voluminous. A court stenographer’s transcription will be difficult for the postulator to work with when composing the *Positio*.

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## TAKING TESTIMONY

- The notary does not repeat the questions asked, but only the question number. “Ad 1:” or “To 1:” meaning “To question one, the witness said:”
- The notary does insert the text of any ex officio questions asked. “Ex off:”
- The witness must review the testimony, make any changes that are necessary, and swear an oath. (c. 1569 §1, SM, Art. 103 §3).
- A tape recorder may be used as mentioned in the code (cc. 1567 §2 and 1569 §1; SM, Art. 111).

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## TAKING TESTIMONY

- While the advocates for the parties are ordinarily allowed to be present for the hearing of the witnesses, the **postulator is excluded** from sessions for the hearing of witnesses in the diocesan inquiry. This exclusion is ***ad validitatem*** for the session (c. 1559; SM, Art. 94; Congregation of the Causes of Saints, 12 November 1999, Prot. N. VAR 4959/99).
- This restriction is presumably imposed to avoid any danger of collusion or undue influence by the postulator on the testimony of the witnesses.
- One could imagine the potential influence of the postulator if he were allowed to suggest ex officio questions.

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## TRAVELING TO TAKE TESTIMONY

- Testimony is heard in a stable location, such as the Tribunal or at another location in the **same diocese** (cc. 1468 and 1558 §§1 and 3; SM, Art. 61 §1).
- Witnesses outside of the diocese may travel to be heard in the diocesan Tribunal of the inquiry.
- With the permission of the local bishop, the officials of the inquiry—the episcopal delegate, the promoter, the notary and the medical expert if applicable—may travel to hear testimony **in another diocese** (c. 1469 §2).
- Causes of saints do not allow the use of auditors, adjunct episcopal delegates or adjunct promoters of justice. Adjunct notaries are allowed (SM, Artt. 55, 58 and 59 §2).

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## TRAVELING TO TAKE TESTIMONY

- While the use of a tape recorder is permitted, the witnesses must testify orally and in person (c. 1566; SM, Art. 103).
- Neither the use of **telephone** interviews nor **video conferencing** is foreseen.

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## TRAVELING TO TAKE TESTIMONY

- It is permissible for witnesses in another diocese to be heard by means of a **rogatorial inquiry** (c. 1418; NS, 26; SM, Artt. 114-115).
  - The local bishop must appoint his own episcopal delegate, promoter of justice and notary, who must carry out all the formalities of the diocesan inquiry in their own diocese from the opening session to the closing session.
  - The witnesses are provided by the episcopal delegate of the principal diocesan inquiry.
  - The interrogatory is provided by the promoter of justice of the principal diocesan inquiry.
  - The officials of the rogatorial inquiry will generally not be as knowledgeable about the Servant of God as the officials of the principal diocesan inquiry.

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## DECREES OF URBAN VIII ON NON-CULT

- On July 5, 1634, Urban VIII issued an apostolic constitution, *Caelestis Hyerusalem Cives*, with prescriptions prohibiting public cult for a Servant of God without the prior approval of the Apostolic See. These were incorporated into the “**Decrees of Urban VIII**” collected in 1642.
- Signs of public cult may lead the faithful to erroneously conclude that the Church has already recognized the sanctity of a Servant of God, leading to an artificial or fabricated reputation of holiness (SM, Art. 7 §2).
- Therefore, the Tribunal must visit the tomb of the Servant of God and other places where he or she lived or died to look for signs of public cult (SM, Art. 118).

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## DECREES OF URBAN VIII ON NON-CULT

- **Prohibited signs of public cult** include:
  - images of the Servant of God crowned with halo or aureole, decorated with rays or nimbus; the publication of books about miracles, revelations, or the intercession of the Servant of God; testimonials at the tomb of graces obtained or miracles received; images or lamps at the tomb; Mass or Divine Office in honor of the Servant of God; public veneration of relics; burial of the Servant of God under an altar.
- Private cult or the private devotion of the faithful is acceptable and is a sign of the existence of the reputation of holiness (SM, Art. 117 §2).

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## PUBLICATION OF THE ACTS

- **Publication of the acts** is made to the promoter of justice and the postulator (SM, Artt. 120-123).
- The promoter of justice is presumably aware of the content of the acts as he was present when the testimony was taken.
- The postulator sees the acts for the first time at publication. This is an important moment in which he can request further instruction if he or she believes this is necessary.

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## COPIES OF THE ACTS

- The original acts are called the “**archetype**.” Two copies must be prepared, the “**transcript**” and the “**public copy**.”
- The archetype is kept in the diocesan curia.
- The transcript is kept in the Vatican archives.
- The public copy is used by the postulator and the relator in the preparation of the *Positio*.

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## COPIES OF THE ACTS

- In the old law, the copies had to be prepared by hand and compared through a “**collatio et aucultatio**,” a collating and reading, by which the two texts would be compared for perfect accuracy.
- *In 1964, a dubium was raised about whether the copies could be typewritten rather than written by hand (cf. 1917 CIC, c. 2054). The Congregation gave an affirmative reply.*
- *Later, when the use of photocopiers became common, they began to be used, with no dubium raised before the Congregation.*

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## COPIES OF THE ACTS

- When the photocopy of the archetype is made, a comparison must still be made to make sure the copies are perfectly identical. The transcript must be compared to the archetype in a process by which the notary numbers, seals and initials each page.
- The acts may be numbered by using a Bates stamp or a photocopier capable of sequentially numbering the photocopied pages.
- The *collatio et auscultatio* is performed in one or more sessions which are recorded in the acts in the presence of the episcopal delegate, the promoter of justice, and the notary.
- The public copy can be prepared from the transcript and does not need to be separately compared (SM, Artt. 134-137).

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## DIOCESAN INQUIRY OF A MIRACLE

- **Inquiries for miracles** are instructed separately from the inquiry into the life of the Servant of God.
- The preliminary steps (the edict, the nihil obstat of the Holy See, the consultation with the conference of bishops) are not repeated.
- The entire **medical file** of the person healed must be introduced as documentary evidence. Possible exceptions?
- Although proofs must be reduced to paper, the Dicastery has accepted electronic versions of medical exams (on CD-ROM) to allow the doctors in Rome to see the results of scans.

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## DIOCESAN INQUIRY OF A MIRACLE

- A **medical expert** must be appointed who assists the Tribunal of inquiry. The medical experts help the promoter of justice craft appropriately technical questions in the interrogatory.
- The medical expert helps formulate appropriate ex officio questions during the hearing of the witnesses.
- The medical expert prepares a votum regarding the details of the case (SM, Art. 93 §1).

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## DIOCESAN INQUIRY OF A MIRACLE

- All witnesses must be heard by the episcopal delegate with the participation of the promoter, the notary, and the medical expert. However, if one of the **attending physicians is unwilling** to respond, an exception is made to obtain this critical testimony.
- The episcopal delegate can appoint another expert to take the testimony of the physician (SM, Art. 108).

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## ROMAN PHASE: VALIDITY OF THE INQUIRY

- After the acts are delivered to the Dicastery for Causes of Saints and are bound in volumes, they are studied by an official to evaluate the **validity of the diocesan inquiry**.
  - Regarding the validity, the Dicastery can give an affirmative, a negative, or a suspensive decision.
  - Defects in the observance of the law can delay a Cause.
  - A failure to gather proofs of sufficient substance may require a supplementary diocesan inquiry to remedy this defect.
  - The postulator may be asked if other defects can be remedied.

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## ROMAN PHASE: VALIDITY OF THE INQUIRY

- If a cause is mishandled at the outset, it may be said to be “born badly,” and the defects tend to hamper the cause throughout its progress.
- In the Roman Phase, the object of the *Positio* is to establish moral certainty regarding the doubts to be resolved (Regolamento of the Dicastery, Art. 62 §1): “*An constet de virtutibus/martyrio... in casu et ad effectum de quo agitur.*”
- The goal is to conduct a valid inquiry that obeys the special legislation,
- and an effective inquiry that allows the consultors in the Dicastery to reach moral certitude.

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