

Dawid Pietras

THE LEGAL STATUS OF PERSONAL PRELATURE
ACCORDING TO THE DOCUMENTS ISSUED
BY POPE FRANCIS IN 2022-2023.
PART I

INTRODUCTION

In the Catholic Church, there are ecclesiastical structures of territorial and personal natures. Among them, we should mention dioceses (which are territorial) as particular Churches, as well as military ordinariates and ordinariates for former Anglicans. According to the decision of the Second Vatican Council's Fathers, and under the subsequent ecclesiastical legislation (ultimately included in the 1983 Code of Canon Law¹), it became possible to erect prelatures as structures of a personal nature in the Catholic Church. This community may be established by the supreme authority as a result of the need for an appropriate distribution of presbyters, as well as for other apostolic and evangelization-related reasons. The only structure of this nature that has been founded so far is the Personal Prelature of *Sanctae Crucis et Operis Dei (Opus Dei)*.

From 2022 to 2023, during the ongoing pontificate of Pope Francis, significant changes were introduced regarding this ecclesiastical structure of a personal nature. First, through the *motu proprio Ad charisma tuendum*

REV. DR. DAWID PIETRAS FSSP – Ecclesiastical Court in Gorzów Wielkopolski; correspondence address: ul. Pasieczna 3, 30-603 Kraków, Poland; e-mail: pietrasdawid@poczta.fm; <https://orcid.org/0000-0002-2545-1751>

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1-317 [hereinafter: CIC/83].

of July 14, 2022, the Roman Pontiff changed the norms regarding the Personal Prelature of *Opus Dei*. Then, through the second motu proprio of August 8, 2023, he modified canons 295 and 296 CIC/83, which discuss the institution of a personal prelature.

This study uses the dogmatic-legal, historical-legal, and comparative-legal methods. The purpose of the study is to show the current legal position of an institution of personal prelature after the changes in law made by Pope Francis. However, the status of this legal entity before modifications will first be characterized and compared with a public association of the faithful. An important question then arises as to whether personal prelatures have an associational nature. In the third point of the article, an attempt will be made to define the current legal position of a personal prelature as an ecclesiastical structure. By the decision of Pope Francis, it has been equated to a clerical public association of the faithful under the pontifical right.

In the undertaken research, it is necessary to emphasize the existence of extensive canonical literature, especially in Spanish and Italian. These studies concern the legal status of a personal prelature before the changes introduced by Pope Francis. Therefore, this study is new in canonical literature. This article is the first part of a broader investigation. The second part will show the legal status of the Personal Prelature of *Opus Dei*, taking into account the research results of this article.

1. THE LEGAL POSITION OF A PERSONAL PRELATURE BEFORE THE CHANGES INTRODUCED BY POPE FRANCIS

The “personal prelature” has been a new structure in the Catholic Church since the Second Vatican Council. The Council Fathers mentioned it in the decrees *Ad gentes*² (no. 20) and *Presbyterorum ordinis*³ (no. 10), and Pope Paul VI implemented the Council’s guidelines concerning it in

² Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de activitate missionali Ecclesiae *Ad gentes* (07.12.1965), AAS 58 (1966), pp. 947-90 [hereinafter: AG].

³ Sacrosanctum Concilium Oecumenicum Vaticanum II, Decretum de presbyterorum ministerio et vita *Presbyterorum ordinis* (07.12.1965), AAS 58 (1966), pp. 991-1024 [hereinafter: PO].

the motu proprio *Ecclesiae Sanctae*⁴ of 1966 (no. I, 4) [Martínez Torrón 1986; Gutiérrez 1989, 467-71; Arriera 2001, 29-30; Herranz 2015, 245-52]. Ultimately, the code legislator included the norms regarding personal prelatures in four canons of the Code (294-297 CIC/83) and placed them in *Part I (De christi fidelibus)* of *Book II (De populo Dei)* [cf. Gutiérrez 1989, 472-87; Baura 2002, 2-16; Herranz 2015, 253-59; Viana 2008, 144-58; Turek 2017, 56-58; Krukowski 2005, 118; Korytkowski 1991, 10-110]. Moreover, in the extra-code regulations regarding the structure of the Roman Curia, it was specified that a personal prelature would be subordinate to the Congregation for Bishops.⁵ In the subject literature, the personal prelature and other similar personal structures are referred to as “ecclesiastical circumscriptions”, as well as *complementary structures* or *complementary communities*. In the opinion of the vast majority of canonists, they do not constitute a particular Church, but their activities are coordinated with particular Churches (can. 368 CIC/83) [Fuenmayor 1984, 836-38; Rodríguez 1985; Korytkowski 1991, 96-103; Miras 2002, 385-88; Cattaneo 2003, 25-28; Ghirlanda 1987; Arrieta 1994; Viana 2008, 159-70; Idem 2012; Zajac 2015; Pietras 2021, 344-45; Turek 2017, 67-68]. In the letter *Communione notio* of May 28, 1992,⁶ the Congregation for the Doctrine of the Faith emphasized that these personal structures could enrich the unity of particular Churches through the internal diversity that is inherent in communion (*unitas in varietate*). Members of a personal prelature are also members of a particular Church, a point which will be discussed in more detail later in this study⁷ [cf. Viana 2008, 171-74].

⁴ Paulus VI, Litterae apostolicae motu proprio *Ecclesiae Sanctae* (06.08.1966), AAS 58 (1966), pp. 757-75 [hereinafter: ES].

⁵ Paulus VI, Constitutio apostolica de Romana Curia *Regimini Ecclesiae Universae* (15.08.1967), AAS 59 (1967), pp. 885-92 [hereinafter: REU], no. 49 § 1; Ioannes Paulus II, Constitutio Apostolica de Curia Romana *Pastor bonus* (28.06.1988), AAS 80 (1988), pp. 841-912 [hereinafter: PB], no. 80; Congregatio pro Episcopis, Declaratio de Praelatura Sanctae Crucis et Operis Dei *Praelaturae personales* (23.08.1982), AAS 75 (1983), pars I, pp. 464-68 [hereinafter: PP], no. VII.

⁶ Congregatio pro Doctrina Fidei, Litterae ad Catholicam Ecclesiam episcopos de aliquibus aspectibus Ecclesiae prout est communio *Communione notio* (28.05.1992), AAS 85 (1993), pp. 838-50.

⁷ *Ibid.*, no. 16: “Quo plenius eluceat hic aspectus communionis ecclesialis unitas nempe in diversitate, consideretur necesse est institutiones et communitates existere ab Apostolica Auctoritate constitutas ad peculiaria opera pastoralia perficienda. Ipsae, qua tales, ad Ecclesiam pertinent universalem, etiamsi membra earum membra sunt quoque Ecclesiarum particularium ubi degunt et operantur. Conditio vero haec perti-

The Code of Canon Law states that a personal prelature is composed of priests and deacons of the secular clergy (*cleri saecularis constant*) i.e., diocesan clergy. It may be erected by the Apostolic See after hearing the interested bishops' conferences. It may be established for the aim of a proper distribution of the clergy, as well as for carrying out special pastoral or missionary work in various regions or for various social groups (can. 294 CIC/83)⁸ [Korytkowski 1991, 70-76; 86-91; Martens 2015; Viana 2008, 174-81; Krukowski 2005, 119; Turek 2017, 58-62]. Moreover, the code legislator states that a personal prelature is governed by the statutes granted (*regitur statutis*) by the Apostolic See and is headed by a prelate, who acts as its own Ordinary (*ordinarius proprius* – ordinary and proper authority). He has the right to establish a national and international seminary, as well as to incardinate (and also to join without incardination – *addictio*) and promote seminarians to ordination in order to serve in a prelature. He should provide for the spiritual formation of the incardinated deacons and presbyters, as well as ensure their decent support (can. 295 CIC/83; cf. can. 131, 134, 237, 263-272, 384, 587, 1015 CIC/83; PO 10)⁹ [Korytkowski 1991, 76-86; Echevarría 2005; Falcão 2012; Martens 2015; Stawniak 2013, 202-206; Krukowski 2005, 120; Turek 2017, 62-65]. It was further added that the statutes are to define the relationship between a personal prela-

nendi ad Ecclesias particulares, pro flexibilitate qua ipsa pollet, diversis iuridicis modis sese exprimit. Quod quidem nedum quidpiam detrahat unitati Ecclesiae particularis in Episcopo fundatae, confert potius ad hanc unitatem diversitate interiore communionis propria locupletandam. Perpendentibus Ecclesiam prout est communio consideranda sunt quoque multiplicia instituta et societates, fructus charismatum vitae consecratae ac vitae apostolicae, quibus Spiritus Sanctus ditat Corpus Mysticum Christi: quae, licet ad Ecclesiae structuram hierarchicam non spectent, ad eius tamen vitam et sanctitatem pertinent. Omnes illae ecclesiales institutiones, ob earum indolem supradioecesanam in ministerio petrino radicatam, elementa etiam sunt, quae ad inserviendum communioni diversas inter Ecclesias particulares concurrunt.”

⁸ “Ad aptam presbyterorum distributionem promovendam aut ad peculiaris opera pastoralia vel missionalia pro variis regionibus aut diversis coetibus socialibus perficienda, praelaturae personales quae presbyteris et diaconis cleri saecularis constant, ab Apostolica Sede, auditis quarum interest Episcoporum conferentiis, erigi possunt.” See also PP, I b; Pontificium Consilium de spirituali migrantium atque itinerantium cura, Instructio *Erga migrantes caritas Christi* (03.05.2004), AAS 96 (2004), pp. 762-822, no. 89-95.

⁹ Congregatio pro Clericis, Directorio per il ministerio e la vita dei presbiteri (31.01.1994) [hereinafter: Directorio], https://www.vatican.va/roman_curia/congregations/ceclergy/documents/rc_con_cclergy_doc_31011994_directory_it.html [accessed: 11.10.1023], no. 26.

ture (including a personal prelate) and local Ordinaries of those particular Churches in which a prelature operates with the prior consent of the diocesan bishop or prelate who intends to carry out apostolic works. The erection decree may also specify this relationship, which can be cumulative, auxiliary, or supplementary (*complementary*) (can. 297 CIC/83)¹⁰ [Caparrós 1989, 402-403; Arrieta 2001, 41-49¹¹; Manzanares 1980; Ruini 2008, 135; Krukowski 2005, 121-22]. In the opinion of canonist Józef Krukowski, the authority of a personal prelate is a mixed power (*potestas mixta*) with the territorial jurisdiction of the diocesan bishop [Krukowski 2005, 120¹², 122¹³; cf. Korytkowski 1991, 83].

The code legislator also regulated the issue of the participation of the lay faithful in the personal prelature. On the basis of a canonical contract concluded with a prelature, they can dedicate themselves to their community's apostolic works. The statutes are intended to define the manner of this organic cooperation (*organicae cooperationis*), as well as the main obligations and rights associated with it (can. 296 CIC/83; cf. can. 208 CIC/83). We can therefore speak of a form of incorporation of the lay faithful into a personal prelature. However, membership in a particular Church does not cease with the lay faithful's membership in a prelature. They are still under the jurisdiction of the local Ordinary and the parish priest, to the extent specified in the statutes (can. 107 CIC/83; PP II b, IV c)

¹⁰ "Statuta pariter definiant rationes praelaturae personalis cum Ordinariis locorum, in quorum Ecclesiis particularibus ipsa praelatura sua opera pastoralia vel missionalia, praevio consensu Episcopi dioecessani, exercet vel exercere desiderat." Cf. PP V; can. 94-95 CIC/83.

¹¹ "La *missio canonica* del prelado è determinata, dunque, negli statuti della prelatura, i quali, a loro volta, nel circoscrivere l'ambito della discrezionalità del prelado, delineano contemporaneamente il rapporto con la legislazione del territorio. Vegliare per l'identità della prelatura attorno ai propri statuti diventerà, quindi, postulato dell'azione del vescovo del territorio nei confronti della struttura personale, così come il rispetto della legislazione del luogo lo sarà per quella del prelado personale" [Arrieta 2001, 45].

¹² "Należy uważać, że jest to władza mieszana (*potestas mixta*) z jurysdykcją terytorialną. Nie należy utożsamiać jej z jurysdykcją kumulatywną, jaka przysługuje ordynariuszowi wojskowemu. [...] Prałat prałatury personalnej i biskup diecezjalny mają więc jurysdykcję względem tych samych osób, ale inny jest zakres kompetencji każdego z nich."

¹³ "Władza biskupa diecezjalnego względem nich nie może być kumulatywna z władzą prałata personalnego, lecz jest mieszana, tzn. sprawowana względem tych samych osób, lecz w innych sprawach."

[Fuenmayor 1987, 737-40; Korytkowski 1991, 91-95; Arrieta 2001, 37-40, 45¹⁴; Baura 2002, 19-20¹⁵; Krukowski 2005, 121-22; Viana 2008, 164¹⁶; Ruini 2008; Stawniak 2013, 203-204; Turek 2017, 65-66]. A dual affiliation also applies to the members of the faithful belonging to other ecclesiastical circumscriptions, such as military ordinariates, the ordinariates for former Anglicans, or the Personal Apostolic Administration of Saint John Mary Vianney in Campos, Brazil.¹⁷

2. THE STATUS OF A PERSONAL PRELATURE AND AN ASSOCIATION OF THE FAITHFUL BEFORE THE CHANGES INTRODUCED BY POPE FRANCIS

A personal prelature, even though the norms of it were placed in CIC/83 before the canons on associations, is a different reality, in comparison with an association of the faithful. Before the changes in a personal prelature's legal position that were introduced by Pope Francis during the period from 2022-2023 are shown, it is first necessary to describe the essential differences between these two ecclesiastical structures. The June

¹⁴ "I fedeli laici non possono appartenere alle prelature personali allo stesso modo (teologico e giuridico) di come appartengono alle Chiese particolari. E ciò risulta dalla necessità – giuridica, perché teologica – che tali fedeli laici mantengano inalterata la loro appartenenza alla rispettiva Chiesa particolare. [...] L'esercizio della giurisdizione da parte del prelado personale tiene conto, di conseguenza, dell'appartenenza simultanea dei propri fedeli laici alla comunità territoriale, ecclesiologicamente primaria e teologicamente diversa rispetto dell'appartenenza alla prelatura" [Arrieta 2001, 38, 45].

¹⁵ "La possibilità che i fedeli, senza in nulla mutare la loro condizione canonica di fedeli comuni, assumano liberamente degli impegni giuridici nei confronti di una giurisdizione ecclesiastica, rimanendo quindi ad essa sottomessi."

¹⁶ "Prelatura personal sea una figura prevista por el Derecho común y no un instrumento canónico privilegiado, y también porque las normas que regulan la Prelatura del Opus Dei no separan a sus fieles de la jurisdicción de los obispos diocesanos, ya que aquéllos son miembros también de las Iglesias particulares donde tienen su domicilio."

¹⁷ Ioannes Paulus II, Constitutio Apostolica qua nova canonica ordinatio pro spirituali militum curae datur *Spirituali militum curae* (21.04.1986), AAS 78 (1986), pp. 481-86, no. IV § 3, V; Benedictus XVI, Constitutio Apostolica qua Personales Ordinariatus pro Anglicanis conduntur qui plenam communionem cum Catholica Ecclesia ineunt *Anglicanorum coetibus* (04.11.2009), AAS 101 (2009), pp. 985-90, no. V c; Congregatio pro Episcopis, Decretum de Administratione Apostolica personali Sancti Ioannis Mariae Vianney condenda *Animarum bonum* (18.01.2002), AAS 94 (2002), pp. 305-308, no. V.

2001 lecture given by the Dean of the Tribunal of the Roman Rota, Bishop Antoni Stankiewicz, entitled: *Le prelature personali i fenomeni associativi*, delivered in Venice (*Scuola Grande di San Rocco*) will be helpful in the analyzes [Stankiewicz 2002]. Bishop Stankiewicz came to the conclusion that, despite some similarities, both ecclesiastical structures are separate legal units with different constitutive features [ibid., 9¹⁸]. Similarly, the canonist Amadeo de Fuenmayor holds the opinion that a personal prelature is a hierarchical structure and does not have an associational nature [Fuenmayor 1984, 833 b¹⁹; cf. Korytkowski 1991, 104-10; Errázuriz 1993].

At the beginning of the above-mentioned lecture, Stankiewicz emphasized that a personal prelature is hierarchical in nature and constitutes an ecclesiastical circumscription. It is established by an apostolic constitution (such as a diocese) and is subject to the Congregation for Bishops, to which the prelate submits a five-year report, similar to diocesan bishops (can. 399 CIC/83). The canonist noted that a personal prelature is presented in the *Anuario Pontificio*, among other *complementary communities*. He also pointed to Pope John Paul II's 1998 apostolic constitution *Ecclesia in Urbe*, according to which the Appellate Tribunal of the Vicariate of Rome hears cases in the first instance from the Tribunal of the Personal Prelature of *Opus Dei*²⁰ [Stankiewicz 2002, 1]. Moreover, he recalled the Congregation for the Clergy's Directory for the Ministry and Life of Priests of 1994. This document clearly indicates that membership in a specific presbytery occurs in a particular Church, ordinariate, or personal prelature (*Direttorio no. 25*)²¹ [Stankiewicz 2002, 1].

¹⁸ "Pur riconoscendo delle vicinanze in alcuni punti (e non poteva essere altrimenti, perché gli istituti giuridici ecclesiali mostrano necessariamente degli elementi comuni), andando alla sostanza mi è sembrato di vedere che si tratta di due realtà che si muovono in ambiti diversi, tutti e due al servizio della missione salvifica della Chiesa ma con dei modi e dei tratti costituzionali differenziati."

¹⁹ "Desde el Concilio al texto codicial, la elaboración de estas nuevas figuras ha puesto de manifiesto que nos encontramos ante unas instituciones que pertenecen a la estructura *jerárquica* de la Iglesia. No son, pues, asociaciones, ni responden teológica y jurídicamente al fenómeno asociativo en la Iglesia. Son desarrollados *iure ecclesiastico* de la estructura jerárquica que la Iglesia tiene *iure divino*."

²⁰ Ioannes Paulus II, *Constitutio Apostolica Vicariatus Urbis nova ratione ordinatur Ecclesia in Urbe* (01.01.1998), AAS 90 (1998), pp. 177-93, no. 40 § 1: "Tribunal Appellationis causas excutit quae in primo gradu sunt definitae: [...] – a Tribunali Praelaturae Personalis Sanctae Crucis et Operis Dei."

²¹ "L'appartenenza ad un concreto presbiterio avviene sempre nell'ambito di una Chiesa particolare, di un Ordinariato o di una Prelatura personale."

The Dean of the Roman Rota assumed that an association of the faithful operates generally more for its own usefulness (*ad intra*) (even if its activities go beyond the structure of the association), whereas an ecclesiastical circumscription operates for the apostolic needs of the entire Church (*ad extra*). Associations work for a specific purpose within the autonomy of the faithful. However, the *complementary community* is guided by the Church's global goal for its full pastoral and apostolic activities, with an openness to the multiplicity of charisms. Fuenmayor also noted that a personal prelature serves both the particular Churches and the universal Church in the spirit of the *sollicitudo omnium ecclesiarum* [Stankiewicz 2002, 3²², 5²³; cf. Fuenmayor 1984, 833 a, c²⁴, 839-40; O'Reilly 1984; Capparrós 1989, 381-89, 405-11]. Therefore, Stankiewicz saw a personal prelature as a comprehensive ecclesiastical activity, conducted with the organic participation of the clergy (*communio hierarchica*) and the lay faithful (*communio fidelium*). This assumed the coordination of the official priesthood with the common priesthood, thereby revealing the priestly nature of the People of God [Stankiewicz 2002, 3²⁵]. Here, we can recall the decree *Presbyterorum ordinis*, which states that incardination into a personal prelature must take place *in bonum commune totius Ecclesiae* (PO 10).

²² “E un tratto proprio delle associazioni è che i membri agiscono primariamente per la loro utilità, per il loro bene (anche se l'operato delle associazioni di fedeli ha evidentemente dei risvolti apostolici). [...] A questa conclusione si potrebbe arrivare muovendo dal presupposto che gli enti gerarchici possono seguire soltanto il fine globale della Chiesa, in tutta la completezza dell'azione pastorale, mentre per definizione il perseguimento di una finalità specifica sarebbe proprio di un'associazione.”

²³ “Inoltre, l'associazione è creata per perseguire fini che rientrano nell'ambito di autonomia dei fedeli: e cioè che il cui raggiungimento spetta ai fedeli, individualmente o, quando decidono di associarsi, co-responsabilmente.”

²⁴ “La potestad que sustenta la dimensión jerárquica de las nuevas Prelaturas es la sacra potestas presente en la Autoridad Suprema de la Iglesia, que expresa en ellas, al crearlas, su propia razón de ser, es decir, la *sollicitudo omnium ecclesiarum*, que incluye el servicio a la comunión de todas las Iglesias y a la obra de la evangelización de la que son corresponsables.”

²⁵ “Diversamente dall'azione apostolica delle associazioni, che spetta ai fedeli in quanto tali (i cui fini possono essere espletati individualmente o associatamente), e diversamente da quei fini individualizzati (le opere proprie di insegnamento, culto divino, ecc.) ai quali mirano le associazioni di chierici o di laici, l'opera pastorale peculiare consiste nell'azione ecclesiale totale che si realizza col contributo organico dei chierici e dei fedeli laici: tramite il coordinamento costituzionale del sacerdozio comune col sacerdozio ministeriale.” Cf. *Codex Iuris Particularis Operis Dei*, Roma 1982, <https://opusdei.org/pl-pl/article/codex-iuris-particularis-operis-dei/> [accessed: 15.10.2023], 4 § 2.

The goal of this action is to provide the faithful (*coetus fidelium*) with full pastoral care, which requires a hierarchical organizational form with its own presbytery (cf. *Direttorio* no. 13, 24-30). However, in Stankiewicz's opinion, an association does not have its own presbytery because the association's clergy have not been ordained to serve its members or to carry out a pastoral mission, as the association does not have one [Stankiewicz 2002, 1, 7²⁶]. The canonist emphasizes that incardination into a personal prelature is not only associated with coming under the authority of the Ordinary of this ecclesiastical structure but also inclusion in the presbytery and connection with a community of the lay faithful. This is a pastorally broader purpose than the specific goals of public clerical associations that have the faculty to incardinate (cf. can. 313 CIC/83). Therefore, he drew attention to the distinction made by the code legislator in can. 266 CIC/83. The first paragraph talks about incardination into a particular Church or a personal prelature, and the following two (among others) look at incardination into an association of the faithful [Stankiewicz 2002, 7²⁷].

In his further considerations, Stankiewicz points to the various ways in which the discussed ecclesiastical structures were established. Associations are founded as a result of the right of the faithful to associate (*pactum unionis*) and are approved by the appropriate ecclesiastical authority (can. 301, 312 CIC/83). Therefore, associations' members are in a material state of equality, because their relations are determined by contractual

²⁶ "La cura pastorale di una comunità di fedeli non si soddisfa con l'aiuto di un'associazione, perché questo scopo esula dalle finalità associative. Si sovviene a tale bisogno con un ente appunto pastorale: con una forma organizzativa della gerarchia. [...] la presenza dei sacerdoti nella prelatura è caratterizzata dal fatto che formano il presbiterio del prelado, come sottolinea il *Direttorio* per il ministero e la vita dei presbiteri, citato precedentemente. Diversamente, nessuna associazione ha un presbiterio proprio perché i chierici dell'associazione, se ci sono, non sono stati ordinati per eseguire ministerialmente la cura pastorale dei membri dell'associazione né una missione pastorale che non hanno le associazioni, mentre viceversa ciò è quanto fanno i sacerdoti della prelatura."

²⁷ "Per cui l'incardinazione comporta sì il rapporto col vescovo ma anche inseparabilmente l'incorporazione alla comunità e al presbiterio e un rapporto con i fedeli affidati alla cura del vescovo. Tale relazione derivata dall'incardinazione è assente negli enti di tipo associativo. Alcune associazioni, certamente, per esempio quelle clericali (oltre che alcuni istituti di vita consacrata), possono avere la possibilità di incardinare dei chierici in attenzione al bisogno di contare sui membri chierici per raggiungere il fine istituzionale. Ma in quei casi il vincolo d'incardinazione viene a giustapporsi a quello (pattizio o sacro che sia) determinante il modo di stare nell'ente."

bonds. Hierarchical entities, on the other hand, are erected in a constitutive act by the Roman Pontiff – as the supreme legislator and shepherd of the Catholic Church (*munus hierarchicum*). Then, the Apostolic See grants jurisdiction to a personal prelate and specifies the legal position of the members – both the clergy and lay faithful (can. 294, 373 CIC/83) [Stankiewicz 2002, 4²⁸, 5²⁹]. The canonist also draws attention to the fact that there is a relationship between the association's moderator and the Church's hierarchy (can. 315 CIC/83). In a prelature, the prelate himself is a member of the ecclesiastical hierarchy. Furthermore, the Dean of the Roman Rota notes that in the case of personal prelatures, the statutes are *granted* by the Apostolic See (*regitur statutis*), whereas in the case of associations, they are *approved* (*approbatione indigent*) (can. 295, 314 CIC/83) [Stankiewicz 2002, 4³⁰; cf. Caparrós 1989, 391-98]. Fuenmayor thinks in the same way, as he is convinced that the very fact of granting the statutes by the Apostolic See is an *ex officio* exercise of the responsibility of the Roman Pontiff's primacy as a service authority [Fuenmayor 1984, 839 a³¹].

Stankiewicz then compares the office of the personal prelate to the moderator of an association. He notes that a prelate heading a personal prelature has authority over the presbytery and the lay faithful as their own Ordinary (can. 134 CIC/83). He is responsible for a prelature's pasto-

²⁸ “Tale intervento dell'autorità differisce essenzialmente dall'approvazione o recognitio di un'attività realizzata dagli associati che comporta anche l'erezione, pure come persona giuridica pubblica; è qualcosa di essenzialmente diverso: è un atto costitutivo di una circoscrizione ecclesiastica, retta dal diritto generale e dal diritto particolare, che viene sancito al livello di una legge pontificia (can. 94 § 3). [...] Giuridicamente dunque l'erezione della prelatura non è l'attribuzione di una formalità a una realtà precedente, ma la realizzazione di un progetto dell'autorità suprema.”

²⁹ “Il che si manifesta nel modo di stare nelle associazioni: in esse, i membri si trovano in una sostanziale condizione di uguaglianza, perché i loro rapporti vengono determinati da vincoli di natura pattizia, basati dunque sulla comune condizione di membri.”

³⁰ “Nel caso degli statuti delle prelatore non si tratta di regolamentare il rapporto dell'ente con l'autorità, poiché è la stessa autorità che si auto-organizza: si tratta piuttosto dell'esercizio della potestà primaziale che viene incontro alla necessità pastorale stabilendo, appunto negli statuti (che integrano perciò il diritto particolare della prelatura) la necessità pastorale alla quale si vuole soddisfare, l'ambito di esercizio della giurisdizione affidato al prelado, il rapporto tra il prelado e le chiese particolari nelle quali verrà inserita la prelatura, e il modo come i fedeli della prelatura, chierici e laici, cooperano organicamente alla missione che viene loro affidata.”

³¹ “El hecho de que esos Estatutos le sean *dados* por la Santa Sede y no *autodondados* por la Prelatura pone de manifiesto, entre otras cosas, que se trata del ejercicio de la responsabilidad *ex officio* de la potestad-servicio del Primado.”

ral mission due to his pastoral office (*sacra potestas*). A prelate is the shepherd of the community of the faithful entrusted to him. It is important to note, however, that the association's moderator coordinates activities to achieve its goals but does not take personal credit for this achievement. His rights result from the association's autonomy, which is recognized by the Church's legal system. By virtue of this autonomy, he grants himself rights and exercises the power resulting from them. Therefore, in associations, submission to authority always results from the members' will. Authority in associations begins in the exercise of basic freedoms, through the acts of the faithful's will, which are regulated by the appropriate norms [Stankiewicz 2002, 6³²; cf. Fuenmayor 1984, 833 c; Caparrós 1989, 398-401].

Stankiewicz also reflects on the role of the laity, recalling two different views. In the perspective of the first option, incardinated clergy are full members of the prelature (can. 294 CIC/83). However, the lay faithful are only external collaborators – according to the contract concluded with the prelature (can. 296 CIC/83). However, the canonist emphasized the second option, which holds that the lay faithful are members of a prelature as a *complementary community*. Together with the clergy, they cooperate on the basis of their common priesthood and create an ecclesiastical circumscription. They are also members of a particular Church by the fact of their domicile or staying (can. 107 CIC/83). Moreover, he notes that the voluntary participation of the lay faithful in the prelature's activity neither creates its existence nor determines its nature, structure, pastoral purpose, or scope of obligations. This is the result of its having been determined by the supreme authority (can. 294 CIC/83) [Stankiewicz 2002, 8³³; cf. Fuenmayor 1987, 742 d]. However, he assumed that the supreme

³² “Il fondamento della potestà del prelado si trova nella potestà che risiede in chi è a capo di una comunità con la missione di esserne il Pastore proprio. Nelle associazioni, invece, la potestà esercitata è essenzialmente diversa: non proviene dalla sacra potestas, ma da quell'autonomia riconosciuta dall'ordinamento di darsi un diritto e di esercitare la potestà che deriva. Appare perciò condivisibile l'affermazione che nelle associazioni, indipendentemente del fatto che alle volte sorgano su iniziativa della gerarchia, la soggezione all'autorità derivi sempre dalla volontà dei membri. La natura patetiva dei fenomeni associativi fa sì che l'autorità in essi abbia sempre origine nell'esercizio delle libertà fondamentali, tramite atti di volontà dei fedeli che vengono regolati nelle rispettive norme proprie.”

³³ “L'essenza dei vincoli all'interno della prelatura non sono mai di natura contrattuale: la convenzione o il contratto, dove si dia, è al limite la causa dell'incorpora-

authority could specify *a iure*, i.e., the affiliation of the lay faithful to a specific personal prelature [Stankiewicz 2002, 8³⁴; cf. Errázuriz 1993, 640-42]. However, in an association, the relationship between the clergy and the laity is determined not so much by sacramental purposes (clergy – lay faithful), but rather through other elements. The clergy and lay members of the association are essentially on a level of equality as members of the association and are responsible for achieving its goals [Stankiewicz 2002, 8].

The already – mentioned Amadeo de Fuenmayor summarized the establishment of a personal prelature with three observations: it is a new way of solicitude for the People of God, brought about by the *ratio apostolatus*; it is a new form of exercising the supreme service-authority by the Church that is present in the Roman Pontiff and the College of Bishops (the Pope responds to the needs of the evangelization of the world); it is a new way of communion between the universal Church and particular Churches (the supreme authority offers to particular Churches and their bishops new structures of apostolic ministry, organized hierarchically by the Apostolic See) [Fuenmayor 1984, 836³⁵, 838-39].³⁶

zione e della continuità del fedele, ma non crea la struttura giuridica della prelatura, che non è mai un insieme di vincoli contrattuali o associativi. Il fedele aderisce ad una struttura già costituita, e le successive adesioni non modificano la struttura, che è di natura oggettiva e istituzionale, e preesistente all'adesione dei fedeli.”

³⁴ “Comunque, non mi pare che la vincolazione tramite la convenzione sia l'unico modo che hanno i fedeli laici di rapportarsi con la prelatura: stando ai cann. 294-297 nulla impedisce che l'autorità suprema, al momento costitutivo della prelatura, determini *a iure* i fedeli in favore dei quali si concede la giurisdizione al prelado.”

³⁵ “En este horizonte, la creación de las Prelaturas personales se articula: a) como una nueva forma de acudir a las necesidades de la misión del entero Pueblo de Dios: la *ratio apostolatus* es lo que hizo surgir la ideación conciliar de la nueva figura; b) como una nueva forma de ejercicio de la Suprema potestad-servicio de la Iglesia presente en el Romano Pontífice y en el Colegio Episcopal; el Papa, al erigir cada Prelatura, responde así a su manera específica de servir a la evangelización del mundo (can. 782, § 1); c) como una manera nueva de darse la comunión entre la Iglesia universal y las Iglesias particulares, que consiste, precisamente, en que la Autoridad Suprema ofrece a las Iglesias particulares y a sus obispos unas nuevas estructuras de servicio apostólico, organizadas jerárquicamente por la Sede Apostólica.”

³⁶ Cf. can. 368-369, 372 § 2, 782 § 1 CIC/83.

3. THE LEGAL POSITION OF A PERSONAL PRELATURE AFTER POPE FRANCIS'S MOTU PROPRIO OF AUGUST 8, 2023

The legal status of a personal prelature (as described above), which was essentially different from that of associations of the faithful, has been changed by the issuance of Pope Francis's apostolic letter motu proprio of August 8, 2023.³⁷ By the Roman Pontiff's decision (which was included in the last words of the document), the new rules entered into force after being published in the Vatican bulletin, *L'Osservatore Romano*. Subsequently, the motu proprio was to be published in the *Acta Apostolicae Sedis* (can. 8 CIC/83). The text was posted in the Italian language on August 8, 2023, on the Vatican's official website: *www.vatican.va*.³⁸

The described document, issued by the initiative of the Pope himself (*motu proprio*), changed the content of can. 295 and 296 CIC/83. In the same motu proprio, Francis referred to the already – mentioned conciliar decree *Presbyterorum ordinis*, the *Ad gentes* decree, and the 1966 motu proprio *Ecclesiae Sanctae* of Paul VI.³⁹ The Pope then drew attention to

³⁷ Franciscus, Lettera apostolica motu proprio con la quale vengono modificati i cann. 295-296 relativi alle prelature personali (08.08.2023) [hereinafter: MPP], https://www.vatican.va/content/francesco/it/motu_proprio/documents/20230808-motu-proprio-prelature-personali.html [accessed: 11.08.2023].

³⁸ “Quanto deliberato con questa Lettera Apostolica in forma di Motu Proprio, ordino che abbia fermo e stabile vigore, nonostante qualsiasi cosa contraria anche se degna di speciale menzione, e che sia promulgato su *L'Osservatore Romano*, entrando in vigore il giorno della pubblicazione, e quindi inserito nel commentario ufficiale degli *Acta Apostolicae Sedis*. Dato a Roma, presso San Pietro, nella memoria di San Domenico, il giorno 8 agosto 2023, undicesimo del Pontificato”. See <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2023/08/08/0555/01217.html>; https://www.vatican.va/content/francesco/it/motu_proprio/documents/20230808-motu-proprio-prelature-personali.html.

³⁹ MPP: “Le Prelature personali sono, per la prima volta, menzionate dal Concilio Vaticano II nel Decreto *Presbyterorum ordinis*, n. 10, in ordine alla distribuzione dei presbiteri, nell'ambito della sollecitudine per tutte le Chiese. Tale spirito è ripreso dallo stesso Concilio nel Decreto *Ad gentes*, che recita «dove per rendere più facili le opere pastorali particolari per le diverse classi sociali si prevede la costituzione di Prelature personali, in quanto il corretto esercizio dell'apostolato lo avrà richiesto» (nota 105). Il Motu Proprio *Ecclesiae Sanctae* (6 agosto 1966), nell'articolo dedicato a “Ripartizione del clero e aiuti da fornirsi alle diocesi”, riguardo alle Prelature ricorda: «per favorire speciali iniziative pastorali o missionarie in favore di certe regioni o di gruppi sociali, che abbisognano di speciale aiuto, possono fruttuosamente essere erette dalla Sede Apostolica delle Prelature composte di presbiteri del clero secolare, in possesso di

the place of those canons with regard to the personal prelature in the Code of Canon Law.⁴⁰ He also recalled that, according to the apostolic constitution *Praedicate Evangelium* of March 19, 2022,⁴¹ the Dicastery for the Clergy assumed the competences over personal prelatures. This happened on June 5, 2022, when the constitution reforming the Roman Curia entered into force (PE 117).⁴² He also noted that the Dicastery for the Clergy has the power to grant the public clerical associations of the faithful faculty to incardinate.⁴³ So far, according to Pope Paul VI's 1967 apostolic constitution *Regimini Ecclesiae Universae* and the 1988 apostolic constitution *Pastor bonus* of Pope John Paul II, the Congregation for Bishops held competence over personal prelatures (REU 49 § 1; PB 80).⁴⁴ Pope Francis also recalled the content of the motu proprio *Ad charisma tuendum* of July 14, 2022, through which he changed the legal status of the personal prelature of *Opus Dei*. There, he also emphasized the fact that the Dicastery for the Clergy had assumed the competences over this Personal Prelature (MPP).⁴⁵ This document will be described in more detail in the second article of this series, relating directly to this community.

When presenting the apostolic constitution *Praedicate Evangelium* a year earlier, Cardinal Gianfranco Ghirlanda had explained the papal intention. The Pope wanted to restore coherence in the canonical order between the competences of the dicasteries and the manner of the personal prelature's

una particolare formazione, dotate di propri statuti e sotto la direzione di un proprio Prelato» (I,4).» See also PO 10; AG 20; ES I, 4.

⁴⁰ MPP: "Nel Codice di Diritto Canonico del 1983, coerentemente con tale visione, le Prelature personali vengono collocate nel Libro II, al Titolo IV della Parte I, dove si tratta de 'i fedeli cristiani', tra 'i ministri sacri o chierici' (Titolo III) e 'le associazioni di fedeli' (Titolo V)."

⁴¹ Franciscus, Costituzione apostolica sulla Curia Romana e il suo servizio alla Chiesa nel mondo *Praedicate Evangelium* (19.03.2022), "Communicationes" 54 (2022), pp. 9-81 [hereinafter: PE].

⁴² "Il Dicastero ha competenza su tutto ciò che spetta alla Santa Sede circa le Prelature personali." Cf. can. 305 CIC/83.

⁴³ MPP: "Considerato che con la Costituzione Apostolica *Praedicate Evangelium* (19 marzo 2022), art. 117, la competenza sulle Prelature personali è stata trasferita al Dicastero per il Clero, dal quale dipendono anche le associazioni pubbliche clericali con facoltà di incardinare chierici (art. 118, 2)." See PE 118.2; can. 302 CIC/83.

⁴⁴ Ioannes Paulus II, Constitutio apostolica Sancta e Crucis et Operis Dei *Opus Dei* in Praelaturam personalem ambitus internationalis erigitur *Ut sit* (28.11.1982), AAS 73 (1983), pars I, pp. 423-25, introduction.

⁴⁵ Franciscus, Lettera apostolica motu proprio *Ad charisma tuendum* (14.07.2022), "Communicationes" 54 (2022), pp. 369-71 [hereinafter: ACT], no. 1, 6.

operation. As a result, the discussed institution was configured in the Code of Canon Law to be fully consistent with the Second Vatican Council and with the legislation of Pope Paul VI – as expressed in the motu proprio *Ecclesiae Sanctae*. He emphasized that the purpose of the personal prelature is to distribute priests and undertake pastoral work. Hence, it is composed of secular clergy [Ghirlanda 2022;⁴⁶ cf. Idem 1988].

When changing the Code of Canon Law's content of canons, Pope Francis also referred to can. 265 CIC/83 in his motu proprio, which states that every clergyman should be incardinated into a particular Church or into another ecclesiastical structure, such as a personal prelature (*oportet esse incardinatum aut alicui Ecclesiae particulari vel praelaturae personali*). It should be mentioned here that, through the motu proprio *Competentias quasdam decernere* of February 11, 2022, Pope Francis changed the content of can. 265 CIC/83 regarding incardination. He ascribed to it the possibility of incardination into a public clerical association (*Consociationi publicae clericali quae eandem facultatem ab Apostolica Sede obtinuerit*).⁴⁷

In the discussed motu proprio of August 8, 2023, the changes in can. 295 CIC/83 (which refers to the statutes and a prelate) were first specified. The papal document states that a personal prelature is equal to public clerical associations under the pontifical right, with the faculty to incardinate clergy (*assimilata alle associazioni pubbliche clericali di diritto pontificio con facoltà di incardinare chierici*). It was also mentioned that its statutes may be approved or issued by the Apostolic See (*approvati o emanati dalla Sede Apostolica*) and that a prelate acts as a Moderator, endowed with the faculties of an Ordinary (*in quanto Moderatore, dotato delle facoltà di Ordinario*). As a consequence, the legal norm contained in can. 295 § 1 CIC/83 has the following content: "Praelatura personalis, quae consociationibus publicis clericalibus iuris pontificii cum facultate incardinandi clericos assimilatur, regitur statutis ab Apostolica Sede probatis vel emanatis eique praeficitur Praelatus veluti Moderator, facultatibus Ordinarii praeditus, cui ius est nationale vel internationale semina-

⁴⁶ "Sin embargo, lo que ha hecho el papa Francisco es restablecer la coherencia dentro del orden canónico entre la competencia del dicasterio y la acción de la prelatura personal, el modo cómo las prelaturas personales están configuradas en el código, en plena coherencia con el Vaticano II y la legislación de Pablo VI."

⁴⁷ Franciscus, *Litterae apostolice sedis motu proprio quibus aliquae normae immutantur Codicis Iuris Canonici et Codicis Canonum Ecclesiarum Orientalium Competentias quasdam decernere* (11.02.2022), "Communicationes" 54 (2022), pp. 84-89, no. 3.

rium erigere necnon alumnos incardinare, eosque titulo servitii praelaturae ad ordines promovere” (MPP 1).

The earlier norm of can. 295 § 1 CIC/83⁴⁸ did not contain the statement that a personal prelate is similar to clerical associations of the faithful under the pontifical right with the faculty to incardinate clergy (cf. can. 265, 736 § 1 CIC/83). The code legislator states that such associations are headed by the clergy, assume the exercise of orders, and are acknowledged by the competent authority (can. 302 CIC/83⁴⁹; cf. can. 278, 298 CIC/83). This is important because, until now, a personal prelate was considered as a *complementary community* – an ecclesiastical circumscription. Moreover, it was compared to a particular Church in the initial canon schemes of the Code of Canon Law⁵⁰ [Arrieta 2001, 34-37, 39; Korytkowski 1991, 40-59; Turek 2017, 56-58].

The second significant change is the fact that a personal prelate is no longer defined as its own Ordinary, but as a Moderator equipped with the faculties of an Ordinary (cf. can. 317 § 1 CIC/83). As a consequence of the papal decision, a prelate is no longer an Ordinary (cf. can. 134 CIC/83). He is a Moderator of a personal prelate, which is equated to a clerical public association of the faithful under the pontifical right. According to the current Code’s norm, he still has the right to erect a national or international seminary, incardinate clerics, and issue dimissories, i.e. – as stated in the canon – promote seminarians to ordination for service to a personal prelate (can. 1018 CIC/83)⁵¹ [Stawniak 2013, 204-205]. He can also ordain clergy if he is a bishop. Here, it is worth mentioning the papal decision contained in the 2022 motu proprio *Ad charisma tuendum*, according to which the Prelate of the Personal Prelate of *Opus Dei* will no longer be a bishop (ACT 4). Therefore, it can be assumed that the Apostolic See

⁴⁸ “Praelatura personalis regitur statutis ab Apostolica Sede conditis, eique praeficitur Praelatus ut Ordinarius proprius, cui ius est nationale vel internationale seminarium erigere necnon alumnos incardinare, eosque titulo servitii praelaturae ad ordines promovere.”

⁴⁹ “Christifidelium consociationes clericales eae dicuntur, quae sub moderamine sunt clericorum, exercitium ordinis sacri assumunt atque uti tales a competenti auctoritate agnoscuntur.”

⁵⁰ Pontificium Consilium de Legum Textibus Interpretandis, *Acta et documenta. Congregatio plenaria diebus 20-29 octobris 1981 habita, 5a question de Praelatura personalis*, Typis Polyglottis Vaticanis, Vatican 1991, p. 378.

⁵¹ *Codex Iuris Canonici auctoritate Pii X Pontificis Maximiiussu digestus. Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, pp. 1-593, can. 979.

does not provide for the episcopal ordination of a prelate of the personal prelature.

Not being an Ordinary, a personal prelate lost other powers that personal Ordinaries hold by virtue of universal law (can. 134 CIC/83). The current competences, which go beyond the status of a moderator of a personal prelature, as described in can. 295 CIC/83, should be specified in the statutes approved or granted by the Apostolic See (*statutis ab Apostolica Sede probatis vel emanatis*). What is new is the mention of the *approval* of the statutes, as previously it was about the process of *granting* statutes (*regitur statutis*). This may also be an element of making the personal prelature similar to a clerical public association of the faithful (cf. can. 304, 314 CIC/83). Krukowski notes that granting statutes (and not approving them) assumed that a specific personal prelature was established by the initiative of the Apostolic See [Krukowski 2005, 120].

A change was also made to can. 295 § 2 CIC/83, which refers to the duties of a prelate in the fields of formation and the support of clergy incardinated into a personal prelature. The *motu proprio* again clarifies that he serves as a Moderator, endowed with the faculties of an Ordinary (*Moderatore, dotato delle facoltà di Ordinario*). As a result, the content of the canon was formulated as follows: “Utpote Moderator facultatibus Ordinarii praeditus, Praelatus prospicere debet sive spirituali institutioni illorum, quos titulo praedicto promoverit, sive eorundem decorae sustentationi” (MPP 2).

The previous content of can. 295 § 2 CIC/83⁵² did not specify the legal status of a personal prelate. However, this norm’s further content did not differ from the canon’s new wording. Consequently, in the second paragraph of the discussed canon, it is emphasized that a prelate, rather than a prelature’s own Ordinary, currently has the status of a Moderator.

In the papal *motu proprio*, the content of can. 296 CIC/83⁵³ was also changed. The norm regarding the participation of lay people in a personal prelature, while also taking into account can. 107 CIC, was given the following content: “Servatis can. 107 praescriptis, conventionibus cum prael-

⁵² “Praelatus prospicere debet sive spirituali institutioni illorum, quos titulo praedicto promoverit, sive eorundem decorae sustentationi.”

⁵³ “Conventionibus cum praelatura initis, laici operibus apostolicis praelaturae personalis sese dedicare possunt; modus vero huius organicae cooperationis atque praecipua officia et iura cum illa coniuncta in statutis apte determinentur”.

atura initis, laici operibus apostolicis praelaturae personalis sese dedicare possunt; modus vero huius organicae cooperationis atque praecipua officia et iura cum illa coniuncta in statutis apte determinantur” (MPP 3).

In the new wording of the norm in question, a reference to can. 107 CIC/83 was added at the beginning of can. 296 CIC/83. According to this norm, each member of the faithful has his own Ordinary and parish priest according to the domicile or staying (cf. can. 518 CIC/83). The rest of this canon has not been changed. Accordingly, it was emphasized that the incardinated members of the personal prelatore are *clergy*. However, the lay faithful may dedicate themselves to a personal prelatore’s apostolic works on the basis of a contract they conclude with it. By cooperating with a prelatore, they do not lose their assignment to a particular Church, a point which was mentioned in previous sections of this study (PP I c, II b, IV c).

CONCLUSIONS

This article has shown the status of a personal prelatore as an ecclesiastical structure established after the Second Vatican Council. When proposing the creation of this legal figure of a personal nature, the Council’s Fathers saw a need related to the distribution of clergy and pastoral solicitude. Such ecclesiastical circumscription was to be essentially different from public association of the faithful and was established by the Roman Pontiff – as hierarchical structure. It was subordinate to the Congregation for Bishops. Secular clergy incardinated into a personal prelatore formed the presbytery of a personal prelate who had the status of an Ordinary. In the opinion of canonists, the establishment of the institution of a personal prelatore was an expression of the ecclesiology of Vatican II. Ecclesial elements were seen in a personal prelatore shaped in this manner, elements such as the *communio*, collegiality, understanding an authority as a service for the Church, and the co-responsibility of members of the People of God for the particular and universal Church.

The legal status of a personal prelatore changed on August 8, 2023, when Pope Francis issued his *motu proprio*, thereby modifying the Code’s norms regarding this ecclesiastical structure (can. 294-297 CIC/83). As a result – by the decision of the Roman Pontiff – a *personal prelatore* was equated with a public clerical association of the faithful under the pontifi-

cal right, thus losing the identity of a *complementary community*, i.e., an ecclesiastical circumscription coordinated with particular Churches. In the opinion of Pope Francis, the aim was to bring this ecclesiastical structure closer to its inclusion in the documents of the Second Vatican Council and the 1966 *motu proprio Ecclesiae Sanctae* of Paul VI. It was also intended to – according to Pope Francis – show more clearly the shape in which the code legislator saw a personal prelature, and so place the canons relating to it before the norms of associations of the faithful. Moreover, these changes were intended to emphasize the fact that a personal prelature is composed of the clergy who were incardinated into it. The purpose was also to adapt this institution to the new structure of the Roman Curia, which had been introduced via the apostolic constitution *Praedicate Evangelium* of 2022.

As a consequence of the papal changes, a personal prelature – equated with a clerical association of the faithful – lost its own Ordinary, and a prelate became a Moderator with the faculties of an Ordinary. The lay faithful can still cooperate with it on a *contractual* basis, but they will no longer be its members in the strict sense, as it is composed primarily of secular clergy. Therefore, the Dicastery for the Clergy assumed the Congregation for Bishops' competences over a personal prelature. However, the lay faithful formally attached to a prelature will be subject only to the jurisdiction of a local Ordinary, and not, as before, to a prelate as a personal Ordinary.

The changes in the described norms of the Code of Canon Law, introduced by Pope Francis in 2023, were preceded by the issuance of the *motu proprio Ad charisma tuendum* of 2022. This document modified the rules regarding the Personal Prelature of *Opus Dei*. As a result, the authorities of this community, the only one of its kind established thus far, have to adapt their Statutes to the new legal identity of this ecclesiastical structure and the given norms. This will be described later in the forthcoming second part of this study.

REFERENCES

- Arrieta, Juan I. 1994. "Le circoscrizioni personali." *Fidelium iura* 4:207-43.
- Arrieta, Juan I. 2001. "Le prelatore personali e le loro relazioni con le strutture territoriali." *Il Diritto Ecclesiastico* 112:22-49.

- Baura, Eduardo. 2002. "Le attuali riflessioni della canonistica sulle prelatore personali: suggerimenti per un approfondimento realistico." <https://bibliotecanonica.net/docsac/btcaca.pdf> [accessed: 06.10.2023].
- Caparrós, Ernest. 1989. "A New Hierarchical Structure for New Pastoral Needs: Personal Prelatures." *Philippiniana sacra* 24:379-417.
- Cattaneo, Arturo. 2003. "Le diverse configurazioni della Chiesa particolare e le comunità complementari." *Ius Ecclesiae* 15:3-38.
- Echevarría, Javier. 2005. "L'esercizio della potestà di governo nelle prelatore personali." *Folia Canonica* 8:237-51.
- Errázuriz, Carlos J. 1993. "Ancora sull'equiparazione in diritto canonico: il caso delle prelatore personali." *Ius Ecclesiae* 5:633-42.
- Falcão, Miguel. 2012. "A incardinação do clero na Prelatura do Opus Dei." *Folia Canonica* 7:107-18.
- Fuenmayor, de Amadeo. 1984. "Potestad promicial y prelaturas personales." *Scripta Theologica* 16:831-40.
- Fuenmayor, de Amadeo. 1987. "Los laicos en las prelaturas personales." In *La misión del laico en la Iglesia y en el mundo: VIII Simposio Internacional de Teología de la Universidad de Navarra*, ed. Augusto Sarmiento, 733-44. Pamplona: Servicio de Publicaciones.
- Ghirlanda, Gianfranco. 1987. "De differentia praelaturam personalem inter et ordinariatum militare seu castrensem." *Periodica* 76:219-51.
- Ghirlanda, Gianfranco. 1988. "Natura delle prelatore personali e posizione dei laici." *Gregorianum* 69:299-313.
- Ghirlanda, Gianfranco. 2002. "La explicación sobre las prelaturas personales." <https://infovaticana.com/2022/03/23/la-explicacion-de-gianfranco-ghirlanda-sobre-las-prelaturas-personales/> [accessed: 12.10.2023].
- Gutiérrez, José L. 1989. "Le Prelature personali." *Ius Ecclesiae* 1:467-91.
- Herranz, Julián. 2015. "La razón pastoral de las prelaturas personales: consideraciones a los 50 años del Concilio Vaticano II." *Ius Communionis* 2:245-59.
- Korytkowski, Jerzy. 1991. *Prałatury personalne*. Warszawa: Interlibro.
- Krukowski, Józef. 2005. "Prałatury personalne." In *Komentarz do Kodeksu Prawa Kanonicznego*. Vol. II/1: *Księga II. Lud Boży. Część I. Wierni chrześcijanie. Część II. Ustrój hierarchiczny Kościoła*, ed. Józef Krukowski, 118-23. Poznań: Pallottinum.
- Manzanares, Julio. 1980. "De praelaturae personalis origine, natura e relatione cum iurisdictione ordinaria." *Periodica* 69:387-421.
- Martens, Kurt. 2015. "Quod Superest Date Pauperibus. Incardination of Clerics and a Better Distribution of Clergy as a Road to Personal Prelatures?" *Studia Canonica* 49:501-27.
- Martínez Torrón, Javier. 1986. *La configuración jurídica de las Prelaturas personales en el Concilio Vaticano II*. Pamplona: Servicio de Publicaciones de la Universidad de Navarra.
- Miras, Jorge. 2002. "Notas sobre la naturaleza de las prelaturas personales. A propósito de un discurso de Juan Pablo II." *Ius Canonicum* 42:363-88.

- O'Reilly, Michael. 1984. "Personal Prelatures and Ecclesial Communion." *Studia Canonica* 18:439-56.
- Pietras, Dawid. 2021. *Nadzwyczajna forma rytu rzymskiego. Status prawny liturgii i wspólnot*. Dębogóra: Wydawnictwo Dębogóra.
- Rodríguez, Pedro. 1985. *Iglesia particulares y prelaturas personales*. Pamplona: Servicio de Publicaciones de la Universidad de Navarra.
- Ruini, Camillo. 2008. "Il servizio della prelatura dell'Opus Dei alle diocesi." In *Studi sulla Prelatura dell'Opus Dei. A venticinque anni dalla Costituzione apostolica 'Ut sit'*, ed. Eduardo Baura, 129-36. Roma: Edusc.
- Stankiewicz, Antoni. 2002. "Le prelature personali e i fenomeni associativi." <https://prelaturaspersonales.org/le-prelature-personali-e-i-fenomeni-associativi/> [accessed: 10.10.2023].
- Stawniak, Henryk. 2013. *Inkardynacja w misji Kościoła w porządku prawnym Kościoła łacińskiego*. Warszawa: Wydawnictwo UKSW.
- Turek, Małgorzata. 2017. "Prelatura personalna w Kodeksie Prawa Kanonicznego z 1983 roku." *Kościół i Prawo* 19, no. 1:55-73.
- Viana, Antonio. 2008. "Pasado y futuro de las prelaturas personales." *Ius Canonicum* 95:141-81.
- Viana, Antonio. 2012. "Ordinariatos y prelaturas personales. Aspectos de un diálogo doctrinal." *Ius Canonicum* 104:481-520.
- Zajac, Paweł. 2015. *Kościół partykularne w ustawodawstwie Jana Pawła II. Zarys problematyki*. Lublin: Towarzystwo Naukowe KUL.

**The Legal Status of Personal Prelature According
to the Documents Issued by Pope Francis in 2022-2023.
Part I**

Abstract

A personal prelature was an ecclesiastical circumscription (*complementary community*). Its establishment was proposed during the Second Vatican Council. Its aim was to ensure the proper distribution of the clergy and to respond to new pastoral challenges. Its legal status was significantly changed by Pope Francis's *motu proprio* of August 8, 2022. By amending the canons of the 1983 Code of Canon Law (can. 294-297), the Roman Pontiff equated this personal structure with a public clerical association of the faithful under the pontifical right. As a result, a personal prelate lost his position as an Ordinary and became a Moderator with the faculties of an Ordinary. The lay faithful who cooperate with a personal prelature are now subject only to the jurisdiction of a local Ordinary. The Dicastery for the Clergy assumed the competences over a personal prelature. The Statutes of the only Personal Prelature of *Opus Dei* established so far will have to be adapted to the new norms.

Keywords: personal prelature; personal prelate; ecclesiastical circumscription; association of the faithful; *Ad charisma tuendum*; Opus Dei; SSPX.

**Pozycja prawna prałatury personalnej według dokumentów
wydanych przez papieża Franciszka w latach 2022-2023.
Część I**

Abstrakt

Prałatura personalna była okręgiem kościelnym (wspólnotą komplementarną), której powstanie postulowano podczas Soboru Watykańskiego II. Jej celem było właściwe rozmieszczenie duchowieństwa oraz sprostanie nowym wyzwaniom duszpasterskim. Jej pozycja prawna została istotowo zmieniona przez motu proprio papieża Franciszka z 8 sierpnia 2022 r. Poprzez zmianę kanonów Kodeksu Prawa Kanonicznego z 1983 r. (kan. 294-297) Biskup Rzymu zrównał tę strukturę personalną z kleryckim publicznym stowarzyszeniem wiernych na prawie papieskim. W rezultacie prałat personalny stracił pozycję ordynariusza, a stał się moderatorem z uprawnieniami ordynariusza. Wierni świeccy współpracujący z prałaturą personalną podlegają teraz jedynie jurysdykcji ordynariusza miejsca. Kompetencje nad prałaturą personalną przejęła Dykasteria ds. Duchowieństwa. Statuty jedynej powołanej dotąd Prałatury Personalnej *Opus Dei* będą musiały być dostosowane do nowych norm.

Słowa kluczowe: prałatura personalna; prałat personalny; okręg kościelny; stowarzyszenie wiernych; *Ad charisma tuendum*; Opus Dei; FSSPX.

Informacje o Autorze: Ks. DR DAWID PIETRAS FSSP – Sąd Kościelny w Gorzowie Wielkopolskim; adres do korespondencji: ul. Pasieczna 3, 30-603 Kraków, Polska; e-mail: pietrasdawid@poczta.fm; <https://orcid.org/0000-0002-2545-1751>