

Dawid Pietras

A PERSONAL PRELATURE'S LEGAL POSITION
ACCORDING TO THE DOCUMENTS
ISSUED BY POPE FRANCIS FROM 2022-2023.
PART II

INTRODUCTION

The Catholic Church has within its structures the international community of *Sanctae Crucis et Operis Dei* (hereinafter: *Opus Dei*), founded by Fr. Josemaría Escrivá de Balaguer and established by Pope John Paul II in 1982. It is the only personal prelatore that has been erected so far within the Church and is composed of clergy and the lay faithful. Its aim is to sanctify its members.

The first part of the study [see Pietras 2024, 19-40] showed the legal position of a personal prelatore as an ecclesiastical structure after the changes made by Pope Francis to cans. 295 and 296 of the 1983 Code of Canon Law¹ with his apostolic letter *motu proprio* of August 14, 2023. The analysis explained how the Roman Pontiff's decision significantly changed the status of a personal prelatore as a legal figure, and therefore, the Personal Prelature of *Opus Dei*. It was equated with a clerical public association of the faithful under the pontifical right, and the personal Prelate lost the status of an Ordinary.

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].

The study uses dogmatic-legal and historical-legal methods. The purpose of the study's second part is to present the current legal status of the Personal Prelature of *Opus Dei* after the changes to the law during the period in question. First, however, it is necessary to briefly characterize the legal position of this Prelature as it was before these modifications. Next, the status of this community after the introduction of the changes made to the 1982 apostolic constitution *Ut sit* of Pope John Paul II as a result of the motu proprio *Ad charisma tuendum* of July 14, 2022 will be presented. Ultimately, an attempt will be made to determine the legal position of *Opus Dei* after the mentioned modifications to cans. 295 and 296 CIC/83.

It seemed reasonable to also take into account the situation of the Society of Saint Pius X (SSPX) within this article, as it was proposed to establish a personal prelature for this society as well. The creation of a second ecclesiastical structure of this type was intended to help regulate the canonical status of this community of the faithful, who are attached to the 1962 books of the Roman Rite.

1. THE PERSONAL PRELATURE OF *OPUS DEI*

1.1. The legal position of *Opus Dei* before the changes introduced by Pope Francis – a brief analysis

As it is widely known, the only personal prelature in the Roman Catholic Church that has been established so far is the Personal Prelature of *Sanctae Crucis et Operis Dei* (or, as it is also known, *Operis Dei* or *Opus Dei*), which was founded by Fr. Josemaría Escrivá de Balaguer in Spain in 1928² [Korytkowski 1991, 111-28; Echevarría 2008; Hayward 2009; Gómez-Iglesias 2008; Errázuriz 2019]. The aim of this international community is the sanctification of its members through the practice of Christian virtues, according to each person's particular state of life, profession, and position in society, and in accordance with his specific spirituality, which is wholly secular (CIP 1982, 2 § 1). It was – as has already been

² "Praelatura, quae Sanctae Crucis et Operis Dei, breviato autem nomine Operis Dei nuncupatur, est ambitu internationalis [...]". See *Codex Iuris Particularis Operis Dei*, Roma 1982 [hereinafter: CIP 1982], <https://opusdei.org/pl-pl/article/codex-iuris-particularis-operis-dei/> [accessed: 15.10.2023], 1 § 3.

emphasized in the first part of the study – an ecclesiastical circumscription, also referred to as a *complementary community*.

Before the establishment of the Personal Prelature of *Opus Dei* on August 6, 1982, the Congregation for Bishops issued the declaration *Praelaturae personales*³. In it, the dicastery further specified the legal status of this ecclesiastical structure. The basis for *Opus Dei*'s erection was the apostolic constitution *Ut sit* of John Paul II of November 28, 1982⁴ [cf. Arrieta 1983; Gutiérrez 1984; 1989, 488-90; Hervada 1990; Gómez-Iglesias, Viana, and Miras 2000; Baura 2008]. At the same time, the Priestly Society of the Holy Cross was established, thus becoming inseparably connected with this Prelature (US 1⁵; PP VI; CIP 1982, 37-43, 57-76) [cf. Korytkowski 1991, 130-31]. The apostolic constitution states that *Opus Dei* is guided by the principles of universal law (CIC/83, can. 294-297), the apostolic constitution *Ut sit*, and its own Statutes (i.e. *Codex Iuris Particularis Operis Dei*), which entered into force on December 8, 1982 (US 2⁶; CIP 1982, 1 § 3⁷; 181 § 1⁸, 182-185).

The apostolic constitution *Ut sit*'s norm on jurisdiction was important. It clarified that the jurisdiction of the *Opus Dei* applies to its clergy and lay faithful who devote themselves to the apostolic works of the Prelature on the basis of the contract they have concluded with it. In this way, they fulfill the obligations they have voluntarily accepted, in accordance with the law. According to the apostolic constitution *Ut sit* and the above-men-

³ Congregatio pro Episcopis, Declaratio de Praelatura Sanctae Crucis et Operis Dei *Praelaturae personales* (23.08.1982), AAS 75 (1983), pars I, p. 464-68 [hereinafter: PP].

⁴ Ioannes Paulus PP. II, Constitutio Apostolica Sanctae Crucis et Operis Dei *Opus Dei* in Praelaturam personalem ambitus internationalis erigitur *Ut sit* (28.11.1982), AAS 75 (1983), pars I, p. 423-25 [hereinafter: US].

⁵ "Opus Dei in Praelaturam personalem ambitus internationalis erigitur sub nomine Sanctae Crucis et Operis Dei, breviato autem nomine Operis Dei. Simul vero erigitur Societas sacerdotalis Sanctae Crucis qua Adsociatio Clericorum Praelaturae intrinsecus coniuncta."

⁶ "Praelatura regitur normis iuris generalis et huius Constitutionis necnon propriis Statutis, quae «Codex iuris particularis Operis Dei» nuncupantur." See *Codex Iuris Peculiaris Societatis Sacerdotalis Sanctae Crucis (Opus Dei)*, Romae 1963; *De spiritu Operis Dei*, Romae 1963.

⁷ "Praelatura, [...] regitur normis iuris universalis Praelaturarum personalium necnon horum Statutorum, et iuxta Sanctae Sedis specialia praescripta vel indulta."

⁸ "Hic Codex fundamentum est Praelaturae Operis Dei. Ideo sanctae eius normae habeantur, inviolabiles, perpetuae, unice Sanctae Sedi reservatae tam quoad mutationem quam quoad novorum praeceptorum inductionem."

tioned Congregation for Bishops' declaration, each of them is subject to the authority of the personal Prelate acting in the field of pastoral activity of the Prelature (US 3⁹; PP III d¹⁰) [cf. Falcão 2012]. He was the proper Ordinary of the Prelature of *Opus Dei*, and his election required the approval of the Roman Pontiff (US 4¹¹; CIP 1982, 125 § 1¹²; 130 § 1¹³; CIC/83, can. 146-148). Canonist Juan Ignacio Arrieta assumed that the jurisdiction of the personal Prelate of *Opus Dei* was complementary to the jurisdiction of a local Ordinary. Nonetheless, it was performed in a different scope and addressed issues other than those appropriate to a local Ordinary [Arrieta 2001, 46¹⁴; cf. Korytkowski 1991, 134-40]. In the Congregation for Bishops' declaration, it was noted that the Prelate's authority concerns those matters related to the purpose of the Prelature. Therefore, it differs materially (*ratione materiae substantialiter differt*) from the jurisdiction of a diocesan bishop (PP III a¹⁵).

The other norms of the apostolic constitution *Ut sit* concerned the Congregation for Bishops' competences towards the Prelature and the reports on its activities, which will be discussed in more detail in this study when

⁹ "Praelaturae iurisdictio personalis afficit clericos incardinatos necnon, tantum quoad peculiarium obligationum adimpletionem quas ipsi sumpserunt vinculo iuridico, ope Conventionis cum Praelatura initae, laicos qui operibus apostolicis Praelaturae sese dedicant, qui omnes ad operam pastorem Praelaturae perficiendam sub auctoritate Praelati exstant iuxta praescripta articuli praecedentis."

¹⁰ "Laici iurisditioni Praelati obnoxii sunt in iis quae pertinent ad adimpletionem peculiarium obligationum, vitam spiritualem, doctrinalem institutionem atque apostolatus exercitium respicientium, quas ipsi libere sibi sumpserunt vinculo deditiois ad finem Praelaturae proprium."

¹¹ "Praelaturae Operis Dei Ordinarius proprius est eius Praelatus cuius electio iuxta praescripta iuris generalis et particularis facta Romani Pontificis confirmatione eget."

¹² "Praelaturae regimen committitur Praelato, qui suis Vicariis et Consiliis adiuvatur iuxta normas iuris universalis et huius Codicis."

¹³ "Praelatus, qui interne dicitur Pater cuiusque officium est ad vitam, seligitur excluso compromisso a Congressu Generali electivo hunc in finem convocato; electio vero Romani Pontificis confirmatione indiget."

¹⁴ "Nella Prelatura dell'Opus Dei, infatti, la giurisdizione del Prelato sui fedeli laici si esercita in ambiti e su contenuti *diversi* da quelli dell'ordinario del luogo; si tratta, cioè, di una giurisdizione *complementare*, il che, essendo giustificato in ragione della natura dell'Opus Dei."

¹⁵ "Ipsa est potestas ordinaria regiminis seu iurisdictionis, ad id circumscripta quod finem respicit Praelaturae proprium, et ratione materiae substantialiter differt a iurisdictione quae, in ordinaria cura pastorali fidelium, Episcopis competit."

describing the changes introduced by Pope Francis in 2022 (US 4-5)¹⁶. The last constitutional norm concerned the headquarters of the General Government of the Prelature, which was to be located in Rome. Moreover, according to this apostolic constitution, the Oratory-chapel of Our Lady of Peace was established as a prelate church (US 6; cf. CIP 1982, 1 § 3¹⁷).

When discussing the Personal Prelature of *Opus Dei*, it is necessary to mention Pope John Paul II's March 17, 2001 speech on the occasion of his meeting members of the community in Rome to reflect on the apostolic letter *Novo millennio ineunte*¹⁸. The Pope emphasized that the clergy and lay faithful constitute elements of the organic structure of this Personal Prelature, which is headed by the Prelate. He noted that this hierarchical nature of *Opus Dei* provides a starting point for pastoral reflections that are full of practical applications. John Paul II emphasized that the simultaneous assignation of the lay faithful to their own particular Churches and to the Prelature enables the implementation of the specific mission of the personal prelature with the evangelization efforts of each particular Church, just as the Second Vatican Council's Fathers desired¹⁹ (CIP 1982, 171-180²⁰) [cf. Korytkowski 1991, 131-34; Miras 2002; Viana 2008, 173-74].

¹⁶ Cf. Franciscus PP, Lettera apostolica motu proprio *Ad charisma tuendum* (14.07.2022), "Communicationes" 54 (2022), p. 369-71 [hereinafter: AChT], no. 1-2.

¹⁷ "Praelatura, [...] sedem suam centralem Romae habet [...]."

¹⁸ Ioannes Paulus PP. II, Epistula apostolica, *Episcopis clero fidelibus Magni Jubilaei anni MM sub esitum Novo millennio ineunte* (06.01.2001), AAS 93 (2001), p. 266-309.

¹⁹ "Estáis aquí en representación de los diversos componentes con los que la Prelatura está orgánicamente estructurada, es decir, de los sacerdotes y los fieles laicos, hombres y mujeres, encabezados por su prelado. Esta naturaleza jerárquica del *Opus Dei*, establecida en la constitución apostólica con la que erigió la Prelatura (cf. *Ut sit*, 28 de noviembre de 1982), nos puede servir de punto de partida para consideraciones pastorales ricas en aplicaciones prácticas. Deseo subrayar, ante todo, que la pertenencia de los fieles laicos tanto a su Iglesia particular como a la Prelatura, a la que están incorporados, hace que la misión peculiar de la Prelatura confluya en el compromiso evangelizador de toda Iglesia particular, tal como previó el concilio Vaticano II al plantear la figura de las prelaturas personales." See Ioannes Paulus PP II, Address to the participants in the workshop on *Novo millennio ineunte* organized by the Prelature of *Opus Dei* (17.03.2001), https://www.vatican.va/content/john-paul-ii/en/speeches/2001/march/documents/hf_jp-ii_spe_20010317_opus-dei.html [accessed: 03.10.2023], no. 1.

²⁰ "Universus labor apostolicus quem Praelatura, iuxta propriam naturam propriumque finem, exsequitur, ad bonum singularum Ecclesiarum localium confert, atque Praelatura debitas cum Auctoritate ecclesiastica territoriali relationes semper colit" (CIP 1982, 174 § 1).

When commenting on the words of Pope John Paul II, Cardinal Camillo Ruini emphasized that the membership of the lay faithful in the Personal Prelature of *Opus Dei* strengthens their sense of belonging to their own diocese, as the fruits of the mission of *Opus Dei* remain in particular Churches [Ruini 2008, 131²¹]. The dependence of the lay faithful on their local Ordinary was also clearly indicated in the Statutes (CIP 1982, 172 § 2²²). It was further noted that the Prelature consists of both the clergy (incardinated) and the lay faithful (incorporated) (CIP 1982, 1 § 1-2²³, 6-56). Canonist Amadeo de Fuenmayor specified that the lay faithful, by contract, devote themselves to the apostolic tasks of *Opus Dei*, are subject to the jurisdiction of the Prelature, and receive pastoral assistance from the Prelate and his presbytery. From this point of view, we can say that they belong to the Prelature and are its members/faithful. However, their participation in the apostolate of the Prelature does not have the character of helping the clergy with their specific pastoral tasks. In the canonist's opinion, this point is rather necessary because the Prelature was erected in such a way that the clergy and laity, through mutual and complementary organized cooperation, strive to spread the universal call to sanctity and apostolate in all environments [cf. Fuenmayor 1987, 740-44²⁴].

²¹ “Queste parole del Santo Padre ci invitano a capire in profondità il senso dell'appartenenza dei laici alla propria Chiesa particolare e alla Prelatura dell'Opus Dei. Dato che i fedeli della Prelatura dell'Opus Dei sono pure fedeli delle diocesi in cui vivono, il frutto della missione pastorale che l'Opus Dei svolge per la vita del mondo è presente in persone che sono, allo stesso tempo, fedeli delle loro diocesi e della Prelatura. Quindi, il frutto della missione dell'Opus Dei rimane all'interno delle Chiese locali in cui la Prelatura dell'Opus Dei svolge la sua funzione peculiare. Forse ci può aiutare a vedere questa convergenza una considerazione inversa: alcuni fedeli di una diocesi sono pure fedeli dell'Opus Dei e questa caratteristica non indebolisce la loro appartenenza alla propria diocesi; anzi, concretamente nell'Opus Dei, la rafforza.”

²² “Ordinariis quoque locorum subiiciuntur ad normam iuris universalis, eadem ratione ac ceteri catholici in propria dioecesi, iuxta praescripta huius Codicis.”

²³ “§ 1. Opus Dei est Praelatura personalis clericos et laicos simul complectens, ad peculiarem operam pastorem perficiendam sub regimine proprii Praelati (cfr. n. 125); § 2. Praelaturae presbyterium constituunt illi clerici qui ex eiusdem fidelibus laicis ad Ordines promoventur et eidem incardinantur; laicatus Praelaturae ab iis fidelibus efformatur qui, vocatione divina moti, vinculo iuridico incorporationis speciali ratione Praelaturae devinciuntur.”

²⁴ “a) Los laicos que, mediante un convenio, se dedican a las tareas apostólicas de la Prelatura están bajo la jurisdicción de ésta y reciben una asistencia pastoral por parte del Prelado y de su presbiterio. Ya desde este punto de vista, y de acuerdo con lo que hemos expuesto, puede decirse que pertenecen a la Prelatura y son miembros o fieles

The legal position of the Personal Prelature of *Opus Dei* has changed gradually due to the laws introduced during the pontificate of Pope Francis from 2022 to 2023. This change will be discussed in the following sections of the article.

1.2. The legal position of *Opus Dei* after the motu proprio *Ad charisma tuendum* of July 14, 2022

An important legal regulation regarding the Personal Prelature of *Opus Dei* was issued in Pope Francis's apostolic letter motu proprio *Ad charisma tuendum* of July 14, 2022, as was already mentioned in the first part of this study. The document was made available on the official website *www.vatican.va* in Italian and English and was published in the *L'Osservatore Romano* bulletin. It was also published in the official commentary *Acta Apostolicae Sedis*. It gained legal force on August 4, 2022 (AChT²⁵; cf. CIC/83, can. 8).

In the preamble of the discussed motu proprio, Pope Francis noted that his goal was to define this Personal Prelature more precisely so that it could operate in a truly charismatic sphere of the Church (*ambito autenticamente carismatico della Chiesa*). Therefore, by this general decree – as he emphasized – the community was reorganized according to the testimony of *Opus Dei*'s founder, Fr. Escrivá de Balaguer, and the ecclesiology of the Second Vatican Council regarding personal prelatures (AChT²⁶).²⁷

de la misma. b) Pero, además, su participación en el apostolado de la Prelatura no reviste el carácter de ayuda al clero en su tarea pastoral específica, sino que tiene un carácter necesario, ya que la Prelatura ha sido erigida para que el presbiterio y el laicado, en una *cooperacion orgánica* mutua y complementaria, cada uno según la función que le corresponde, se esfuercen por difundir en todos los ambientes la llamada universal a la santidad y al apostolado, concretamente en la santificación del trabajo profesional ordinario” [Fuenmayor 1987, 743-44].

²⁵ “Stabilisco che la presente Lettera Apostolica in forma di *Motu Proprio* venga promulgata mediante la pubblicazione su *L'Osservatore Romano*, entrando in vigore il 4 agosto 2022, e quindi pubblicata nel commentario ufficiale degli *Acta Apostolicae Sedis*. Dato a Roma, presso San Pietro, il 14 luglio 2022, decimo del Pontificato”. See https://www.vatican.va/content/francesco/it/motu_proprio/documents/20220714-motu-proprio-ad-charisma-tuendum.html; https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220714-motu-proprio-ad-charisma-tuendum.html.

²⁶ “Per tutelare il carisma, il mio predecessore san Giovanni Paolo II, nella Costituzione Apostolica *Ut sit*, del 28 novembre 1982, eresse la Prelatura dell'*Opus Dei*, affidandole il compito pastorale di contribuire in modo peculiare alla missione evange-

Pope Francis then recalled the regulation contained in the apostolic constitution *Praedicate Evangelium*, according to which – in order to better promote the service of personal prelatures for evangelization – the Dicastery for the Clergy assumed the competences over them (AchT;²⁸ PE 117). The Roman Pontiff propelled this transfer of competences by confirming a personal prelate's primary task of conducting pastoral or missionary works (*peculiaris opera pastoralia vel missionalia*). These duties are performed by the clergy in light of can. 294 CIC/83. It is possible that this is related to Pope Francis' emphasis on the Church's missionary task to spread the faith. Therefore, the first dicastery listed in the apostolic constitution *Praedicate Evangelium* is the Dicastery for Evangelization, which is directly headed by the Roman Pontiff (PE I.1-4, 53-54). Before elaborating on the legal norms of the discussed *motu proprio*, Francis noted that they were introduced to protect the charism of the Personal Preature of *Opus Dei*, to promote the work of evangelization that is carried out by

lizzatrice della Chiesa. Secondo il dono dello Spirito ricevuto da san Josemaría Escrivá de Balaguer, infatti, la Prelatura dell'*Opus Dei*, con la guida del proprio Prelato, attua il compito di diffondere la chiamata alla santità nel mondo, attraverso la santificazione del lavoro e degli impegni familiari e sociali per mezzo dei chierici in essa incardinati e con l'organica cooperazione dei laici che si dedicano alle opere apostoliche (cfr. cann. 294-296, CIC). Il mio venerato Predecessore affermava che: *Con grandissima speranza, la Chiesa rivolge le sue materne premure e le sue attenzioni verso l'Opus Dei (...) affinché esso sia sempre un valido ed efficace strumento della missione salvifica che la Chiesa adempie per la vita del mondo. Con questo Motu Proprio si intende confermare la Prelatura dell'Opus Dei nell'ambito autenticamente carismatico della Chiesa, specificando la sua organizzazione in sintonia alla testimonianza del Fondatore, san Josemaría Escrivá de Balaguer, e agli insegnamenti dell'ecclesiologia conciliare circa le Prelature personali.*"

²⁷ Sacrosanctum Concilium Oecumenicum Vaticanum II, Constitutio dogmatica de Ecclesia *Lumen gentium* (21.11.1964), AAS 57 (1965), p. 5-71; Idem Decretum de presbyterorum ministerio et vita *Presbyterorum ordinis* (07.12.1965), AAS 58 (1966), p. 991-1024, no. 10; Idem, Decretum de activitate missionali Ecclesiae *Ad gentes* (07.12.1965), AAS 58 (1966), p. 947-90, no. 20; Franciscus PP., Costituzione Apostolica sulla Curia Romana e il suo servizio alla Chiesa nel mondo *Praedicate Evangelium* (19.03.2022). *Communicationes* 54 (2022), p. 9-81 [hereinafter: PE], no. 123.

²⁸ "Mediante la Costituzione Apostolica *Praedicate Evangelium* del 19 marzo 2022, che riforma l'organizzazione della Curia Romana per meglio promuoverne il servizio a favore dell'evangelizzazione, ho ritenuto conveniente affidare al Dicastero per il Clero la competenza per tutto ciò che spetta alla Sede Apostolica circa le Prelature personali, delle quali l'unica finora eretta è quella dell'*Opus Dei*, in considerazione del preminente compito in essa svolto, a norma del diritto, dai chierici (cfr. can. 294, CIC)."

members of the community, and to adapt the regulations regarding personal prelatures to the new organization of the Roman Curia (AchT²⁹).

With the first norms of his *motu proprio*, Pope Francis changed some points of the apostolic constitution *Ut sit*. As a result, the fifth point of this papal erecting document (US 5³⁰) adopted the following wording: “In accordance with Article 117 of the Apostolic Constitution *Praedicate Evangelium*, the Prelature depends on the Dicastery for the Clergy, which, according to the subject matter, shall evaluate the relative questions with the other Dicasteries of the Roman Curia. The Dicastery for the Clergy, in dealing with the various questions, shall make use of the competencies of the other Dicasteries through appropriate consultation or transfer of files” (AchT 1³¹).

In the original text of this norm and in the declaration *Praelaturae personales*, it was mentioned that the Congregation for Bishops holds competence over the Personal Prelature of *Opus Dei*. Depending on the type of matters in question, this congregation was supposed to consult the specific issues with other dicasteries (PP VII)³². As a result, through the first point of the *motu proprio Ad charisma tuendum*, the apostolic constitution *Ut sit* was adapted to the current structure of the Roman Curia, while also taking into account the competences of individual dicasteries.

²⁹ “Volendo quindi tutelare il carisma dell’*Opus Dei* e promuovere l’azione evangelizzatrice che i suoi membri compiono nel mondo, e dovendo al contempo adeguare le disposizioni relative alla Prelatura in ragione della nuova organizzazione della Curia Romana, dispongo che siano osservate le seguenti norme.”

³⁰ “Praelatura a Sacra Congregatione pro Episcopis dependet et pro rei diversitate quaestiones pertractabit cum ceteris Romanae Curiae Dicasteriis.”

³¹ “Il testo dell’art. 5 della Costituzione Apostolica *Ut sit* è, a partire da ora, sostituito dal testo seguente: *A norma dell’art. 117 della Costituzione Apostolica Praedicate Evangelium, la Prelatura dipende dal Dicastero per il Clero che, a seconda delle materie, valuterà le relative questioni con gli altri Dicasteri della Curia Romana. Il Dicastero per il Clero, nella trattazione delle diverse questioni, dovrà avvalersi, mediante l’opportuna consultazione o trasferimento delle pratiche, delle competenze degli altri Dicasteri.*”

³² Cf. Paulus PP VI, Constitutio apostolica de Romana Curia *Regimini Ecclesiae Universae* (15.08.1967), AAS 59 (1967), p. 885-92, 49 § 1; Ioannes Paulus PP. II, Constitutio apostolica de Curia Romana *Pastor bonus* (28.06.1988), AAS 80 (1988), p. 841-912, 80.

However, the sixth point of the apostolic constitution (US 6³³) reads as follows: “Each year the Prelate shall submit to the Dicastery for the Clergy a report on the state of the Prelature and on the fulfillment of its apostolic work” (AchT 2³⁴).

According to this norm, the Dicastery for the Clergy is to receive reports on the activities of the Prelature. It should be noted that reports are now to be submitted annually, instead of every five years. This is most likely related to the change in a personal prelature’s legal status, made by the modification of cans. 295 and 296 CIC/83. Due to Pope Francis’ motu proprio of August 8, 2023, this ecclesiastical structure was equated with a clerical public association of the faithful under the pontifical right, and the prelate no longer held the status of a personal Ordinary. This point was extensively described in the first part of the study. The code legislator requires an annual financial report on management to be submitted by the moderator of the association, and a report on the state of the diocese from the diocesan bishop to be submitted every five years³⁵ (can. 319 and 399 CIC/83). It is worth noting that the Ordinaries of other personal structures (i.e., ecclesiastical circumscriptions) were also obliged to submit reports to the Apostolic See every five years.³⁶ Currently, the report is to be submitted directly to the Dicastery for the Clergy, and not, as before, to the Roman Pontiff via the Congregation for Bishops (PE II.5; PP VIII; CIP

³³ “Praelatus singulis quinquenniis per Sacram Congregationem pro Episcopis relationem Romano Pontifici exhibebit de Praelaturae statu deque modo quo eius apostolatus procedit.”

³⁴ “Il testo dell’art. 6 della Costituzione Apostolica *Ut sit* è, a partire da ora, sostituito dal testo seguente: *Ogni anno il Prelato sottoporrà al Dicastero per il Clero una relazione sullo stato della Prelatura e sullo svolgimento del suo lavoro apostolico.*”

³⁵ Franciscus PP., Lettera Apostolica motu proprio con la quale vengono modificati i cann. 295-296 relativi alle prelature personali (08.08.2023) [hereinafter: Lettera alle P.P.], <https://www.vatican.va/content/francesco/it/motuproprio/documents/20230808-motu-proprio-prelature-personali.html> [accessed: 11.08.2023], no. 1.

³⁶ Ioannes Paulus PP. II, Constitutio apostolica qua nova canonica ordinatio pro spirituali militum curae datur *Spirituali militum curae* (21.04.1986), AAS 78 (1986), p. 481-86 [hereinafter: SMC], XI; Benedictus PP. XVI, Constitutio apostolica qua Personales Ordinariatus pro Anglicanis conduntur qui plenam communionem cum Catholica Ecclesia ineunt *Anglicanorum coetibus* (04.11.2009), AAS 101 (2009), p. 985-90 [hereinafter: AC], XI; Congregatio pro Episcopis, Decretum de Administratione Apostolica personali Sancti Ioannis Mariae Vianney condenda *Animarum bonum* (18.01.2002), AAS 94 (2002), p. 305-308 [hereinafter: AB], XI.

1982, 173 § 1³⁷). Although the Roman Curia acts on behalf of the Pope (cf. can. 360 CIC/83), the new norm does not mention the Roman Pontiff – an absence which testifies to the similarity of the Personal Prelature of *Opus Dei* to clerical public associations of the faithful (cf. PE 121-127).

In the third point of the July 14, 2022 *motu proprio*, Pope Francis emphasized that – as a result of the changes introduced in the apostolic constitution *Ut sit* – the relevant Statutes of the Prelature (*Codex Iuris Particularis Operis Dei*) are to be adjusted accordingly. The proposal for changes is to be suggested by the community itself, and the new content of the Statutes is to be approved (*approvarsi*) by the competent bodies of the Apostolic See (AchT 3³⁸; cf. can. 295 § 1 CIC/83; PE 117; Lettera alle P.P. 1, 3).

The sixth point of the papal document in question also refers to the competences of the Roman Curia's dicasteries. This is pursuant to the *motu proprio Ad charisma tuendum*. From June 5, 2022, i.e., beginning with the apostolic constitution *Praedicate Evangelium*'s entry into force, all matters conducted by the Congregation for Bishops regarding the *Opus Dei* have been considered and resolved by the Dicastery for the Clergy (AchT 6³⁹; PE 117).

The following two points of the discussed *motu proprio* concern the Prelate of *Opus Dei*. Pope Francis emphasized that, out of complete respect for the nature of the specific charisma described in the apostolic constitution *Ut sit* and to thus protect the special gift of the Holy Spirit, a form of government that is based on charism rather than hierarchical authority should be used. Therefore, by papal decision, the personal Prelate of *Opus Dei* will no longer be honored with episcopal ordination (AchT 4⁴⁰). It

³⁷ “Praelati est sollicitè executioni mandare omnia decreta, rescripta aliasque dispositiones Sanctae Sedis quae Praelaturam respiciant, itemque eidem Sanctae Sedi opportunas relationes praeberè, ad normam iuris, de statu Praelaturae deque eiusdem apostolica activitate.”

³⁸ “In ragione degli emendamenti della Costituzione Apostolica *Ut sit* disposti con la presente Lettera Apostolica, gli Statuti propri della Prelatura dell'*Opus Dei* saranno convenientemente adeguati su proposta della Prelatura medesima, da approvarsi dai competenti organi della Sede Apostolica.”

³⁹ “A partire dall'entrata in vigore della Costituzione Apostolica *Praedicate Evangelium*, tutte le questioni pendenti presso la Congregazione per i Vescovi relative alla Prelatura dell'*Opus Dei* continueranno ad essere trattate e decise dal Dicastero per il Clero.”

⁴⁰ “Nel pieno rispetto della natura del carisma specifico descritto dalla Costituzione Apostolica sopracitata, si intende rafforzare la convinzione che, per la tutela del dono peculiare dello Spirito, occorre una forma di governo fondata più sul carisma che

should be noted that the two predecessors of the current Prelate of the Prelature (Fernando Ocariz Braña), Blessed Álvaro del Portillo and Javier Echevarría, were ordained bishops. The new regulation is related to the point that the prelate of the personal prelature no longer acts as its own Ordinary, but is rather a Moderator with the faculties of an Ordinary (can. 295 CIC/83; Lettera alle P.P. 1). This papal decision also indicates the difference between the current legal status of a personal prelature and the personal structures discussed earlier, wherein the Ordinary *pro forma* predominantly is ordained bishop (SMC II § 1; AC IV-V; AB IV) [cf. Arrieta 2001, 33]. However, the penultimate norm of the papal document concerns the episcopal insignia. It was emphasized that these insignia are reserved for those who have received the episcopal ordination. However, the Prelate of *Opus Dei* is permitted, by virtue of his office, to use the title of *Supernumerary Apostolic Protonotary*, along with the title of *Reverend Monsignor*. Therefore, he may use the insignia corresponding to this title (AchT 5⁴¹).⁴²

1.3. The legal position of *Opus Dei* after the motu proprio of August 8, 2023

A year after the issuance of the 2022 motu proprio *Ad charisma tuendum* (regarding the *Opus Dei*), the changes in the canons of the Code of Canon Law regarding personal prelatures, which were described extensively in the first part of this study, entered into force. As a result, the authorities of the Personal Prelature of *Opus Dei* must now adapt the Statutes of 1982 to these new norms, which were introduced by the Roman Pontiff. Generally, the most important changes appear to concern the legal

sull'autorità gerarchica. Pertanto il Prelato non sarà insignito, né insignibile dell'ordine episcopale.”

⁴¹ “Considerando che le insegne pontificali sono riservate agli insigniti dell'ordine episcopale, al Prelato dell'*Opus Dei* si concede, in ragione dell'ufficio, l'uso del titolo di Protonotario Apostolico soprannumerario con il titolo di Reverendo Monsignore e pertanto potrà usare le insegne corrispondenti a questo titolo.”

⁴² Cf. Paulus PP. VI, Litterae apostolicae motu proprio datae de usu insygnium pontificalium recognoscendo *Pontificalia insignia* (21.06.1968), AAS 60 (1968), p. 374-77; Sacra Congregatio Rituum. Consilium, Instructio de ritibus et insignibus pontificalibus simplicioribus reddendis *Pontificales ritus* (21.06.1968), AAS 60 (1968), p. 406-12; Secretaria Status, Instructio circa vestes, titulos et insignia generis Cardinalium, Episcoporum et Praelatorum ordine minorum *Ut sive* (31.03.1969), AAS 61 (1969), p. 334-40.

status of the described Prelature and the Prelate, as well as the legal relation of the laity to this community.

The change in the legal position of the Personal Prelature of *Opus Dei* is significant because it can no longer be defined as a *complementary community* or an ecclesiastical circumscription. Currently, its status is equal to that of a clerical public association of the faithful under the pontifical right. However, the personal Prelate of this community lost the status of an Ordinary and became a Moderator with the faculties of an Ordinary (can. 295 CIC/83; PP III a; Lettera alle P.P. 1-2). According to the new wording of can. 295 § 1 CIC/83, he still can establish a national or international seminary, incardinate seminarians, and promote them to ordination for the Prelature's service. According to the Statutes, he may also grant a dispensation to a candidate to the priesthood from the required age for ordination (CIP 1982, 36 § 1⁴³, 48⁴⁴; cf. can. 1018-1019, 1031 CIC/83, can. 979 of the 1917 Code of Canon Law⁴⁵) [cf. Stawniak 2013, 204-205]. He may also grant priests incardinated in the Prelature the appropriate ministerial faculties for celebrating the Holy Sacrifice of the Mass, preaching the Word of God, and hearing confessions (CIP 1982, 50⁴⁶; cf. can. 764-765, 969, 972 CIC/83). Moreover, it should be mentioned that, in light of the Statutes, the auxiliary vicar (established in 2014), general vicars, and regional vicars also held the status of Ordinaries with executive power (CIP 1982, 125 § 4⁴⁷, 134-138⁴⁸, 149 § 1)⁴⁹ [cf. Baura 2015; Gómez-Iglesias 2015].

⁴³ "Praelaturae presbyterium ab illis clericis constituitur, qui, ad sacros Ordines a Praelato promoti ad normam nn. 44-51, Praelaturae incardinantur eiusque servitio devoventur."

⁴⁴ "Litteras dimissorias pro ordinatione dat Praelatus Operis Dei, qui potest promovendos ab interstitiis necnon a defectu aetatis his in Statutis requisitae dispensare, non tamen ultra annum."

⁴⁵ *Codex Iuris Canonici, Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus*, AAS 9 (1917), part II, p. 1-456.

⁴⁶ "§ 2. Missio canonica sacerdotibus confertur a Praelato, [...] ipsis concedendo opportunas licentias ministeriales, Sacrum nempe litandi, Verbum Dei praedicandi atque confessiones excipiendi. § 3. Haec facultas audiendi confessiones, quae ab Ordinario Praelaturae presbyteris quibuslibet conferri potest, extenditur ad omnes fideles Praelaturae atque Societatis Sacerdotalis Sanctae Crucis socios secundum tenorem ipsius concessionis, necnon ad illos omnes qui in Centris Operis Dei diu noctuque degunt."

⁴⁷ "Nomine Ordinarii Praelaturae iure intelleguntur et sunt Praelatus necnon qui in eadem generali gaudent potestate executiva ordinaria, nempe Vicarii pro regimine tum generali cum regionali Praelaturae constituti."

Another important issue is the relationship of the lay faithful to a particular Church, a point which was emphasized in the revised Code of Canon Law's norms (can. 296, 107 CIC/83; Lettera alle P.P. 3). As was shown earlier, the lay faithful, alongside the clergy, voluntarily join the *Opus Dei*. Together, they organically created the community of this Personal Prelature and gained their own Ordinary – the personal Prelate (CIP 1982, 1 § 1-2, 6-56). The analyzes have shown that the lay faithful incorporated into *Opus Dei* did not change their canonical status. Even in light of the Congregation for Bishops' 1982 declaration, as incorporated faithful, they did not lose their affiliation to a particular Church. Therefore, they were also subject to the authority of the diocesan bishop (PP II b, IV c⁵⁰; can. 107 CIC/83). However, they were subordinated to the personal Prelate – as was noted above – in matters relating to the implementation of a specific goal (*finem peculiarem*) of the Prelature (PP III d; CIP 1982, 125 § 2⁵¹). It should be assumed, however, that they are no longer considered *de iure* an essential component of this ecclesiastical structure, which, in virtue of the Roman Pontiff's legislative power, is equal to a clerical public association of the faithful under the pontifical right. Therefore, the relationship of the lay members to the Prelate as the Moderator of *Opus Dei* has also changed, as he has lost the status of an Ordinary. These and other issues will have to be included in the community's Statutes.

Canonist Eduardo Baura noted that the establishment of the Personal Prelature of *Opus Dei* was not the development of an associational structure, but rather a way to ensure pastoral care for the created initiative

⁴⁸ “Vicarius auxiliarius, si detur Praelato habili, hunc adiuvat, ipsum supplet absentem vel impeditum: alias autem facultates non habet nisi quas, vel habitualiter vel ad casum, Praelatus delegaverit. De omnibus peractis Praelato rationem fideliter reddat” (CIP 1982, 135).

⁴⁹ “Quapropter, audito meo Consilio, Nomino Rev.mum D.num Ferdinandum Ocáriz Braña Vicarium auxiliarem, cum omni potestate executiva ad regimen Prælatuæ necessaria, inclusis competentibus Prælato specialiter reservatis, his solummodo exceptis quæ exercitium ordinis episcopalis requirunt.” See Javier Echevarría, Decreto di nomina di Vicario Ausiliare (09.12.2014), “Ius Ecclesiae” 27 (2014), p. 233.

⁵⁰ “Laici Prælatuæ «Operis Dei» incorporati fideles esse pergunt earum dioeceseium in quibus domicilium vel quasi-domicilium habent, et subsunt igitur iurisdictioni Episcopi dioecesiani in iis omnibus quæ iure statuuntur quoad communes fideles.”

⁵¹ “Potestas regiminis qua gaudet Praelatus est plena in foro tum externo tum interno in sacerdotes Prælatuæ incardinatos; in laicos vero Prælatuæ incorporatos haec potestas ea est tantum quæ spectat finem peculiarem eiusdem Prælatuæ.”

[Baura 2002, 27-28⁵²]. Therefore, adapting the Statutes to the new legal situation of the institution of a personal prelature will constitute a great challenge for the authorities of *Opus Dei*.

2. THE PERSPECTIVE OF ESTABLISHING A PERSONAL PRELATURE FOR THE SOCIETY OF SAINT PIUS X (SSPX)

The topic of a personal prelature also raises the question of the canonical status of the Society of Saint Pius X (SSPX) as a community founded in 1970 by Archbishop Marcel Lefebvre and suspended in 1975. To this day, the SSPX has not obtained a regulated canonical status in the Latin Church. A more detailed description of the canonical situation of this community is beyond the scope of this article. It was extensively described in other studies, including, among others, ones conducted by the author of this article [cf. Glendinning 2014; Reyes Vizcaíno 2015; Lessard-Thibodeau 2018; Pietras 2021, 415-87; 2022a; 2022b; 2023a, 43-44, 60-64, 71-78, 105-109; 2023b; 2023c].

The official website of the French District of the SSPX contains a note from the French Bishops' Conference, which indicates that the possibility of establishing a personal prelature for this community was already introduced in 1988.⁵³ Moreover, later in the process of official talks, in addition to raising doctrinal issues, the Apostolic See proposed that the Society would obtain the status of a personal prelature. Meetings on this topic were held from 2001-2002, and then again from 2011-12 during the pontificate of Pope Francis. During the second series of talks, a draft document related to the establishment of the SSPX as a personal prelature was presented. The Press Office of the Holy See noted that this legal figure is the most appropriate instrument (*strumento più adatto*) for the possible

⁵² "Fin dall'inizio l'*Opus Dei* si è presentata come un fenomeno pastorale, bisognoso di un Pastore che ne garantisca la dovuta assistenza sacerdotale. E proprio ciò è quello che è avvenuto mediante l'erezione della prelatura dell'*Opus Dei*. Non è stato uno sviluppo di un ente associativo, né il raggiungimento da parte di esso di una maggiore autonomia rispetto della Gerarchia (il che sarebbe stato un'aberrazione), bensì tutto l'opposto, l'assunzione, cioè, da parte della Gerarchia della cura pastorale dell'ente creato, mediante la nomina di un prelato al quale gli si confida un preciso compito, dandogli la necessaria potestà."

⁵³ "Note de l'épiscopat français de 1988 contre Mgr Lefebvre et la FSSPX." II, B.

canonical recognition of this community⁵⁴ [cf. Pietras 2023a, 43-44, 71-73; Glendinning 2014, 364-67]. However, the talks did not conclude successfully. In addition to the lack of agreement on doctrinal issues, there were concerns in the SSPX about the possible restrictions that could result from the required permits received from a diocesan bishop for the activities of a personal prelate in a particular Church (can. 297 CIC/83). The issue of the relationship of the lay faithful who are associated with the Society and are attached to the *old liturgical forms* towards the jurisdiction of a diocesan bishop was also important. Questions were also asked in connection to the other communities associated with the SSPX, which would also have to be linked to the newly erected personal prelate [cf. Rostand 2012⁵⁵; Pietras 2021, 449-50, 486-87; Francis 2018].

In the current situation, it seems that the changes introduced by Pope Francis will not facilitate a dialogue between the Apostolic See and the SSPX on the establishment of a personal prelate. It can be assumed that the revised legal status of this ecclesiastical structure (close to an association of the faithful) has become too *narrow* for this Society, which strives to have some kind of exemption from particular Churches in the Church's present situation after the Second Vatican Council. The code legislator states that, for the good of a community and to meet the needs of the apostolate, the Roman Pontiff, by virtue of his primacy, may remove a personal structure from the jurisdiction of the local Ordinaries and subject it to only himself or another ecclesiastical authority (can. 591 CIC/83⁵⁶,

⁵⁴ “Durante il medesimo incontro si è anche consegnata una bozza di documento con il quale viene proposta una Prelatura Personale come strumento più adatto ad un eventuale riconoscimento canonico della Fraternità”; “A la fin de ce long entretien de plus de 2 heures, Mgr Fellay a reçu un projet de document proposant une Prélature personnelle, dans le cas d’une éventuelle reconnaissance canonique de la Fraternité Saint-Pie X” [“Communiqué de la Maison Générale de la FSSPX suite à la rencontre de Mgr Fellay avec le cardinal Levada”]. See Comunicato: Incontro tra il Prefetto della Congregazione per la Dottrina della Fede e il Superiore generale della Fraternità Sacerdotale San Pio X (14.06.2012), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2012/06/14/0355/00833.html> [accessed: 05.10.2023].

⁵⁵ “Une prélatrice est comme un diocèse, sauf qu’elle n’a pas de frontières territoriales. La juridiction du Supérieur concerne les personnes, le clergé, les religieux et les laïcs, où qu’ils soient. Il semble donc qu’il existe une possibilité pour la FSSPX, qui nous permettrait de rester tels que nous sommes tout en continuant à grandir.”

⁵⁶ “Quo melius institutorum bono atque apostolatus necessitatibus provideatur, Summus Pontifex, ratione sui in universam Ecclesiam primatus, intuitu utilitatis

732). Ultimately, the question arises as to whether an appropriate ecclesiastical structure for this Society would be a clerical society of apostolic life under the pontifical right or a personal administration of a universal character, modeled on the Apostolic Personal Administration of Saint John Mary Vianney in Campos, Brazil [cf. Bednarz 2007/08; Zajac 1991, 107-29; Pietras 2021, 337-59]. It should be noted that the SSPX was to be erected as a clerical society of apostolic life under the pontifical right on May 5, 1988, when Archbishop Lefebvre signed the *Protocol of Agreement* that was presented by the Congregation for the Doctrine of the Faith. The text of the Protocol explicitly mentioned the possibility of certain exemptions from the jurisdiction of diocesan bishops under can. 591 CIC/83⁵⁷ [cf. Glendinning 2014, 345-36; Pietras 2021, 429-31]. The following day, however, Archbishop Lefebvre withdrew his signature. On June 30, 1988, he then illegally ordained four bishops in Écône, Switzerland (cf. can. 387 CIC/83) [Glendinning 2014, 347-52; Lessard-Thibodeau 2018, 31-32, 38-40; Pietras 2021, 431-36].

CONCLUSIONS

The article has shown how Pope Francis introduced a significant change in the legal position of the Personal Prelature of *Opus Dei*. First, under the apostolic constitution *Praedicate Evangelium* of March 2022, the Dicastery for the Clergy assumed competences over this community. Later, with the motu proprio *Ad charisma tuendum* of July 2022, the Pope

communis, instituta vitae consecratae ab Ordinariorum loci regimine eximere potest sibi que soli vel alii ecclesiasticae auctoritati subicere.”

⁵⁷ “C’est une solution canoniquement possible, avec l’avantage d’insérer éventuellement dans la Société cléricale de vie apostolique également des laïcs (par exemple des frères coadjuteurs). Selon le Code de droit canonique promulgué en 1983, canons 731–746, cette Société jouit d’une pleine autonomie, peut former ses membres, peut incardiner les clercs, et assure la vie commune de ses membres. Dans les statuts propres, avec flexibilité et possibilité inventive par rapport aux modèles connus de ces Sociétés de vie apostolique, on prévoit une certaine exemption par rapport aux évêques diocésains (cf. can. 591) pour ce qui concerne le culte public, la *cura animarum* et les autres activités apostoliques, compte tenu des canons 679–683. Quant à la juridiction à l’égard des fidèles qui s’adressent aux prêtres de la Fraternité, elle sera conférée à ceux-ci soit par les Ordinaires des lieux, soit par le Siège apostolique”. See Sacra Congregatio pro Doctrina Fidei – Fraternitas Sacerdotalis Sancti Pii X, *Protocole d’accord* (05.05.1988), “La Documentation Catholique” 85 (1988), p. 734-36, II, 1.

changed the content of the apostolic constitution *Ut sit*, under which the *Opus Dei* was erected. Finally, through the motu proprio of August 14, 2023, he changed cans. 295 and 296 CIC/83, thereby modifying the universal law regarding personal prelatures.

As a result of these documents – issued with the legislative power of the Roman Pontiff – the Personal Preature of *Opus Dei* lost the status of a hierarchical structure, i.e., an ecclesiastical circumscription also known as a *complementary community*. It was equated with a clerical public association of the faithful under the pontifical right. As a result, the personal Prelate lost his position as an Ordinary and obtained the *status* of a Moderator with the *faculties* of an Ordinary. In consequence, he cannot be ordained a bishop.

The phenomenon of this Personal Preature was that it was composed organically of clergy and laity who cooperated together in achieving the goals of their community. The lay faithful, being members of the Preature, did not lose their affiliation to a particular Church. Therefore, the new regulations – according to Pope Francis – are to restore its structure according to the intentions of the Fathers of Vatican II and the motu proprio *Ecclesiae Sanctae* of Pope Paul VI. Therefore, from this point on, the members of *Opus Dei* (in a strict sense) will only be clergy included through incardination, which – in the Pope’s opinion – is to promote the service of evangelization and pastoral activities. Moreover, the Roman Pontiff – as he himself explained – decided to give the community a charismatic (rather than hierarchical) character, which was to help preserve the original charism of this Preature. It was also noted that all of the introduced norms were to be included in the revision of the Statutes of the Preature and then approved by the Apostolic See.

The change in the legal position of the institution of a personal preature raises the question of whether this ecclesial community – formed in this specific way – will be sufficient to establish new structures of a pastoral nature, e.g., for immigrants. The evolution of social life brings an increasing need to establish personal apostolic structures, along with the status of an ecclesiastical circumscription coordinated with particular Churches. One such community is the Society of Saint Pius X, which also received a proposal from the Apostolic See to transform into a personal preature. This was intended to assist the Society in achieving canonical regularity for this community, which is attached to the *Old Form of the*

Roman Rite. A personal prelature appeared to be a very *flexible* ecclesial structure, thus enabling the organization of the SSPX in such a way that – with some independence from diocesan bishops – it could function while still maintaining its own *patrimonium*.

REFERENCES

- Arrieta, Juan I. 1983. "L'atto di erezione dell'Opus Dei in prelatura personale." *Apollinaris* 56:89-114.
- Arrieta, Juan I. 2001. "Le prelature personali e le loro relazioni con le strutture territoriali." *Il Diritto Ecclesiastico* 112:22-49.
- Baura, Eduardo. 2002. "Le attuali riflessioni della canonistica sulle prelature personali: suggerimenti per un approfondimento realistico." <https://bibliotecanonica.net/docsac/btcaca.pdf> [accessed: 06.10.2023].
- Baura, Eduardo. 2008. "Finalità e significato dell'erezione della prelatura personale dell'Opus Dei." *Ius Ecclesiae* 20:325-43.
- Baura, Eduardo. 2015. "Commento al decreto di nomina di un 'vicario ausiliare' per la prelatura dell' Opus Dei." *Ius Ecclesiae* 27:234-43.
- Bednarz, Jerzy. 2007/08. "La Administración Apostólica como figura especial en la organización eclesiástica." *Cuadernos Doctorales* 22:145-200.
- Echevarría, Javier. 2008. "La configurazione giuridica dell'Opus Dei prevista da S. Josemaría." *Ius Ecclesiae* 20:285-97.
- Errázuriz, Carlos J. 2019. "Reflexiones sobre la unidad esencial entre el carisma del Opus Dei y su dimensión institucional constitutiva." *Ius Ecclesiae* 31:289-302.
- Falcão, Miguel. 2012. "A incardinação do clero na Prelatura do Opus Dei." *Folia Canonica* 7:107-18.
- Francis, Marcus. 2018. "The Situation of Laity under a proposed Personal Prelature of the Society of St Pius X." *Canonist* 9:204-19.
- 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.
- Glendinning, Chad. 2014. "The Priestly Society of Saint Pius X: the Past, Present, and Possibilities for the Future." *Studia Canonica* 48:331-72.
- Gómez-Iglesias, Valentín, Antonio Viana, and Jorge Miras. 2000. *El Opus Dei, Prelatura personal. La constitución apostólica Ut sit*. Pamplona: Servicio de Publicaciones de la Universidad de Navarra.
- Gómez-Iglesias, Valentín. 2008. "San Josemaría Escrivá e la prospettiva dell'Opus Dei come Prelatura personale." *Ius Ecclesiae* 20:299-323.
- Gómez-Iglesias, Valentín. 2015. "La figura del Vicario Auxiliar, prevista por el derecho de la Iglesia para la Prelatura del Opus Dei." *Ius Canonicum* 55:317-44.

- Gutiérrez, José L. 1984. "La Costituzione Apostolica *Ut sit* e la figura giuridica della prelatura personale." *Apollinaris* 57:335-40.
- Gutiérrez, José L. 1989. "Le Prelature personali." *Ius Ecclesiae* 1:467-91.
- Hayward, Paul (ed.). 2009. *Studies on the Prelature of Opus Dei. On the twenty-fifth anniversary of the Apostolic Constitution 'Ut sit'*. Montréal: Wilson & Lafleur.
- Hervada, Javier. 1990. "Comentario a la constitución apostólica *Ut sit*." *Ephemerides Iuris Canonici* 46:215-33.
- Korytkowski, Jerzy. 1991. *Prelatury personalne*. Warszawa: Interlibro.
- Lessard-Thibodeau, John. 2018. *Arriving at the Juridic Status of the Priestly Fraternity of Saint Pius X*. Ottawa: Saint Paul University.
- 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.
- Pietras, Dawid. 2021. *Nadzwyczajna forma rytu rzymskiego. Status prawny liturgii i wspólnot*. Dębogóra: Wydawnictwo Dębogóra.
- Pietras, Dawid. 2022a. "Status kanoniczny małżeństw zawieranych przy asystowaniu kapłanów Bractwa Kapłańskiego Świętego Piusa X (FSSPX) po wydaniu listu Papieskiej Komisji *Ecclesia Dei* z 27 marca 2017 r." *Ius Matrimoniale* 33, no. 1:79-116.
- Pietras, Dawid. 2022b. "Udział wiernych we Mszy św. Sprawowanej przez kapłanów Bractwa Kapłańskiego Świętego Piusa X (FSSPX) w świetle aktualnych wytycznych Stolicy Apostolskiej." *Poznańskie Studia Teologiczne* 41:95-118.
- Pietras, Dawid. 2023a. *The Pontifical Commission Ecclesia Dei (1988-2019): Competences, Structure, and Activity*. Kraków: Scriptum.
- Pietras, Dawid. 2023b. "Problematyka ważności i godziwości sakramentu pokuty sprawowanego w Bractwie Kapłańskim Świętego Piusa X (FSSPX) w latach 1970-2015." *Teologia i Moralność* 18, no. 1:119-36.
- Pietras, Dawid. 2023c. "Problematyka ważności i godziwości sakramentu pokuty sprawowanego w Bractwie Kapłańskim Świętego Piusa X (FSSPX) według regulacji wydanych z okazji Nadzwyczajnego Jubileuszu Roku Miłosierdzia 2015/2016." *Teologia i Moralność* 18, no. 1:137-52.
- Pietras, Dawid. 2024. "The Legal Status of Personal Prelature According to the Documents Issued by Pope Francis in 2022-2023. Part I." *Kościół i Prawo* 13, no. 1:19-40. <https://doi.org/10.18290/kip2024.2>
- Reyes Vizcaíno, Pedro. 2015. "Relevancia canónica de los sacramentos y actos jurídicos realizados por sacerdotes de la Fraternidad Sacerdotal de San Pío X." *Forum Canonicum* 10, no. 2:71-98.
- Rostand, Arnaud. 2012. "Négociations entre le Vatican et la FSSPX." <https://laporte-latine.org/formation/crise-eglise/rapports-rome-fssp/negotiations-entre-le-vatican-et-la-fssp-un-interview-de-labbe-arnaud-rostand-a-the-remnant-11-juin-2012> [accessed: 05.10.2023].
- 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.
- Stawniak, Henryk. 2013. *Inkardynacja w misji Kościoła w porządku prawnym Kościoła łacińskiego*. Warszawa: Wydawnictwo UKSW.

Viana, Antonio. 2008. "Pasado y futuro de las prelaturas personales." *Ius Canonicum* 95:141-81.

Zajac, Pawel. 2015. *Kościół partykularne w ustawodawstwie Jana Pawła II. Zarys problematyki*. Lublin: Towarzystwo Naukowe KUL.

**A Personal Prelature's Legal Position
According to the Documents Issued by Pope Francis from 2022-2023.
Part II**

Abstract

The legal status of the Personal Prelature of *Opus Dei*, which was established in 1982, has changed due to the documents issued by Pope Francis from 2022-2023. This was permitted by the apostolic constitution *Praedicate Evangelium*, the motu proprio *Ad charisma tuendum*, and the motu proprio modifying canons 295 and 296 of the 1983 Code of Canon Law. As a result, this Prelature lost its status as an ecclesiastical circumscription and hierarchical structure. It has been equated with a clerical public association of the faithful under the pontifical right. The Prelate lost his position as an Ordinary and became a Moderator with the faculties of an Ordinary. The lay faithful, who, together with the incardinated clergy, organically participated in this community through incorporation, ceased to be members of the Prelature in the strict sense. However, they can still cooperate with it on the basis of a canonical contract. These significant changes in the legal position of the *Opus Dei* are to be reflected in the Statutes, which are to then be approved by the Apostolic See.

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 II**

Abstrakt

Status prawny Prałatury Personalnej *Opus Dei* erygowanej w 1982 r. uległ zmianie poprzez dokumenty wydane przez papieża Franciszka w latach 2022-2023. Dokonano tego poprzez konstytucję apostolską *Praedicate Evangelium*, motu proprio *Ad charisma tuendum* oraz motu proprio modyfikujące kanony 295 i 296 Kodeksu Prawa Kanonicznego z 1983 r. W rezultacie Prałatura ta utraciła status okręgu kościelnego i struktury hierarchicznej. Została zrównana z kleryckim publicznym stowarzyszeniem wiernych na prawie papieskim. Prałat stracił pozycję ordynariusza i stał się moderatorem z upoważnieniami ordynariusza. Wierni świeccy, którzy wraz z inkardynowanym duchowieństwem tworzyli organicznie tę wspólnotę poprzez inkorporację, *sensu stricto* przestali być członkami Prałatury. Mogą jednak nadal podejmować z nią współpracę na zasadzie umowy prawno-kanonicznej. Dokonano więc istotowej zmiany pozycji prawnej

Opus Dei. Zmiany te mają być uwzględnione w Statutach, a następnie zatwierdzone przez Stolicę Apostolską.

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>