

THE *MOTU PROPRIO AD CHARISMA TUENDUM* AND OPUS DEI

In assessing the impact of *Ad charisma tuendum* it is necessary to first enquire into the nature of Opus Dei, rather than the nature of a personal Prelature. Opus Dei has had many juridical configurations over the years with the configuration of the personal Prelature having been seen as definitive. *Ad charisma tuendum* provides a certain clarity on how the Church understands the personal Prelature, which may provoke a discussion as to whether the personal Prelature is, in fact, the definitive juridical configuration for Opus Dei.

What is Opus Dei?

Opus Dei is comprised of ordinary Catholics who do not change their canonical status upon becoming members of Opus Dei; they remain as they are. This can be contrasted with other entities in the Church where Catholics form associations, the most developed of which is the Religious Institute of Consecrated Life. Here, there is a change, the member ceases to be an ordinary Catholic and takes on a new state in life.

St. Josemaría would say “we are not an association!” The Father recognized that Opus Dei presented a particular challenge in canon law to find a juridical configuration that allowed a member of Opus Dei to remain an ordinary Catholic while at the same time to be a member of Opus Dei, a configuration that was not available in 1928.

St. Josemaría accepted, as a compromise, the new configuration of the Secular Institute of pontifical right, made available in 1947. This gave Opus Dei a universal, rather than local configuration, allowing members to work anywhere in the world. However, members of secular institutes were seen as quasi-religious, and indeed as a Secular Institute Opus Dei came under the auspices of the Sacred Congregation for Religious. Hence members of Opus Dei were, in canon law, not ordinary Catholics, but a special group. Thus the search for a definitive juridical solution continued.

St. Josemaría saw potential in two existing entities in the Church which appeared to correspond to the nature of Opus Dei; first, there was the Prelature *nullius*, in particular that of the *Mission de France*. This Prelature had a nominal territory of one small parish but the priests were sent to work throughout poor dioceses in France. The priests were secular priests and incardinated in the Prelature, but not limited to a specific territory. St. Josemaría wanted something similar for the priests of Opus Dei. However, St. Josemaría did not see Opus Dei as merely a society of priests, and thus he sought a canonical solution suitable for the lay members of the Work. The second entity he examined was that of the Military Vicariates, which would later become Military Ordinariates under John Paul II. What interested St. Josemaría about the Military Vicariates was that the lay faithful were subject to two Ordinaries, that of the Military Ordinary, as a primary jurisdiction, and that of the local Ordinary, as a secondary jurisdiction. St.

Josemaría recognized that provided a way forward for a canonical configuration for Opus Dei, though his efforts in the early 60s to secure a suitable configuration were not successful.

What is a personal Prelature?

When the personal Prelature was mentioned in *Presbyterorum Ordinis* in 1965 St. Josemaría recognized that this could possibly be a definitive solution for Opus Dei. The crucial issue, however, is as to whether a personal Prelature is foreseen as having in some sense its own people – and therefore as being a hierarchical structure – or whether it simply a society of priests to facilitate a particular pastoral task. The key passage in need of interpretation is that found in the *motu proprio Ecclesiae Sanctae* in which new norms for personal Prelatures are established:

“4. Moreover, to carry on special pastoral or missionary work for various regions or social groups which are in need of special assistance, prelatures composed of priests from the secular clergy equipped with special training can be usefully established by the Apostolic See. These prelatures are under the government of their own prelate and possess their own statutes...”

“Laymen, whether single or married, may also dedicate themselves with their professional skill to the service of these works and projects after making an agreement with the prelature.”

It is the status of the lay person in the personal Prelature that is crucial; if the lay persons who dedicate themselves to the Prelature are true subjects of the Prelature, while at the same time remaining subjects of the local Ordinary, then this can serve the needs of Opus Dei. Alternatively, if these lay persons do not establish a juridical bond with the Prelate, then a personal Prelature is simply a society of clerics.

Members of Opus Dei studied this issue and concluded that the juridical configuration of the personal Prelature would reflect the reality of Opus Dei as a hierarchical structure and thus, after Blessed Alvaro del Portillo was elected President, he petitioned John Paul II to become a personal Prelature.

In 1982 Opus Dei was erected as the first personal Prelature. In the statutes of Opus Dei it is clear that the lay members of Opus Dei are considered as subjects of the Prelate, as well as clerics:

“Opus Dei is a personal Prelature, composed of both laity and clerics...”

“[The member of Opus Dei] will obligate himself to the following from the moment of his incorporation and as long as it lasts - to remain under the jurisdiction of the Prelate and other competent authorities of the Prelature, in order to commit himself in all that pertains to the particular end of the Prelature.”

“[The members of Opus Dei] are subject also to the local ordinary by the norm of general law, by the same reason as are other Catholics in his own diocese, according to the prescriptions of this Code.”

The statutes of Opus Dei therefore interpret *Ecclesiae Sanctae* as including lay persons as true members of the Prelature. Being ordinary Catholics they are subject to the local Ordinary “*by norm of the general law*” and are subject to the Prelate of Opus Dei “*in all that pertains to the particular end of the Prelature.*” The statutes of Opus Dei in no sense only regard priests as members of the Work, but rather it is “*composed of both laity and clerics.*”

The Code of Canon Law

In the year following the establishment of Opus Dei as the first personal Prelature the new Code of Canon Law was promulgated, which contains a small section on personal Prelatures consisting of four canons. During the process of compiling the new Code there had been intense debate as to whether a personal Prelature is a hierarchical structure or is merely a society of priests. Initially, the canons were included in the section on hierarchical structures (which did include territorial Prelatures) but when the Code was published the canons were situated outside the section on hierarchical structures. The canons closely follow the text of *Ecclesiae Sanctae*:

Can. 294 Personal prelatures may be established by the Apostolic See after consultation with the Episcopal Conferences concerned. They are composed of deacons and priests of the secular clergy. Their purpose is to promote an appropriate distribution of priests, or to carry out special pastoral or missionary enterprises indifferent regions or for different social groups.

Can. 296 Lay people can dedicate themselves to the apostolic work of a personal prelature by way of agreements made with the prelature. The manner of this organic cooperation and the principal obligations and rights associated with it, are to be duly defined in the statutes.

Since its promulgation in 1983 there has been vigorous debate among canonists as to whether personal Prelatures include as subjects lay persons, and are therefore hierarchic structures, or whether they consist only of priests and deacons, and are therefore societies of clerics. The soon-to-be cardinal Rev. Gianfranco Ghirlanda has often made known his canonical opinion that personal Prelatures are not hierarchic structures.

Ad charisma tuendum

There are four indications in *Ad charisma tuendum* that appear to indicate that the debate concerning whether personal Prelatures are hierarchic structures is approaching a resolution.

First, the document states that it intends “*to confirm the Prelature of Opus Dei in the authentically charismatic sphere of the Church...*” Opus Dei was unique in being numbered among the hierarchical structures in the Church and yet having a founding charism, since a hierarchic structure such as a diocese or a territorial prelature does not possess a charism. To

confirm Opus Dei in the charismatic sphere may also be intended to remove it from the hierarchic sphere of the Church.

Second, there is a reference to the “*teachings of conciliar ecclesiology on personal Prelatures*” rather than the statutes of Opus Dei. This would seem to indicate an interpretation of *Ecclesiae Sanctae* which does not consider that lay persons form a juridical bond with the Prelate.

Third, the Dicastery entrusted with oversight of Opus Dei is no longer the Dicastery for Bishops, but is now the Dicastery for Clergy. This removes Opus Dei from the company of other hierarchic structures and draws attention to the clerics of the Prelature as opposed to the laity.

Fourth, the Prelate will no longer be a bishop. This in itself does not indicate that Opus Dei is no longer to be considered a hierarchic structure, since hierarchic structures other than a diocese will not infrequently have a presbyter at its head, rather than a bishop. Nevertheless, in tandem with the other points above, this can be seen as a further indication that personal Prelatures are not to be regarded as hierarchic structures.

The Impact on Opus Dei of Ad charisma tuendum

If Opus Dei is no longer to be regarded as a hierarchic structure this reveals a certain tension in the statutes of Opus Dei, which clearly do regard the lay members as having a juridical bond – and not merely a spiritual bond – with the Prelate, as well as a juridical bond with the local Ordinary. It is possible therefore that the statutes of Opus Dei may be revised in the future by the Holy See.

If Opus Dei is to be regarded as essentially a society of clerics, in which the Prelate has no juridical bond with the lay members, then this leaves the lay members of Opus Dei in an uncertain situation, especially that of the women. A new canonical structure – such as an association of the faithful - may be sought for the women’s branch of Opus Dei, which runs the risk of a *de facto* separation. Moreover, the juridical structure of an association moves Opus Dei away from the ambit of ordinary Christians.

If Opus Dei is no longer to be regarded as a hierarchic structure this places the Work in an analogous situation to that of an institute of consecrated life in relation to the local Ordinary, of which the Code states “*they are also subject to the diocesan Bishop in matters concerning public worship, the care of souls and other works of the apostolate*” (canon 738 §2). It is possible therefore that bishops will seek to involve themselves in the internal matters of Opus Dei, such as the manner of celebrating the liturgy.

If the personal Prelature is clarified as being essentially a society of priests, and not a hierarchic structure, it will prove itself to be not the definitive canonical configuration for Opus Dei as had been thought, for it would no longer conform to what Opus Dei is in essence, as given by God to St. Josemaría – an entity of ordinary Catholics with a particular apostolate.

Since the promulgation of the Code of Canon Law a new hierarchic structure has emerged, that of the personal Ordinariate. This was applied first to the faithful in the Military, in which the lay members have a juridical bond both with the military Ordinary and with the local Ordinary. Later on it was applied to former Anglicans wishing to enter into full communion while retaining elements of Anglican patrimony, in which the lay members have a juridical bond both with the Ordinary of the Ordinariate and the local Ordinary when collaborating with faithful of the diocese. The personal Ordinariate could be adapted for the reality of Opus Dei to allow for the lay members to have a judicial bond with the local Ordinary *“by norm of the general law”* and a juridical bond with the Prelate *“in all that pertains to the particular end of the Prelature.”*

Perhaps *this* is the definitive juridical structure, for which will be needed fasting and prayer.

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