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**JURIDICAL AMENDMENTS IN CANONS 295-296**

Personal Prelature revisited

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# JURIDICAL AMENDMENTS IN CANONS 295-296

## Personal Prelature revisited

MERLIN RENGITH AMBROSE

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**Summary:** This article aims at examining the effects of the juridical amendments in cc. 295-296 made by the Motu Proprio *Le Prelature personali*. First, for better understanding, some considerations will be made on the origin of the personal prelatures as well as on the conciliar and post-conciliar teachings regarding it. On this basis – with constant reference to *Opus Dei* as the currently sole personal prelate – the amendments can be successively examined, for example the ones that established a new status for personal prelatures and the prelates as their moderators. With regard to c. 296, this article also examines whether the juridical amendments had any effect on the position of the laity in the personal prelatures.

**Zusammenfassung:** Ziel des Artikels ist eine Untersuchung der Auswirkungen der durch das Motu Proprio *Le Prelature personali* vorgenommenen Änderungen an den cc. 295-296. Für ein besseres Verständnis werden hierzu zunächst einige Überlegungen zum Ursprung der Personalprälaturen sowie der diesbezüglichen konziliaren und nachkonziliaren Lehre angestellt. Darauf aufbauend können – unter stetiger Bezugnahme auf *Opus Dei* als die derzeit einzige Personalprälatur – nacheinander die besagten Rechtsänderungen untersucht werden, die bspw. einen neuen Status der Personalprälaturen und der Prälaten als *moderator* derselben bewirkten. In Hinblick auf c. 296 soll zudem untersucht werden, ob die Rechtsänderungen etwas an der Position der Laien in den Personalprälaturen verändert haben.

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### 1 INTRODUCTION

Emerging from the transformative reforms of the Second Vatican Council, the concept of personal prelatures was swiftly established as a legal framework by Pope Paul VI in his 1966 Apostolic Letter *Ecclesiae Sanctae*. This innovative structure, further solidified in CIC 1983, first took shape within *Opus Dei*, ultimately earning formal recognition as a legitimate entity within the Church. Within the diverse structures of the Catholic Church, personal prelatures offer a unique form of ecclesiastical organisation. Established as canonical entities, they comprise a prelate, clergy, and laity united in pursuit of specific pastoral activities. Unlike dioceses, which are geographically bound, personal prelatures lack territorial constraints. Their primary purpose lies in addressing specific pastoral and evangelising needs that demand greater flexibility. This flexibility allows them to cater to diverse populations and engage in innovative approaches to faith formation and outreach. Structured hierarchically, each personal prelate is led by a prelate, who serves as its head and unifying figure. Assisted by priests and deacons, the Prelate oversees the spiritual and administrative well-being of the community. The relevant canons governing personal prelatures are few and terse (cf. cann. 294-297). But Pope Francis issued a Motu proprio *Le Prelature personali*<sup>1</sup> to modify cann. 295-296 related to the treatment of personal prelatures. The Pope's Motu proprio went into force on 8 August 2023, the Feast of St. Dominic, with its promulgation in *L'Osservatore Romano* and, later, inclusion in the

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<sup>1</sup> Cf. Francis, Motu Proprio: *Le Prelature personali* (08.08.2023), in: Comm 55 (2023) 281-283. The Motu proprio *Le Prelature personali* has been published only in the Italian language.

official commentary of the *Acta Apostolicae Sedis*. This article aims to delve into the implications of these changes. However, a comprehensive analysis necessitates first situating the amendments within their broader context. To achieve this goal, we need to examine the historical origins of Personal Prelatures, reflecting on conciliar teachings and looking closely at the specific *Opus Dei* as the only existing personal prelature.

## 2 The Origin of Personal Prelature

The figure that would take shape in the Council with the name of Personal prelature appeared for the first time within the project *De distributione cleri*, prepared by the preparatory Commission *De disciplina cleri et populi christiani* in 1961.<sup>2</sup> The only prelatures which were known at the time of Vatican II were prelatures *nullius* (cf. cann. 319-327 of CIC 1917). With the advent of CIC 1983, it became known as territorial prelatures. It renamed *prelatures nullius* to “territorial prelatures” and defined their specific characteristics. It established clearer requirements for establishing and operating territorial prelatures, similar to a diocese in law *ad normam canonis* 368.<sup>3</sup> While both territorial prelatures and personal prelatures exist within the Catholic Church’s structure, it is crucial to recognise their fundamental differences. Unlike territorial prelatures, which are geographically defined entities governed by specific canons of CIC 1917, personal prelatures lack territorial boundaries and possess no direct equivalent canons in CIC 1917. A personal prelature is not a diocese, principally because, unlike a diocese, it does not have (just as the military ordinariates do not have) a “primary” people: in other words, the people of the personal prelature are those faithful who already belong — and do not cease to belong — to the dioceses in which they have their domicile, which means that the mission received by the Prelate is that of providing a service (the particular pastoral care of those faithful) to the dioceses to which they belong.

Instead, the concept of personal prelatures emerged gradually during the conciliar era, responding to evolving pastoral needs within the Church. This innovative structure was formally established and codified much later, in CIC 1983, through cann. 294-297. This distinction highlights the unique nature of personal prelatures, reflecting their focus on specific pastoral missions rather than geographical jurisdiction. Their establishment in *CIC* 1983 underscores their contribution to the Church’s evolving organisational landscape.

## 3 The conciliar and post-conciliar Teachings<sup>4</sup>

The increased flexibility in the norms governing priestly incardination, coupled with the abolition of territorial exclusivity in ecclesiastical organisational structures, constitute key conciliar developments that facilitated the emergence of novel pastoral organisational forms. Notably, the concept of the personal prelature, as it would be later formalised by the Council, first appeared within the preparatory commission’s “*De distributione cleri*” project, launched in January 1961.<sup>5</sup> The Second Vatican Council,

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<sup>2</sup> Cf. *Acta documenta Concilio Oecumenico Vaticano II apparando*, Series II, Vol. 2, pars I, Romae 1965, 563-565; *Manzanares, Julio*, *De Praelaturae personalis origine, natura et relatione cum iurisdictione ordinaria*, in: *Periodica* 69 (1980) 387-421.

<sup>3</sup> Cf. *Pagé, Roch*, *Personal Prelature*, in: *Beal, John P. / Coriden, James A. / Green, Thomas J. (Ed.), New Commentary on the Code of Canon Law*, Bangalore 2019, 394-397, 394.

<sup>4</sup> Cf. *Gutiérrez, José Luis*, *De Praelatura personali iuxta leges eius constitutivas et codicis iuris canonici normas*, in: *Periodica* 72 (1983) 71-111.

<sup>5</sup> Cf. *Achacoso, Jaime B.*, *The Hierarchical Nature of Personal Prelatures. A Study of the Foundational Charism of Opus Dei and its Functional Configuration as Personal Prelature*, in: *Philippine Canonical Forum* 8 (2006) 29-64, 40.

recognising the potential need for specialised pastoral care, paved the way for establishing personal prelatures through cann. 294-297 of CIC 1983. These prelatures operate with relative autonomy under a prelate and serve distinct regions or social groups within the broader Church structure. The proper understanding of no. 10 of the Conciliar Decree *Presbyterorum ordinis*, on the life and ministry of priests which would be the basis for the posterior establishment of the figure of the personal prelate.

No. 10 of Decree *Presbyterorum ordinis* on the life and ministry of priests states:

“Where the nature of the apostolate demands this, not only the proper distribution of priests should be made easier but also the carrying out of special pastoral projects for the benefit of different social groups in any region or among any race in any part of the world. For this purpose there can with advantages be set up some international seminaries, special dioceses, or personal prelacies and other institutions to which, by methods to be decided for the individual undertaking and always without prejudice to the rights of local ordinaries, priests can be attached or incardinated for the common good of the whole Church.”<sup>6</sup>

This unveils the *raison d'être* for the establishment of the personal prelate.

The decree on missionary activity took up the mention of personal prelatures. It considered that these prelatures would facilitate special pastoral projects aimed at particular social categories in so far as it demanded for the better exercise of the apostolate. As later expressed in no. 4 of the Apostolic Letter *Ecclesiae Sanctae*, these Prelatures are to be “composed of priests from the secular clergy equipped with special training” to be established by the Apostolic See and to be under the government of their own Prelate and possess their own statutes.”<sup>7</sup> Therefore, no. 4 of *Ecclesiae Sanctae* is the immediate precursor of the canons that would subsequently regulate the figure of the Personal prelatures in CIC 1983. The Second Vatican Council discussed the need for new Church structures, laying the groundwork for later developments such as personal prelatures. Pope Paul VI’s Apostolic Letter *Ecclesiae Sanctae* acknowledged the need for flexibility in Church structures, contributing to the environment in which personal prelatures emerged. Finally, it took juridical shape in the *ius vigens* cann. 294-297.

## 4 *Opus Dei* – The sole Personal Prelate

In 1982, the Apostolic Constitution “*Ut sit*”<sup>8</sup> issued by Pope John Paul II marked a significant development in the Catholic Church’s organisational landscape. Through this document, the ecclesial movement *Opus Dei*, founded by Saint Josemaría Escrivá de Balaguer y Albás in 1928, was established as the first, and currently the sole, Personal Prelate. This unique designation deviates from the traditional diocesan structure, instead focusing on addressing specific pastoral needs more flexibly. *Opus Dei* embodies this specialised approach, catering to individuals seeking sanctification through

<sup>6</sup> *Vatican Council II*, Decree: *Presbyterorum ordinis* (07.12.1965), in: AAS 58 (1966) 991-1024, n. 10: “Ubi vero ratio apostolatus postulaverit, faciliora reddantur non solum apta *Presbyterorum* distributio, sed etiam peculiaris opera pastoralia pro diversis coetibus socialibus, quae in aliqua regione, vel natione aut in quacumque terrarum orbis parte perficienda sunt. Ad hoc ergo quaedam seminaria internationalia, peculiare dioceses vel praelaturae personales et alia huiusmodi utiliter constitui possunt, quibus, modis pro singulis inceptis statuendis et salvis semper iuribus Ordinariorum locorum, Presbyteri addici vel incardinari queant in bonum commune totius Ecclesiae.” English transl. in: *Flannery, Austin* (ed.), *Vatican Council II. The Conciliar and Post-Conciliar Documents* Vol. 1, Mumbai 2013, 775-776

<sup>7</sup> Cf. *Paul VI*, *Motu Proprio: Ecclesiae Sanctae* (06.08.1966), in: AAS 58 (1966) 757-787, part I, n. 4: “Praeterea, ad peculiaris opera pastoralia vel missionaria perficienda pro variis regionibus aut coetibus socialibus, qui speciali indigent adiutorio, possunt ab Apostolica Sede utiliter erigi Praelaturae, -quae constant presbyteris cleri saecularis, peculiaris formatione donatis, quaeque sunt sub regimine proprii Praelati et propriis gaudent statutis.”

<sup>8</sup> Cf. *John Paul II*, *Apostolic Constitution: Ut Sit* (28.11.1982), in: AAS 75 (1983) 423-425.

their ordinary work and daily lives. Its unique structure, established through “*Ut sit*”, features a prelate at its helm. Currently, this role is held by Rev. Msgr. Fernando Ocariz Braña, whose appointment by Pope Francis was confirmed on 23 January 2016.<sup>9</sup>

The prominence of Opus Dei as the singular example of a Personal Prelature underscores its historical significance and the specific needs it addresses within the broader Church. While its unique structure has occasionally sparked debate, Opus Dei’s continued existence as the only Personal Prelature highlights its enduring contribution to the diverse tapestry of Catholic ministries. It exemplifies this unique structure, offering its members a dedicated path to sanctification through ordinary work and daily life. Personal prelatures represent a specialised yet integral component of the Catholic Church. Their focus on specific needs and flexible approach offer valuable contributions to the overall mission of evangelisation and spiritual growth.<sup>10</sup>

## 5 Canonical Amendments

On 8 August 2023, the Holy See with the Motu proprio *Le prelatore personali* brought about several modifications in CIC 1983 with regard to personal prelatures. These changes directly affect the *Opus Dei*. The modification is made in Book II, Part I, Title IV of CIC 1983, specifically in cann. 295 and 296.<sup>11</sup> These changes come at a time when the modification of the statutes of the personal prelature of *Opus Dei* is in process, precisely as a result of the requirements of the Apostolic Constitution *Praedicate Evangelium*<sup>12</sup> and of the Motu proprio *Ad charisma tuendum*<sup>13</sup> issued on 14 July 2022, which concretised for this prelature the new framework designed by the aforementioned Apostolic Constitution.

The recent amendments to cann. 295-296 of CIC 1983 incorporate salient aspects of the Apostolic Constitution *Praedicate Evangelium* and the Motu Proprio *Ad charisma tuendum* pertaining to *Opus Dei*. While the spirit of these changes may resonate with the amendments envisaged for *Opus Dei* in the aforementioned documents, it is crucial to remember that these modified cann. 295-296 establish general norms for personal prelatures, not solely *Opus Dei*. Therefore, a comprehensive analysis should explore the specific changes within the broader context of the CIC’s framework for Personal Prelatures.

### 5.1 Modifications in Can. 295 – Status and Statutes

The old can. 295 stated:

„§ 1 A personal prelature is governed by statutes laid down by the Apostolic See. It presided over by a Prelate as its proper Ordinary. He has the right to establish a national or an international seminary, and to incardinate students and promote them to orders with the title.

<sup>9</sup> See at: <https://opusdei.org/en-in/article/fernando-ocariz-new-prelate-opus-dei/>.

<sup>10</sup> Ocariz, Fernando, Vocation to Opus Dei as a Vocation in the Church, in: Rodriguez, Pedro / Ocariz, Fernando / Illanes, José Luis (ed.), *Opus Dei in the Church*, Dublin 1994, 77-120.

<sup>11</sup> In fact, at first, personal prelatures were closely aligned to particular Churches but the move was away from any *aequiparatio*, and the relevant canons are now a separate title in the part of Book II on Christ’s faithful. Cf. *Communicationes* 12 (1980) 275-285; Aymans, Winfried, Ecclesiological Implications of the New Legislation, in: *Studia Canonica* 17 (1983) 63-93; Rodriguez, Pedro / De Fuenmayor, Amadeo, Sobre la Naturaleza de las Prelaturas Personales y su inserción dentro de la Estructura de la Iglesia, in: *Ius Canonicum* 24 (1984) 9-47; García Martín, Julio, Las Prelaturas Personales, in: *Folia Theologica et Canonica* 12 (2023) 47-94.

<sup>12</sup> Cf. Francis, Apostolic Constitution: *Praedicate Evangelium* (19.03.2022), in: *Communicationes* 54 (2022) 9-81.

<sup>13</sup> Cf. Francis, Motu Proprio: *Ad charisma tuendum* (14.07.2022), in: *Communicationes* 54 (2022) 369-371.

§ 2 The Prelate must provide both for the spiritual formation of those whom he has promoted with the above title, and for their becoming support.”

The amended can. 295 prescribes:

„§ 1 The personal prelatore, *which is similar to public clerical associations of pontifical right with the ability to incardinate clerics*, is governed by statutes *approved* or emanated by the Apostolic See and presided over by the *Prelate as Moderator, endowed with the faculties of an Ordinary*, who has the right to erect a national or international seminary as well as to incardinate students, and promote them to orders under title of service to the prelatore.

§ 2 *As a Moderator endowed with the faculties of an Ordinary*, the Prelate must provide both for the spiritual formation of those whom he has promoted with the above title, and for their becoming support.” [italics by the author]

These modifications in the canon indicate several changes in the understanding of the personal prelatore.

### 5.1.1 New Status of Personal Prelature

In the first place, according to the new wording of paragraph 1 of can. 295, personal prelatures are henceforth assimilated to public clerical associations of pontifical right with the faculty to incardinate clerics. This is a figure already regulated by can. 302 in a generic way and in can. 265 with a specific allusion to the possibility that the Holy See may grant to some of these associations the possibility of incardinating. There are currently a few organisations of this type, such as the Emmanuel Community, which in 2017 amended its statutes to adapt the collaboration between clergy and faithful in its body.<sup>14</sup> In 2023, there were six Public Clerical Associations with the faculty of incardinating, granted by the Congregation for the Clergy: 1) Communauté Saint Martin, 2) Société Jean-Marie Vianney, 3) Work of Jesus the High Priest, 4) Fraternity of Diocesan Worker Priests of the Heart of Jesus, 5) Emmanuel Community and 6) Community of Sant'Egidio.<sup>15</sup>

### 5.1.2 Transfer of Competence

The Motu proprio *Ad charisma tuendum* explained how the personal prelatore of *Opus Dei* would be affected by the Holy Father's reform of the Roman Curia. According to this document, the competencies regarding personal prelatures will be transferred from the Dicastery for Bishops to the Dicastery for the Clergy. Art. 1 of the Motu proprio *Ad charisma tuendum* states:

“The text of art. 5 of the Apostolic Constitution *Ut sit* shall henceforth be replaced by the following text: In accordance with art. 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.”<sup>16</sup>

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<sup>14</sup> Cf. *Annuario Pontificio per L'Anno 2017*, Città del Vaticano 2017, 1697 and 1872-1873.

<sup>15</sup> Cf. *Annuario Pontificio per L'Anno 2023*, Città del Vaticano 2023, 1693.

<sup>16</sup> *Francis*, *Ad charisma tuendum* (Anm. 12), Art. 1: “Il testo dell'art. 5 della Costituzione Apostolica *Ut sit* e, 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 avvalersz; mediante l'opportuna consultazione o trasferimento delle pratiche, delle competenze degli altri Dicasteri.’”

Therefore, the competence is transferred from the Dicastery for Bishops to the Dicastery for the Clergy. The new law, which goes into force immediately, reflects the reorganisation of the Roman Curia brought about by the Apostolic Constitution *Praedicate Evangelium*<sup>17</sup> in 2022. Furthermore, this change is said to have transpired perhaps because most of the Prelature's dealings with the Vatican involve priestly matters, even if, in fact, 98 per cent of its members are lay people.<sup>18</sup>

### 5.1.3 New Status of the Prelate

Secondly, the status of the Prelate in personal prelatures is also modified. If before the Code of Canon Law said that he is "their proper Ordinary", now it refers to him as "moderator", which corresponds to the assimilation with public clerical associations. The new wording adds that the prelate "will be endowed with the faculties of Ordinary", as required by the relationship he must maintain with the clergy incardinated in the prelate. This precision is introduced both in paragraph 1 of can. 295, as well as paragraph 2, which refers to the obligations of the Prelate with respect to his own clergy. According to French Canonist Patrick Valdrini, the title "moderator" is a title reserved for leaders of associations of the faithful, like other existing communities, such as the Emmanuel Community, who retain the authority of an ordinary. In other words, prelates will remain leaders with executive power, which allows them, in particular, to open seminaries and incardinate deacons and priests.<sup>19</sup>

Why only Moderator and not in himself an Ordinary?

In order to safeguard the charism, Pope John Paul II, in the Apostolic Constitution *Ut sit* of 28 November 1982, erected the Personal Prelature of *Opus Dei*, entrusting it with the pastoral task of contributing in a special way to the evangelising mission of the Church. Indeed, in accordance with the gift of the Spirit received by Saint Josemaría Escrivá de Balaguer, the Prelature of *Opus Dei*, with the guidance of its Prelate, carries out the task of spreading the call to holiness in the world, through the sanctification of work and family and social commitments by means of the clerics incardinated therein and with the organic cooperation of the laity who devote themselves to apostolic works (cf. cann. 294-296). The Congregation for the Bishops was competent for the erection of this personal prelate *Opus Dei*, and the same congregation remained competent for the concerns of this personal prelate with Roman Curia.

However, art. 117 of the Apostolic Constitution *Praedicate Evangelium* transferred the competence from the Dicastery for the Bishops to the Dicastery for the clergy.

Transferring the responsibility for *Opus Dei*, the Church's only personal prelate, from the Dicastery for Bishops to the Dicastery for the Clergy is noteworthy. Subsequently, on 22 July 2022, Pope Francis issued the Motu proprio *Ad charisma tuendum* ("to guard the charism"). Once *Praedicate Evangelium* was promulgated, the guiding principles set out in it must take concrete form for the structures and institutions of the Church, through pontifical laws and appointments which apply and put into practice what was announced in the new Apostolic Constitution. Therefore, the Motu proprio *Ad charisma tuendum* merely applies *Praedicate Evangelium* to *Opus Dei*.

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<sup>17</sup> Cf. PE art. 117: "The Dicastery for the Clergy has competence for all matters that pertain to the Holy See with regard to Personal Prelatures."

<sup>18</sup> See at: <https://opusdei.org/en-uk/article/members/>.

<sup>19</sup> Cf. at: <https://europeanconservative.com/articles/news/pope-francis-puts-an-end-to-personal-prelatures-opus-dei-targeted/>.

The Motu proprio *Ad charisma tuendum* brought changes with regard to the status of the Prelate. Its art. 4<sup>20</sup> prescribed that the Prelate could no longer be a Bishop. It said that for the protection of the particular gift of the Spirit, a form of government based more on the charism than on hierarchical authority is needed. Art. 5 stated that he can be called with pontifical insignia, Monsignor.<sup>21</sup> The Pope's stated goal is to preserve *Opus Dei's* founding spirit; however, these modifications might limit its power within Church structures. Pope Francis is urging *Opus Dei* to return to its core mission of fostering active faith and disseminating the Gospel message within everyday life. He believes that by prioritising their distinct "charism" of sanctifying ordinary work and life, they can make a more impactful contribution to the Church's evangelistic mission. This shift in emphasis away from hierarchical structures suggests a preference for a more grassroots, practical approach to faith sharing.

#### 5.1.4 Drawing up the Statutes

Moreover, according to the old canon, the Holy See laid down the statutes of personal prelatures. The statutes were no longer approved but given by the Holy See, which thus not only creates the prelature but gives each one its own particular configuration.<sup>22</sup> The statutes are the technical means provided in the Code by which the Roman Pontiff determined for each personal prelature how its pastoral work was to be coordinated with that of particular Churches. Now, with the addition of the word "approved" in can. 295, statutes can be drafted by the Personal prelature and can subsequently be approved by the Holy See. In April 2022, *Opus Dei* held a vote to update its statutes in accordance with the evolving directives. However, under the new regulations, these revised statutes require formal approval by Pope Francis, who retains the authority to propose further modifications.

## 5.2 Modifications in Can. 296 – The Position of the Laity

The text of can. 296 formerly read, "Lay persons 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." This is basically due to the magisterial teaching found in no. 30 of *Lumen gentium* which speaks of the cooperation of the laity in the salvific mission of the Church.<sup>23</sup>

The amended can. 296 prescribes:

*"Provided the provisions of can. 107 are observed, lay persons 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."* [italics by the author]

The recent amendment to can. 296 within the Motu proprio *Le Prelature personali* has resolved the debate regarding the ecclesiastical authority over *Opus Dei* members, specifically numeraries and

<sup>20</sup> Cf. *Francis*, *Ad charisma tuendum* (Anm. 13), Art. 4: "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 sull'autorità gerarchica. Pertanto il Prelato non sarà insignito, né insignibile dell'ordine episcopale."

<sup>21</sup> Cf. *Ibid.*, Art. 5: "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."

<sup>22</sup> Cf. *Stenton, William H. / Hervada, Javier*, *Personal Prelature From Vatican II to the New Code. An Hermeneutical Study of Canons 294-297*, in: *The Jurist* 45 (1985) 379-418, 417.

<sup>23</sup> Cf. *Vatican Council II*, Dogmatic Constitution: *Lumen gentium* (21.11.1964), in: AAS 57 (1965) 5-75, n. 30. English transl. in: *Flannery*, *Vatican Council II* (Anm. 6), 353: "For they know that they themselves were not established by Christ to undertake alone the whole salvific mission of the Church to the world, but that it is their exalted office so to be shepherds of the faithful and also recognise the latter's contribution and charisms that everyone in his own way will, with one mind, cooperate in the common task."



supernumeraries. The insertion of a reference to can. 107 is significant since that canon defines the parish priest and Ordinary to whom a Catholic is subject by their place of residence. Hence, Pope Francis made a significant change to Canon Law with his new *Motu proprio* by including a reference to another can. 107<sup>24</sup> in the text of can. 296. With regard to the position of the laity in relation to the personal prelature, basically, the same regulation present in *ius vigens* is maintained, although a reference to can. 107 is introduced to recall that the lay faithful have their own parish priest and Ordinary according to the domicile where they reside. Therefore, the amended text recalls that the faithful belonging to a personal prelature remain under the jurisdiction of their local diocese.

Indeed, in its pastoral care of the faithful, the Church wants to ensure that each member of the faithful has his own pastor and Ordinary. The change appears aimed at clarifying the ongoing debate about whether numeraries and supernumeraries of *Opus Dei* are under the ecclesiastical authority of the Prelate as if he were their pastor or diocesan Bishop or whether cooperation with *Opus Dei* in some other way changes the ordinary relationship between a Bishop and his subjects. It would ease relations between Personal Prelatures and diocesan Bishops so that the autonomy of Prelatures does not interfere with the administrative arrangements in individual Churches.

In very broad strokes, one can believe that the thrust of the new changes is to confirm that while the clergy who belong to a personal prelature are under the jurisdiction of its Prelate, laity who collaborate with the group remains fully subject to the authority of their local Bishop. *Opus Dei* has about 90,000 members (supernumeraries) — 98% of whom are laypeople, the majority of whom are married. In addition to its lay members, some 1,900<sup>25</sup> priests incardinated in different dioceses throughout the world belong to the Priestly Society of the Holy Cross, an association of clergy intrinsically united to the personal prelature of *Opus Dei*.

In fact, the Declaration of the Congregation of Bishops<sup>26</sup> (1982) already explained, “the laity incorporated in the Prelature of *Opus Dei* continue to be faithful of the diocese in which they have their domicile or quasi-domicile, and therefore remain under the jurisdiction of the diocesan Bishop in all that the law determines in respect to the ordinary faithful in general.”<sup>27</sup> Despite the formal establishment of this provision, their practical implementation remained somewhat neglected. This very neglect underscores the necessity for the explicit prescription outlined in the amended can. 296. The new canon codifies a pre-existing practice, explicitly stating that lay members of the Prelature retain their status as members of the dioceses where they reside or have quasi-domicile.

## 6 Conclusion

Forty years after Pope John Paul II’s recognition in 1982, the *Motu proprio* “Le Prelature personali” modifies cann. 295-296 of CIC 1983 on Personal Prelatures and immediately entered into force on the day of its publication. These changes build upon Pope Francis’ prior *Motu proprio* “*Ad charisma tuendum*” (2022). *Opus Dei*, which means “the work of God” in Latin, is recognised for its emphasis on

<sup>24</sup> Can. 107 § 1 “Both through domicile and through quasi-domicile everyone acquires his or her own parish priest and Ordinary.

§ 2 The proper parish priest or Ordinary of a *vagus* is the parish priest or Ordinary of the place where the *vagus* is actually residing.

§ 3 The proper parish priest of one who has only a diocesan domicile or quasi-domicile is the parish priest of the place where that person is actually residing.”

<sup>25</sup> See at: <https://opusdei.org/en-uk/article/members/>.

<sup>26</sup> Cf. *Sacred Congregation for Bishops*, *Declaratio de praelatura Sanctae Crucis et Operis Dei* (23.08.1982), in: *AAS* 75 (1983) 464-468; *Le Tourneau*, *Dominique*, *Le peuple propre de la prélatrice de l’opus Dei*, in: *Studia Canonica* 39 (2005) 129-145, 141-144.

<sup>27</sup> *Ibid.*, 466: “Laici Praelaturae “Operis Dei” incorporati fideles esse pergunt earum dioeceseium in quibus domicilium vel quasi-domicilium habent, et subsunt igitur iurisdictioni Episcopi dioecesanani in iis omnibus quae iure statuuntur quoad communes fideles.”

sanctification through daily work. In a time of evolution and adaptation which we have discussed above, Opus Dei will remain steadfast in its dedication to holiness through daily work and ordinary life.