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The litigious nature of the beatification procedure

Thesisbooklet

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Though the nature of the man is vulnerable, it is possible to achieve saintliness at all times. It is also indicated by the construction of *Lumen Gentium* of the 2nd Synod of Vatican¹. The fragment of the aforementioned is not only about the accessible saintliness for everyone but also about pastoral effect of the saintly life, more precisely the affection of it. Our church very rightly heightened respectfully its saintly living members and points to them as an example to the devout congregation. However this homage has to be regulated or it would offend the unity of our faith and would cause disturbance in the life of our Church.

To the definition of saint the *Inde ab ipsis primordiis* published by the Religious Congregation on the 29th of June, 1988 gives guidance which provides the Dogmatic definitions of God's saints².

Why is beatification necessary? What was its function in older times and what is it today?³ The Church ensures with it that only those Saints are respected who heroically exercised virtues or were martyred with which they became worthy and eligible for the congregation's public honour. Christ calls everyone for saintliness.⁴ The Christian saintliness evolves in answer to the will of God. This will can develop in many ways in particular people, but the root of it is the same: the will of God at a certain point in history⁵. God presents us through Saints. We can see our lives, values and humanity enhanced and sublimated in them. They drew the features of the redeemer on their inherited and acquired characteristics which are similar to ours by their pertinacious struggle. We can marvel in them what man with mercy is able to achieve. They who heightened the value of humanity deserve glory and therefore they are our ideal. Saints with their uncountable multitude⁶ not only shines every human state and situation with the light of Christ or are not only "fixed stars", but also our dynamic helpmates: they intervene for us. We have faithful experience about it.⁷ The denial of the Saints' intercession would prelude fraternal love from heaven, however love is stronger than death. God, who instilled love in the man's heart, does not deprive those who are struggling on earth from the support of the heavenly Saints: the love after death connects members of the victorious, the struggling and suffering church.

God with his almightiness usually does not govern his country by direct intervention in its history, but by the laws of creation and by the creatures he has chosen. The work of God is usually mediated by the laws of nature; the excellent means of the work supernatural are the saints.

¹ LG. 50.

² P. PAVANELLO, *Piccolo lessico delle cause dei santi*, in *Quaderni di Diritto Ecclesiale* 15 (2002) 93.

³ R. RODRIGO O. A. R., *Manuale delle cause di beatificazione e canonizzazione*, Roma 2004, 11.; P. MOLINARI, *I santi e il loro culto*, Roma 1962.

⁴ Mt 5,48; R. RODRIGO O. A. R., *Manuale delle cause di beatificazione e canonizzazione*, Roma 2004, 11-14.

⁵ J. SOBRINO, *A politikai életszentség*, in *Vigília* 6 (1983) 404.

⁶ Jel 7,9-10

⁷ Z. TARJÁNYI, *Mindszent havában*, in *Vigília* 10 (1986) 721.

Saints not only affected our milieu, diffused the Kingdom of Heaven, the ideals of the Christian life, of the practice of the Christian virtue and the following of Christ, but also found salvation in Christ, their love towards us purifies and does not stay indifferent to our struggles. They mediate between God and us therefore we can ask for their protection: this is the reason for their respect. But when the Church celebrates mass on the day of any Saints, it does not offer the mass for that Saint but for God, because the sacrifice expresses worship. In this sacrifice, the Church grates God and asks him that those could mediate between Heaven and us whose memories we respect. We adore the Creator who with his mercy created Saints and they sanctity prove the deity of Christ.⁸ The worship of Saints has an eschatology aspect, in them we remember the Kingdom of Heaven.⁹ The church by canonization does not share in the holly glory, but it gets prophecies, miracles and takes the course of mysticism and entirely unifies with God in Christ.¹⁰

Worship has its ecumenical dimension as well. The 2nd Synod of Vatican was the source the worship of saints who are the sources of the mystery of Christ who came ontologically to unify everyone with himself and all the people.¹¹

After the theological thesis it is essential to clarify some notions. The notion of sacrament could change during the procedure depending on whether the candidate was a martyr or he/she practised virtues especially love or what miracles he/she performed.¹²

⁸ E. HUSZÁR, *A szenttéavatás*, Budapest 1911, 4-5.

⁹ F. D'OSTILIO, *Il culto dei santi beati venerabili servi di Dio*, in *Monitor Ecclesiasticus* 117 (1992) 74.

¹⁰ P. MOLINARI, *Il „santo” alla luce della teologia dogmatica*, in *Miscellanea Amato Pietro Frutaz*, Roma 1978, 286-292.; H. MISZTAL, *Le cause di canonizzazione. Storia e procedura* (Sussidi per lo studio delle cause dei santi 8.), Città del Vaticano 2005, 32.

¹¹ P. MOLINARI, *Il „santo” alla luce della teologia dogmatica*, in *Miscellanea Amato Pietro Frutaz*, Roma 1978, 302-308.; T. GOFFI, *Il santo oggi*, in *Santità cristiana. Dono di Dio e impegno dell'uomo*, a cura di E. Ancilli, Pont. Istituto di Spiritualità del Teresianum, Roma 1980, 233-245.; H. MISZTAL, *Le cause di canonizzazione. Storia e procedura* (Sussidi per lo studio delle cause dei santi 8.), Città del Vaticano 2005, 34.

¹² A. FRUTAZ, *Elementi costitutivi delle cause di canonizzazione. Bibliografia sistematica essenziale*, in *Santità cristiana. Dono di Dio e impegno dell'uomo*, a cura di E. Ancilli, Pont. Istituto di Spiritualità del Teresianum, Roma 1980, 411-427.; H. MISZTAL, *Le cause di canonizzazione. Storia e procedura* (Sussidi per lo studio delle cause dei santi 8.), Città del Vaticano 2005, 35.

The notions of beatification and canonization are discussed in many lexicons and encyclopedias, for instance the *Enciclopedia Cattolica*.¹³ The beatification – *beatificatio* – is the action by which the Pope allows a public worship of one of his servants at a certain place, area or in a particular order¹⁴. Beatification usually means the worship of the servant of the Lord, which is expanded to a definite territory – a diocese or a local church. Canonization is announced by the pope or by the ecumenical council, and the servant of the Lord is worshipped by the whole church. Beatification and canonization are two different categories.¹⁵ When the public worship of someone spreads, his or her canonization starts and at the same time it is a beatification as well¹⁶. Canonization is the final decision of the pope with which he declares that one of his servants gained the eternal glory and he orders his servant's public worship celebrated by the whole church¹⁷. Those who have been beatified cannot bear the appellation of saints. Their heads cannot be depicted with a halo, only with diverging rays and their heads cannot adorn with diadems. Their cults were limited to those places and means which were assigned by the beatification order.¹⁸ Today saints and beatified are distinguished by their local and ecumenical worships.

Beatified are worshipped at local churches, saints are by the ecumenical church, the memorial days of the latter are included in the ecumenical church's calendar.¹⁹ The question, who is canonized, is only decided by the inspiration of the Holy See and by with human arguments²⁰.

¹³ F. DELL'ORO, *Beatificazione e canonizzazione. Excursus storico-liturgico*, Roma 1997, 9.; C. SALOTTI-G. LÖW, *Canonizzazione*, in *Enciclopedia Cattolica III*, Città del Vaticano 1950, 605-607.; T. ORTOLAN, *Canonization*, in *Dictionnaire de Théologie catholique*, t. II/2, Paris 1932, 1626-1659.; G. MORONI, *Dizionario di erudizione storico-ecclesiastica*, vol. III, Venezia 1841, 280-320.; H. BOSCH, *Der Heiligsprechungprozess per viam cultus*, Roma 1938.; E. W. KEMP, *Canonization and Authority in the Western Church*, London, Oxford University Press, 1948.; R. KLAUSER, *Zur Entwicklung des Heiligspercungsverfahrens bis zum 13. Jahrhundert*, in *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte Kanon-Abteilung* 40 (1954) 85-101.; J. SCHLAFKE, *De competentia in causis sanctorum decernendi a primis post Christum natum saeculis usque ad annum 1234*, Roma, Officium libri catholici, 1961.; A. GARCÍA Y GARCÍA, *A propos de la canonisation des Saints au XIIe siècle*, in *Revue de droit canonique* 18 (1968) 3-15.; A. VANCHEZ, *La sainteté en Occident aux derniers siècles du Moyen Age d'après le procès de canonisation et les documents hagiographiques* (=Bibliothèque des Écoles Françaises d'Athènes et de Rome, 241), Rome École Française de Rome, 1981.; T. CITRINI, *Memoria riconoscimento e canonizzazione dei santi*, in *La Scuola Cattolica* 109 (1981) 325-362.; G. LÖW, *Beatificazione*, in *Enciclopedia Cattolica II*, Città del Vaticano 1949, 1090-1100.; T. ORTOLAN, *Béatification*, in *Dictionnaire de Théologie catholique*, t. II/1, Paris 1932, 493-497.; G. MORONI, *Dizionario di erudizione storico-ecclesiastica*, vol. IV, Venezia 1840, 265-271.

¹⁴ P. ERDŐ, *A szenttéavatási eljárás a XIII. században*, in *Kánonjog* 10 (2008) 10.

¹⁵ F. D'OSTILIO, *Il culto dei santi beati venerabili servi di Dio*, in *Monitor Ecclesiasticus* 117 (1992) 79.; BENEDETTO XIV., *op. cit. lib. I.* 39-42.

¹⁶ F. VERAJA, *Le Beatificazione. Storia, problemi, prospettive* (Sussidi per lo studio delle Cause dei Santi 2.), Roma 1983, 99-111.

¹⁷ P. ERDŐ, *A szenttéavatási eljárás a XIII. században*, in *Kánonjog* 10 (2008) 10.

¹⁸ IBID, 11.; F. X. WERNZ, *Ius decretalium III/II.*, Romae 1905, 360.

¹⁹ F. VERAJA, *Le cause di canonizzazione Dei santi*, Città del Vaticano 1992, 90-91.

²⁰ J. L. GUTIÉRREZ, *I miracoli nell'apparato probatorio delle cause di canonizzazione*, in *Ius Ecclesiae* 10 (1998) 493.; C. F. DE MATTA, *Novissimus de Sanctorum canonizatione tractatus*, Roma 1678, Pars. IV, cap. 1, 1-2.

Pope John Paul II. (1978-2005) often emphasized the pastoral importance of canonization.²¹ The worship of saints has always been present in the history of liturgy; it expresses the feelings of religious people.²²

Theology is concerned with the lives of saints, especially its particular branch, the ascetics. It is due to the frequent appearance of contrition and ascetics in saints' lives.²³

Beatification, as we can see, is at the moment a papal order. A long way leads to this provision: it has to be proved in a certain procedure that the candidate of the beatification led an exemplary life, heroically practised Christian virtues or was murdered because of his or her faith, or he/she suffered martyrdom and his/her mediation with God is proved by miracles. What kind of action is the procedure of beatification? Could it be regarded as a litigious procedure, how far it is so, in other words, how much it bears the features of the litigious provision. This thesis wishes to find the answers to these questions.

My thesis is concerned with the following issues:

- I. The notion of litigious procedure and its variety.
 - II. The historical development of beatification.
 - III. The examination of virtues, martyrs and miracles.
 - IV. The particular course and participants of the procedure.
 - V. The notions and proofs of virtues, miracles and martyrdom.
 - VI. Comparison of a beatification and a different procedure: similarities and differences.
- VII. Summary, conclusion.

Pope Celestine III. (1191-1198) found it obvious that beatification procedure has two characteristics:

- Divine right with human characteristics: the miracles are given by God, but they have to be examined by rules which were set up by humans with which the Holy Spirit gives help,

²¹ G. MARTINELLI, *Procedure di canonizzazione in inchiesta diocesana*, in *Quaderni di Diritto Ecclesiale* 16 (2003) 28.; GIOVANNI PAOLO II, *Lettera Apostolica Novo Millennio ineunte*, 6 gennaio 2001. 10-XI-1994, n. 37, in AAS 87 (1995) 5-41.; J. L. GUTIÉRREZ, *La proclamazione della santità nella chiesa*, in *Ius Ecclesiae* 12 (2000) 497.; GIOVANNI PAOLO II, *Alloc. del 13-VI_1994 ai Cardinali nel Consistoro straordinario*, n. 10. in *Insegnamenti* 17/1 (1994) 1186. Sulle cause attualmente iniziate nelle diocesi o in studio presso la Sede Apostolica, si veda CONGREGAZIONE DELLE CAUSE DEI SANTI, *Index ac status causarum*, Città del Vaticano 1999.

²² F. DELL'ORO, *Beatificazione e canonizzazione. Excursus storico-liturgico*, Roma 1997, 9-10.; M. RIGHIETTI, *Manuale di storia liturgica, vol. II*, Milano 1969, 409-411., P. JONNEL, *Il culto dei santi*, in A. – G. MARTIMORT, *La Chiesa in preghiera. Introduzione alla liturgia*, Roma 1966, 859-865.; IDEM, *Culto dei santi*, in D. SATRORE – A. M. TRIACCA, *Nuovo dizionario di liturgia*, Ediz. Paoline 1984, 1344-1345.; H. LECLERQ, *Saint*, in *Dictionnaire d'archéologie chrétienne et de liturgie, t. XV/2*, Paris 1950, 373-462.; IDEM, *Vindictio Martyrum*, in *Dictionnaire d'archéologie chrétienne et de liturgie, t. XV/2*, Paris 1953, 3119-3120.

²³ H. MISZTAL, *Le cause di canonizzazione. Storia e procedura* (Sussidi per lo studio delle cause dei santi 8), Città del Vaticano 2005, 233.; P. MOLINARI, *Il problema dell'agiografia*, in *La Civiltà cattolica* 113 (1962), n. 3., 15-26.; 221-231.

- the final decision is of the Pope, but he is a member of the Episcopal board, therefore his decision is not individual, but of a corporal, after all of the Church.²⁴

The definition of the character of this procedure is still a controversial issue among canonists. The opinions differ about which procedures' characteristics does beatification bear: of the administrative, analogical or litigious?²⁵ We can draw the conclusion from the debates that beatification and canonization have integrated into the proceedings.²⁶ Within the procedural law, canonization takes the characteristics of administrative proceedings which are maintained for the pope exclusively.²⁷ This opinion can be considered to be the most balanced of the authors'. Beatification and canonization were not discussed for a long time in the procedural reference books. For a long time, people stuck to the view that this procedure cannot be considered a lawsuit, because it does not consider the law-enforcement or the defence of subjective rights. Therefore beatification and canonization were left out from the specialized literature since these introduce the procedural law through classical suits. The insupportability of the aforementioned viewpoint is supported by the following facts. The following characteristics of the lawsuit appear in beatification procedure:

- there are participants who play the role of the plaintiff and the defendant, so they represent the participants of a lawsuit,
- the debate takes place in front of a court,
- the conflict of interests appears,
- the rules of the ordinary lawsuit refer to this procedure,
- the lawsuit takes place on different judicial levels to guarantee the lawfulness,
- it is possible both in diocesan and Vatican phase to raise objection against it,
- the obligatory character of the verification and its means are similar of the ordinary litigious proceeding.

The administrative nature of the proceeding is confirmed by the following facts:

- the contradictory principle does not appear in a classical way as in the lawsuit, there is not a conflict of by-interests: the defendant patronizes the interests of the church,

²⁴ CELESTINO III, Const. *Benedictus Deus*, 4 maggio 1191: J. FONTANINI, *Codex Constitutionum...* (nt 21) 28.; J. L. GUTIÉRREZ, *La proclamazione della santità nella chiesa*, in *Ius Ecclesiae* 12 (2000) 511.

²⁵ R. RODRIGO O. A. R., *Manuale delle cause di beatificazione e canonizzazione*, Roma 2004, 28.; *Commentarium Codicis Iuris Canonici, De Processibus, Pars I*, Roma 1920, n. 5.; *Pars II*, Roma 1932, n. 1.; J. D. BLAHER, *The Ordinary Processes in Causes of Beatification and Canonization*, Washington 1949, 5.; *Le Rôle du Postulateur dans les Procès ordinaires de béatification*, Roma 1954, 11.

²⁶ R. RODRIGO O. A. R., *Manuale delle cause di beatificazione e canonizzazione*, Roma 2004, 31.

²⁷ IBID, 28.; J. L. GUTIÉRREZ, *Elementos procesales de una causa de canonización, Las causas de Canonización hoy*, Barcelona 2003, 15-21.

- to reveal the truth, the form of litigation appears because with the disagreement of the opposing parties about the virtues of saints, in other words the suit is only a formal act during the procedure,
- the culprit cannot intervene on his own behalf in the suit, it is compulsory to employ a representative,
- the sentence given by a legal ecclesiastical authority does not imitate the declarative sentence,
- the final sentence cannot be appealed.

When we discuss the nature of canonization, we usually use the term canon procedure although it can be called a specific procedure. Though canonization has a specific methodology, we use the word procedure.²⁸ It is not difficult to notice that canonization is a special procedure. It is due to its material and nature that this procedure is special (for example as the annulations of marriages or criminal procedure), it is similar to the nature of administrative procedures (for example to a *super ratum non consummatum* procedure) and finally to the administrative criminal procedures which are for the defence of the religion.²⁹ As it can be seen, canonization is a formal kind of legal procedure with a unique nature which gives it an administrative character. Although canonization can be regarded as a real legal procedure, because it takes the characteristics of this procedure most of all, the cases of saints do not exist as law, they represent different things than a legal procedure, therefore beatification and canonization can hard be integrated into law. It can easily be stated because the law does not expand to the death of the servants of the Lord, and beatification and canonization depend on the administrative decision of the Pope, therefore it is considered to be a legal act.³⁰

²⁸ J. L. GUTIÉRREZ, *Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione*, in *Apollinaris* 69 (1996) 197.

²⁹ R. RODRIGO O. A. R., *La figura del postulatore nelle cause dei santi secondo la nuova legislazione. Diritti e doveri*, in *Monitor Ecclesiasticus* 111 (1986) 211.

³⁰ R. RODRIGO O. A. R., *La figura del postulatore nelle cause dei santi secondo la nuova legislazione. Diritti e doveri*, in *Monitor Ecclesiasticus* 111 (1986) 197.; J. NOVAL, *Commentarium Codicis Iuris Canonici, Liber IV., De Processibus*, Roma 1932, 188.

Canonization is traditionally called a procedure: the Promoter answers to the Postulator, and substantiate the candidate's saintliness to the cardinals and episcopacy of the Congregation.³¹

We can state that beatification is a legal act. Others claim that beatification is truth and law because during the procedure the truth has to be revealed which is defined by the life of the servant of the Lord: the examination of the heroic practice of Christian virtues and the saint's reputation gives a special character to the procedure.³² This procedure has a kind of "*sui generis*" among other procedures, because it depends on the special emanation of the Holy Spirit. As the Popes said, "*potius divinum quam humanum*".³³

According to J. Noval, the procedure is "*ultra-iudiciales*" or "*iudiciales alterius naturale*".³⁴ D.J. Blaher calls beatification "*iudiciales-administrativi*".³⁵

Roberti could not term this procedure; therefore he calls all the old procedures "*toto coelo*", adding that the contradictory form makes beatification similar to lawsuit.³⁶

According to procedural experts, the material of canonization differs of the lawsuit. On the basis of this statement it is clear that canonization does not bear the features of a lawsuit (for example of the criminal procedure), the final conclusion is that it can be considered liminality.³⁷

³¹ J. L. GUTIÉRREZ, *Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione*, in *Apollinaris* 69 (1996) 200.; IDEM, *Le prove sussidiarie nelle cause di canonizzazione (opinioni di Prospero Lambertini e innovazioni di Benedetto XIV)*, in *Ius Ecclesiae* 5 (1993) 553-555.; F. VERAJA, *Commento alla nuova legislazione per le Cause dei Santi. Sussidi per lo studio delle Cause dei Santi*, Roma 1983, 5-15.; P. PALAZZINI, *Un discorso inedito di Pio XII: vaticinava la nuova legislazione per le Cause dei Santi*, in „*Pius XII. In memoriam*”, Roma 1984, 87-113.; IDEM, *La perfettibilità della prassi processuale di Benedetto XIV nel giudizio di Pio XII, nella pubblicazione a cura della Congregazione per le Cause dei Santi „Miscellanea in occasione del IV Centenario della Congregazione per le Cause dei Santi (1588-1988)”*, Città del Vaticano 1988, 61-87.; P. GUMPEL, *Il Collegio dei Relatori in seno alla Congregazione per le Cause dei Santi. Alcuni commenti e osservazioni personali di un Relatore, nella pubblicazione a cura della Congregazione per le Cause dei Santi „Miscellanea in occasione del IV Centenario della Congregazione per le Cause dei Santi (1588-1988)”*, Città del Vaticano 1988, 299-337.; L. PORSI, *Cause di canonizzazione e procedura nella Cost Ap. „Divinus perfectionis Magister”: considerazioni e valutazioni*, in *Monitor Ecclesiasticus* 110 (1985) 365-400.; IDEM, *Natura delle „cause dei Santi”. Indagini storico-scientifiche o vere cause a quali?*, in *Sacramenti, Liturgia, Cause dei Santi. „Studi in onore del Cardinale Giuseppe Casoria”*, Napoli 1992, 651-673.; R. RODRIGO O. A. R., *La figura de los abogados y de los relatores de las causas de los Santos según la nueva legislación*, in *Sacramenti, Liturgia, Cause dei santi. „Studi in onore del Cardinale Giuseppe Casoria”*, Napoli 1992, 675-703.; J. HAYA, *Naturaleza jurídica de las causas de canonización, Tesi di laurea presso la Facoltà di diritto Canonico dell'Ateneo Romano della Santa Croce discussa 26 maggio 1994 (in corso di stampa)*; F. VERAJA, *La canonizzazione equipollente e la questione dei miracoli nelle cause di canonizzazione*, in *Apollinaris* 48 (1975) 222-245., 475-500.; 49 (1976) 182-200.; IDEM, *La Beatificazione. Storia, problemi, prospettive. Sussidi per lo studio delle Cause dei santi, II*, Roma 1983, 206.

³² R. RODRIGO O. A. R., *La figura del postulatore nelle cause dei santi secondo la nuova legislazione. Diritti e doveri*, in *Monitor Ecclesiasticus* 111 (1986) 211.

³³ IBID, 212.; *Innocenzo III nella bolla di canonizzazione di Wulstano Vescovo, Giusto Fontanini, Codex Constitutionum quas Romani Pontifices ediderunt in Sollemni Canonizatione Sanctorum*, Roma 1729, XXX, 40.

³⁴ IBID; J. NOVAL, *De Processibus, Pars I*, Roma 1920, n. 5.; *Pars 2*, Roma 1932, n. 1.

³⁵ R. RODRIGO O. A. R., *La figura del postulatore nelle cause dei santi secondo la nuova legislazione. Diritti e doveri*, in *Monitor ecclesiasticus* 111 (1986) 212.; J. D. BLAHER, *The Ordinary Processes in Causes of Beatification and Canonization*, Washington 1949, 5.

³⁶ R. RODRIGO O. A. R., *La figura del postulatore nelle cause dei santi secondo la nuova legislazione. Diritti e doveri*, in *Monitor Ecclesiasticus* 111 (1986) 212.; F. ROBERTI, *De Processibus, I, ed. 4.*, Città del Vaticano 1956, 31.

³⁷ J. L. GUTIÉRREZ, *Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione*, in *Apollinaris* 69 (1996) 200.

Canonization is a special – private, intimate – administrative procedure where the dignity of candidates is examined for the beatification and canonization, in fact since the 13th century miracles has also been examined, so it is a true legal procedure. As Hostiensis defines, the form of canonization has to be distinguished from the forms of other ecclesiastical procedures, because the material of the former is totally different.³⁸

The new legislation classifies beatification as a formal procedure, as a procedure which is administrative in nature and includes formal features but is a true legal procedure. So the Codex of 1917 classified it as a general procedure in its 4th book.³⁹ Beatification can be regarded as an informative, true legal procedure.⁴⁰

The Normae (Normae 7th February 1983) spoke about its similarities to inquisition because of the similarity of their examinations and their official procedures.⁴¹

The procedure can be led back to the governmental power and canonization is a complex act: administrative procedure with the nature of a lawsuit. The extension of the worship of saints to the ecumenical church is a legislative act, in other respect canonization falls in the competence of Magisterium. There is a difference between the papal act and its preparatory procedure. The former is a legislative act, the latter is a judiciary procedure.⁴²

According to provocative proposals there is status quo among canonizations.⁴³ The present form of canonization shows that it is the Pope's exclusive right to canonize the beatified for the people of Lord when they are given public worship.⁴⁴

Finally, we can state that this complex procedure does not unambiguously belong to any type of procedures. The complexity of the procedure or the fact that it bears the features of more kinds of procedures gives the ground of the argument. The opinion which is closest to the reality is which says that beatification is an administrative procedure with litigious features. As the activity of Magisterium appears in it – as the worship of saints has always been an integral part of the teaching of the Church – and the central figure of the suit, whom the suit is about is not alive and cannot be present in the suit in the usual way of opposing parties and contradictions.

³⁸ J. L. GUTIÉRREZ, *Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione*, in *Apollinaris* 69 (1996) 212.; HOSTIENSIS CARD. HENRICUS DE SEGUSIO, *In quinque Decretalium Libros Commentaria*, Venetiis 1581, ad. C. 52, X, de testibus et attestacionibus, II, 20.

³⁹ IBID, 213.

⁴⁰ IBID, 214.; *Motu Proprio Sanctitas Clarior del 19. III. 1969*, in *AAS* 6 (1969) 149-153.

⁴¹ IBID, 214.; S. C. DELLE CAUSE DEI SANTI, *Normae servandae in inquisitionibus ab Episcopis faciendis in causis Sanctorum*, 7 febbraio 1983, in *AAS* 75 (1983) 396-403.

⁴² K. HÁRSFAI, *Egyházi eljárásjog*, Budapest 2006, 325.

⁴³ F. VERAJA, *Alcune proposte per il rinnovamento delle cause dei santi*, in *Monitor Ecclesiasticus* 105 (1980) 305.; M. D'ALFONSO, *Alcuni aspetti giuridici nei processi delle cause dei santi*, in *Monitor Ecclesiasticus* 54 (1979) 497.

⁴⁴ J. L. GUTIÉRREZ, *Rassegna bibliografica circa la normativa attuale per le Cause di Canonizzazione*, in *Apollinaris* 69 (1996) 198.; D'OSTILIO, *Il culto dei Santi, Venerabili, Servi di dio. Ciò che è dovuto permesso, vietato, auspicabile*, in *Monitor Ecclesiasticus* 17 (1992) 63-90.