



The Holy See

APOSTOLIC LETTER "MOTU PROPRIO"

OMNIUM IN MENTEM

OF THE SUPREME PONTIFF BENEDICT XVI
ON SEVERAL AMENDMENTS TO THE CODE OF CANON LAW

The Apostolic Constitution *Sacrae Disciplinae Leges*, promulgated on 25 January 1983, reminded everyone that the Church, as a community which is at once spiritual and visible, and also hierarchically structured, requires juridical norms, "so that the exercise of the tasks divinely entrusted to her, especially the exercise of sacred power and of the administration of the sacraments, may be properly organized". The norms ought to reflect, on the one hand, the unity between theological doctrine and canonical legislation, and, on the other, the pastoral usefulness of the prescriptions whereby ecclesiastical ordinances are directed to the good of souls.

The more effectively to safeguard this necessary doctrinal unity and pastoral purpose, the Church's supreme authority, after careful deliberation, decides, from time to time, to make suitable changes or to introduce additions to the canonical norms. This is the reason that has led me to promulgate the present Letter, which concerns two issues.

First, in [can. 1008](#) and [can. 1009](#) of the *Code of Canon Law*, on the sacrament of Holy Orders, the essential distinction between the common priesthood of the faithful and the ministerial priesthood is reaffirmed, while the difference between the episcopate, the presbyterate and the diaconate is made clear. Inasmuch as my venerable Predecessor [John Paul II](#), after consulting the Fathers of the Congregation for the Doctrine of the Faith, ordered that the text of n. 1581 of the *Catechism of the Catholic Church* be modified in order better to convey the teaching on deacons found in the Dogmatic Constitution *Lumen gentium* of the [Second Vatican Council](#) (n. 29), I have determined that the canonical norm concerning this subject should likewise be adjusted. Consequently, after hearing the view of the [Pontifical Council for Legislative Texts](#), I decree that the words of the aforementioned canons are to be modified as set forth below.

Since the sacraments are the same for the entire Church, the supreme authority of the Church alone is competent to approve or define what is required for their validity and to determine the rites to be observed in their celebration (cf. [can. 841](#)). All this is equally applicable to the form to be observed in the celebration of marriage, if at least one of the parties has been baptized in the Catholic Church (cf. [cann. 11](#) and [1108](#)).

The [Code of Canon Law](#) nonetheless prescribes that the faithful who have left the Church "by a formal act" are not bound by the ecclesiastical laws regarding the canonical form of marriage (cf. [can. 1117](#)), dispensation from the impediment of disparity of cult (cf. [can. 1086](#)) and the need for permission in the case of mixed marriages (cf. [can. 1124](#)). The underlying aim of this exception from the general norm of [can. 11](#) was to ensure that marriages contracted by those members of the faithful would not be invalid due to defect of form or the impediment of disparity of cult.

Experience, however, has shown that this new law gave rise to numerous pastoral problems. First, in individual cases the definition and practical configuration of such a *formal act* of separation from the Church has proved difficult to establish, from both a theological and a canonical standpoint. In addition, many difficulties have surfaced both in pastoral activity and the practice of tribunals. Indeed, the new law appeared, at least indirectly, to facilitate and even in some way to encourage apostasy in places where the Catholic faithful are not numerous or where unjust marriage laws discriminate between citizens on the basis of religion. The new law also made difficult the return of baptized persons who greatly desired to contract a new canonical marriage following the failure of a preceding marriage. Finally, among other things, many of these marriages in effect became, as far as the Church is concerned, "clandestine" marriages.

In light of the above, and after carefully considering the views of the [Congregation for the Doctrine of the Faith](#) and the [Pontifical Council for Legislative Texts](#), as well as those of the Bishops' Conferences consulted with regard to the pastoral advantage of retaining or abrogating this exception from the general norm of [can. 11](#), it appeared necessary to eliminate this norm which had been introduced into the corpus of canon law now in force.

Therefore I decree that in the same *Code* the following words are to be eliminated: "and has not left it by a formal act" ([can. 1117](#)); "and has not left it by means of a formal act" ([can. 1086 § 1](#)); "and has not left it by a formal act" ([can. 1124](#)).

Likewise, having heard the views of the [Congregation for the Doctrine of the Faith](#) and the [Pontifical Council for Legislative Texts](#), and after inquiry among my venerable brethren, the Cardinals of Holy Roman Church in charge of the Dicasteries of the [Roman Curia](#), I decree the following:

Art. 1. The text of [can. 1008](#) of the [Code of Canon Law](#) is modified so that hereafter it will read:

"By divine institution, some of the Christian faithful are marked with an indelible character and constituted as sacred ministers by the sacrament of holy orders. They are thus consecrated and deputed so that, each according to his own grade, they may serve the People of God by a new and specific title";

Art 2. Henceforth [can. 1009](#) of the [Code of Canon Law](#) will have three paragraphs. In the first and the second of these, the text of the canon presently in force are to be retained, whereas the new text of the third paragraph is to be worded so that can. 1009 § 3 will read:

"Those who are constituted in the order of the episcopate or the presbyterate receive the mission and capacity to act in the person of Christ the Head, whereas deacons are empowered to serve the People of God in the ministries of the liturgy, the word and charity".

Art. 3. The text of [can. 1086 § 1](#) of the [Code of Canon Law](#) is modified as follows:

"A marriage between two persons, one of whom was baptized in the Catholic Church or received into it, and the other of whom is not baptized, is invalid".

Art. 4. The text of [can. 1117](#) of the [Code of Canon Law](#) is modified as follows:

"The form prescribed above must be observed if at least one of the parties contracting the marriage was baptized in the Catholic Church or received into it, without prejudice to the provisions of can. 1127 § 2".

Art. 5. The text of [can. 1124](#) of the [Code of Canon Law](#) is modified as follows:

"Marriage between two baptized persons, one of whom was baptized in the Catholic Church or received into it after baptism, and the other a member of a Church or ecclesial community not in full communion with the Catholic Church, cannot be celebrated without the express permission of the competent authority".

All that I have laid down in this Apostolic Letter issued *Motu Proprio*, I now order to have the force of law, anything whatsoever to the contrary notwithstanding, even if worthy of particular mention, and I direct that it be published in the official gazette *Acta Apostolicae Sedis*.

Given in Rome, at St Peter's, on 26 October in the year 2009, the fifth of my Pontificate.

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