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Collective memory and sanctity: The case of equivalent canonization*

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Abstract

The paper aims to examine the case of ‘equivalent canonization’ in the Catholic tradition of making saints as an example of interaction between individual behaviour, institutional processes and collective memory. In the first section (§ 1-2), the paper sketches a philosophical and sociological framework to highlight different actors and elements in the process of beatification or canonization. In the second section (§ 3-4), the paper offers an historical overview of equivalent canonization and analyses the cases of Luigi Rabatà and Angela da Foligno, focusing on the *Informatio* for the former, and the *Positio* and Decretal Letter for the latter. The conclusion emphasizes the role of collective memory and tradition in the procedure of *casus exceptus*.

1. Biography of a community

In his classical work on canonization, sociologist Pierre Delooz states that sanctity is a social phenomenon that cuts across the sociology of knowledge, juridical sociology and the sociology of religions.¹ Even limiting our research to the Catholic tradition, it can be observed that sanctity is a devotional phenomenon and question for Canon Law, but also a problem of knowledge management that involves the relationship between an ancient institution – the Catholic Church – and its past. As Delooz observes, in fact, there is always an interpretative and selective process behind the figure of a saint,² and this process entails a certain number of actions operating on what Maurice Halbwachs has called «*les cadres sociaux de la mémoire*», the social frameworks of memory.³ For this reason, Delooz suggests, ‘sanctity’ should be studied as part of both the sociology of institutions and the sociology of collective memory.

Notably, collective memories play a dual role in the phenomenon of sanctity. In a first sense, each saint is the main character of a number of narrative discourses produced by a certain community: oral histories and tales,

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¹ PIERRE DELOOZ, *Sociologie et canonisation*, Liege, Faculté de droit 1969, p. 5.

² *Ivi*, p. 10.

³ MAURICE HALBWACHS, *On Collective Memory*, ed. by Lewis A. Coser, Chicago and London, The University of Chicago Press 1992, pp. 35-189.

legends, popular hagiographies and moral anecdotes about saints and the blessed make up the threads of the social and religious imaginary of local communities while also providing material for the construction of cultural and national identities. For example, *Vidovdan* – Saint Vitus Day – has become a national and religious calendar event in Serbia dedicated to Prince Lazar Hrebeljanović (1329-1389), venerated as a national saint by the Eastern Orthodox Church because of his death during the Battle of Kosovo against the Ottoman Empire. This religious occasion has assumed a political meaning that has resurfaced many times over the 20th century, for instance in 1914 when the members of the political organization *Mlada Bosna* chose that day to schedule the assassination of the successor to the Hasburg Empire throne Franz-Ferdinand. In the following years, *Vidovdan* became a symbolic date for many important events in European and global history, such as the signing of the Treatise of Versailles (1919), the proclamation of the Constitution of the Kingdom of Serbs, Croats and Slovenes (1921), the proclamation of the new Croatian Constitution (1990) and, more recently, the extradition of Slobodan Milošević (2001) and Montenegro's entry as a member of the UN (2006).⁴ The religious meaning of Saint Vitus Day has been interwoven with political discourses and could even be said to have been overwritten by these political connotations, but it is important to underline that the event lying at the origins of this tradition of using the *Vidovdan* memory for ideological purposes is a religious memory: the story of the war a saint and Christian prince waged against the 'Infidel' Ottoman Empire. It is this religious meaning that has provided the basis for diverse political interpretations: Milošević, for example, translated the religious content into a nationalist version in his Gazimestan Speech, 600 years after the legendary battle.⁵ In his discourse, Serbia is depicted as the «bastion that defended the European culture, religion, and European society in general», in order to prove that the country's exclusion from the European political community would be an outrage to its historical and cultural identity. It was not important in this speech to elucidate what happened in 1389; there is clearly no interest in any form of historical accuracy: «Today, it is difficult to say what is the historical truth about the Battle of Kosovo and what is legend», states Milošević at the beginning of his speech, «today this is no longer important».⁶ Only the symbolic level of the event is relevant. Even if the historical event is explicitly and openly ignored, it retains its social meaning and power to reunite the people around its ideological value. Because of its narrative form and power to create identity-based belonging, religion often provides politics with important elements for building these kinds of ideological values, and it offers a way to interpret history and forge social frameworks of memories.

⁴ For further information about Saint Vitus Day in the XX century, see JOZE PIRJEVEC, *Il Giorno di San Vito. Jugoslavia 1918-1992: storia di una tragedia*, Turin, Nuova Eri 1993.

⁵ The so-called Gazimestan Speech (28 June 1989) is available in HEIKE KRIEGER, *The Kosovo Conflict and International Law: An Analytical Documentation 1974-1999*, Cambridge, Cambridge University Press 2001, pp. 9-10.

⁶ *Ivi*, p. 9.

Considering they play an important role in religious and social imaginary,⁷ saints play a significant role in this process of identity building and often constitute an important symbolic element of the process.

In another and complementary way, saints may also be considered a product of social imagination and collective memory. Along these lines, Delooz has described the emergence of the figure of a saint as a process of perception and memory, structured as follows:⁸

1. First, religious information is provided by the behaviours of a potential saint within a certain social context. It is important to observe that this individual does not invent or create his behaviours *ex nihilo*; rather, he revisits previous traditions and habits from his religious background in an original way.
2. A certain number of witnesses selectively perceive and receive these behaviours in the light of previous religious experience and knowledge that match or clash with the new information given by the potential saint.
3. Meanwhile, these new behaviours are interpreted and compared to the mainstream religious models present in the community. At the end of this third moment, the new information is subjected to some restrictions and/or reconfigurations.
4. Finally, a fixation process occurs thanks to the social function played by memorization, incorporating the religious information given by the potential saint's behaviours into the social frameworks of memory.

According to this pattern, saints are figures shaped by their personal and social past, and their identity is designed by the social religious models of the time, even if the saint in question directs his or her behaviour towards change or seeks to reform existing social and religious conduct. Collective memory is involved in this process from the very beginning, as the prospective saint begins his or her innovative behaviour on the basis of previous models and traditions handed down over the history of the community. Also, it is because of these same traditions and models that witnesses, and later the whole community, receive, interpret, and judge the new 'religious information' delivered by the behaviour of the potential saint. Only if the new behaviour can be qualified as in some way acceptable in the light of tradition can it be included by the community in a collective memory, as part of a process of re-processing that transforms and structures its meaning and the identity of the saint. Referring to the previous example, it could be said that the figure of Saint Lazar is a constitutive element of the social memory of a certain community because of the lengthy process that shaped his story over

⁷ The notion of «imaginary» is used here in the sense of CORNELIUS CASTORIADIS, *The Imaginary Institution of Society*, ed. by Kathleen Balmey, Cambridge, Polity 1997.

⁸ Delooz, *Sociologie et canonisation*, pp. 12-13.

hundreds of legends, tales, poems and discourses that have given him his role in the ideological biography of the community.

2. Reputation of sanctity and institutional authority

Viewed from this perspective, the identity of a saint appears to be the result of social negotiations between an individual and a collective representation, a process entailing dialogical and intersubjective construction. The identity of a saint, as well as the identity of each individual, can thus be seen as an assemblage of different elements that are held together thanks to a narrative structure.⁹ A personal identity emerges as an 'I' telling a story in which the self is involved as both the speaking subject and the subject of the speech.¹⁰ In the same manner, every saint tells his or her own story, but as a personal self the saint is always the subject of multiple narratives deriving from the perceptions of and interpretation provided by a community.¹¹

As Delooz suggests, both perceiving and interpreting the new elements provided by the prospective saint are processes of selection, judgement and choice. The act of selection always involves evaluation, and this latter relies on a normative model taken as a criterion. In this respect, the social and collective dimension of the phenomenon of «sanctity» is implicit in the juridical features of the notion. Canonist Giuseppe Dalla Torre has observed that sanctity can be considered something that regards the beyond-time nature of the Church or the Church taken as an eschatological reality:¹² from this point of view, sanctity is not a matter of law because Canon Law only has meaning in certain historical contexts. At the same time, however, we also have to acknowledge sanctity as an expression of the Church as a historical institution, one that expresses certain specific social structures and, consequently, must refer to a certain juridical organization.¹³ Therefore, according to Dalla Torre, sanctity must be considered an intersection between the «theological, spiritual and charismatic reality of the Church and its institutional and juridical expression».¹⁴ This juridical expression testifies to the social relevance of sanctity as well as its connection to the construction of social behaviours associated with this concept. Indeed, if we look for a criterion for sanctity one crucial element is clearly the relatively public character of the cult in question, at least in the Catholic tradition: saints are historical personalities and the object of devotional practices by a given

⁹ PAUL RICOEUR, *Time and Narrative*, ed. by Kathleen McLaughlin and David Pellauer, Chicago & London, The University of Chicago Press 1984-1988.

¹⁰ ÉMILE BENVENISTE, *Subjectivity in Language*, in Id. *Problems in General Linguistics*, ed. by Mary Elizabeth Meek and Coral Gables, Miami, University of Miami Press 1971, pp. 217-222.

¹¹ DELOOZ, *Sociologie et canonisation*, pp. 12-13.

¹² On the eschatological meaning of the sanctity for the Church an important reference can be found in *Lumen Gentium* 39-42 and 48-50.

¹³ GIUSEPPE DALLA TORRE, *Sanctità e diritto. Sondaggi nella storia del diritto canonico*, Torino, Giappichelli 2008, p. 2.

¹⁴ *Ivi*, p. 8.

community of believers. In other words, saints are saints in the eyes of other people.¹⁵

Nevertheless, the existence of a community is not sufficient in itself; an intervention on the part of the ecclesial authority is required for there to be a saint. Notably, in the modern canonization process, the existence of a public cult or public devotional practices dedicated to a person who is not officially recognised as a saint or beatified by the Church is considered an impediment to a normal process of beatification or canonization. The concept of «reputation for holiness» or «reputation for sanctity» is crucial in this sense because it implies that the so-called «Servant of God» [*Servus Dei*] – i.e. the individual candidate for possible beatification – is recognised by a certain community as a pious example of Christian belief but it also indicates an uncertain status: a reputation is not an established fact. Even if the «reputation for holiness» is a *conditio sine qua non*, an authoritative intervention by the institutional Church is necessary to confirm the community's view.

Such institutional intervention has a very long history in Catholic tradition and has eventually evolved into a well-defined juridical procedure. However, the emergence of the “canonization process” during the XII century did not mark the end of the story: this complex and one-of-a-kind legal procedure has undergone several transformations over the centuries, including the introduction of new, different ways of ‘becoming a saint’.¹⁶ In this long and fascinating story, the case of ‘equivalent’ canonization or beatification, also known as *casus exceptus*, represents a particularly interesting case study precisely because of the significant role collective memory plays in it.

3. ‘Equivalent’ canonization/beatification or *casus exceptus*

While during the Late Antiquity and Early Middle Ages the recognition of sanctity was a spontaneous phenomenon – predominantly originating from below – often confirmed by bishops through the rite of *elevatio* (elevation of relics) and/or *translatio* (transferring of relics), starting in the High Middle Ages and more precisely the XII century, the Church formulated the complex structure of the canonization process¹⁷ so as to verify the ‘heroism’ of virtues

¹⁵ DELOOZ, *Sociologie et canonisation*, p. 9.

¹⁶ This process is still ongoing even today: in 1983 Karol Wojtyła, Pope John Paul II, enacted a *Constitutio Apostolica*, the *Divinus perfectionis magister* that modifies the procedure for canonization, and in 2016 the apostolic letter *Maiorem hac dilectionem* by Jorge Mario Bergoglio, Pope Francis, introduced a new path for achieving sainthood, the so-called *oblatio vitae*. Regarding this last point, see JENNY PONZO, *The Case of the “Offering of Life” in the Causes for Canonization of Catholic Saints: The Threshold of Self-Sacrifice*, «International Journal for the Semiotics of Law», 33, 2020, pp. 983-1003.

¹⁷ The first canonization process can be considered that of St. Galgano († 1181), celebrated by pope Lucius III (1181-1185) in 1185. Moreover, in the X century there was the case of St. Ulrich of Augsburg († 973), the first saint canonized not by a local authority but rather by a pope, John XV (985-986). Regarding sanctity and canonization process during the Middle Ages, see ANDRÉ VAUCHEZ, *Sainthood in the Later Middle Ages*, Cambridge, Cambridge University Press 1987 (orig. ed. Rome, École Française de Rome 1981).

thanks in part to the testimony of many witnesses. Moreover, in the XVI and XVII centuries a non-ordinary ‘procedure’ was created known as equivalent canonization (*canonizatio aequipollens*).¹⁸

Equivalent canonization is a juridical act used for sanctity candidates who have been the object of a very longstanding cult or are already blessed.¹⁹ This particular measure is used in some specific cases for which it is not possible to employ the ordinary canonization process (*per viam non cultus*) involving the testimony of witnesses who had known the candidate or heard about him/her from those who had known him/her. The *casus exceptus* – the Latin form for equivalent canonization/beatification, meaning ‘except case’ – entails three requisites: the antiquity of the cult (so-called *cultus ab immemorabili*), constant, credible references by historians to the candidate’s virtues or martyrdom, and the continuity of fame regarding miracles and signs of sanctity.²⁰ At the moment, on the basis of historical documents, approximately thirty saints have been canonized – a count that does not include the blessed – through equivalent canonization.²¹

The *casus exceptus* does not apply to saints already included in the list of the canonized such as St. Sebastian, St. George, St. Agnes, etc. even if they are very ancient saints and have not undergone formal canonization. Some references to this case can be found under the pontificates of Pope Boniface VIII (1234-1303), Sixtus IV (1471-1484) and Pius V – the latter with the inclusion of many saints in the Roman Breviary in 1568;²² however, it is under Pope Clement VIII (1592-1605), the pope who declared he did not want to consider the cases of sanctity candidates on which other popes had already pronounced, that we can identify a juridical basis for equivalent canonization as well as in the cases of the ‘Saints’ venerated from time

¹⁸ For a discussion of equivalent canonization, see: A. BATTANDIER, *La canonisation équipollente*, in *Annuaire Pontifical Catholique*, Paris, Maison de la Bonne Presse 1903, pp. 420-425; GIUSEPPE LÖW, *La canonizzazione equipollente*, in *Enciclopedia Cattolica*, III, Città del Vaticano 1949, coll. 602-604; ANTONIO CRNICA, *De canonizatione aequipollenti*, «Monitor Ecclesiasticus», 86, 1961, pp. 258-280; FABIJAN VERAJA, *La canonizzazione equipollente e la questione dei miracoli nelle cause di canonizzazione*, «Apollinaris», 48, 3-4, 1975, pp. 475-500; HENTYK MISZTAL, *Kanonizacja równoznaczna*, «Prawo Kanoniczne: kwartalnik prawno-historyczny», 21/3-4, 1978, pp. 189-216; FELICE DI MOLFETTA, *Il processo per la canonizzazione equipollente di S. Corrado patrono di Molfetta (1832)*, in *Studi in onore di mons. Antonio Bello*, ed. by Luigi Michele De Palma, Molfetta, Mezzina 1992, pp. 11-33; *Le cause dei santi. Sussidio per lo studium*, ed. by Vincenzo Criscuolo et alii, Città del Vaticano 2018⁴. An interesting analysis of canonization causes, including an historical perspective and useful bibliographic references, is that of JOSÉ LUIS GUTIÉRREZ, *Le cause di beatificazione e canonizzazione*, in *I giudizi nella Chiesa. Processi e procedure speciali. XXV Incontro di Studio* (Villa S. Giuseppe – Torino, 29 giugno – 3 luglio 1998), Milano, Glossa 1999.

¹⁹ See the next chapter for a discussion of equivalent beatification.

²⁰ The last point is in contraposition with the ordinary condition, as established by the 1642 Urbanian decrees, that the candidate for sanctity must not have had a cult dedicated to them before his or her official inscription in the list of blessed or saints (cf. *infra*).

²¹ *Canonizationis Beatae Angelae a Fulgineo viduae ex Ordine Franciscano Saeculari (1248-1309). Positio super extensione cultus, fama sanctitatis et signorum*, Roma, Tipografia Nuova Res, 2013, p. XII.

²² Misztal, *Kanonizacja równoznaczna*, pp. 192-193.

immemorial (*ab immemorabili tempore*).²³ On 9 July 1595, Pope Clement VIII applied the juridical dispositive of *casus exceptus* for the first time (although it was not yet fully formalised) to include Romuald (†1027), founder of the Camaldolese Order, in the canon of saints. Moreover, the legal basis of equivalent canonization was laid down by Urban VIII (1623-1644) when, during his pontificate, he declared Columba of Rieti (†1501), a religious sister of the Third Order of St. Dominic, and the Dominican friar Matthew Carrieri (†1470), to be blessed as *casus excepti*; at the same time, he also canonized, with the equivalent canonization, Peter Nolasco (†1256), founder of the Mercedarians Order, approved in 1230, and Raymond Nonnatus (†1240), friar of the same order.

In 1625, Urban VIII issued decrees related to the canonization process, later confirmed by the 1634 pontifical brief intitled *Caelestis Hierusalem cives*. In 1642, these texts were gathered into a booklet with a list of minor rules governing the canonization process that had been issued during his pontificate. These documents forbade venerating people who were not yet beatified or canonized, but at the same time they introduced the possibility, under specific conditions, of their enjoying an official cult. The conditions (exceptions) considered by the Pope were: that the sanctity candidate be venerated by the common consent of the Church; or for a long time (*ab immemorabili*); or on the basis of writings by the Fathers or holy men; or for a long time and with the tolerance of the Apostolic See or local Ordinary (*ex tolerantia*).²⁴ On a case-by-case basis, the *casus exceptus* dispositive can be used if one or more of these conditions are met. At the same time, according to the decrees, the Pope established that no sanctity candidate shall have signs or expressions of worship.²⁵ Indeed, starting from the Urbanian decrees, it became necessary for the documents written for canonization causes to include a specific declaration attesting to the absence of worship (*super non cultu*), and this declaration is still required today. From this moment onwards, the decrees established that a specific cult could be considered for formal

²³ «Nolumus agere de his, pro quibus habentur diplomata Pontificum praedecessorum nostrorum, neque de illis, qui ab immemorabili tempore ut Beati coluntur; sed de recentioribus, et quid in posterum servandum sit [...]» (BENEDETTO XIV (Prospero Lambertini), *De Servorum Dei Beatificatione et Beatorum Canonizatione - La Beatificazione dei Servi di Dio e la Canonizzazione dei Beati*, ed by Vincenzo Criscuolo, Città del Vaticano 2011, I/2, XVII, p. 298, 1).

²⁴ «... per communem Ecclesiae consensum, sive per immemorabile temporis cursum, sive per Patrum virorumque sanctorum scripta, sive denique temporis longissimi scientia ac tolerantia Sedis Apostolicae, vel Ordinarii» (BENEDETTO XIV, *De Servorum Dei Beatificatione*, I/2, XVII, p. 297, 1). On the decrees of Urban VIII see: MIGUEL GOTOR, *Chiesa e santità nell'Italia moderna*, Roma-Bari, Laterza 2004, pp. 81-93.

²⁵ The ban prohibited depicting Servants of God with signs of sanctity as halos or rays, writing or printing their hagiographies, exhibiting votive tablets or lighting candles at their tombs. Even today, for ordinary canonization, «the Bishop or his Delegate, the Promotor of Justice and the Notary of the cause», must verify that there are no signs of a cult dedicated to the candidate in the places linked to his or her life and death, included the tomb, and declare this absence in a specific document (cf. John Paul II, *Divinus perfetionis magister*, Apostolic Constitution, Rome 1983, I, 6; Congregation for the Causes of Saints, *Sanctorum Mater. Instruction for conducting Diocesan or Eparchial inquiries in the Causes of Saints*, Rome 2007, pars VI, titulus I, art. 117-119).

canonization only if it was documented to have developed no less than one hundred years before the decrees, that is, the year 1534. This is the only way to circumvent the *non cultus* rule. Therefore, ancient cults must have emerged in a period between Alexander III's pontificate (ending with his death in 1181), when the canonization process was reserved to the popes, and 1534. This is the meaning of the expression *casus exceptus*: it represents an exception in terms of a cult that would otherwise be excluded from consideration by the Urbanian decrees. The way a pope grants the status of blessed to a saint who had a cult is in fact an exception to the ordinary *non cultus* rule.

The most important step in formulating the *casus exceptus* criterion was *De servorum Dei beatificatione et beatorum canonizatione* written by Prospero Lorenzo Lambertini, Pope Benedict XIV, as previously there were no explicit references to this case.²⁶ This book displays the author's profound erudition and played a key role in developing the canons and principles for canonization in the modern age.

Lambertini dedicates an important section of his book to *casus exceptus*, highlighting the way in which it can be considered and used; according to Misztal, however, Lambertini provides not a definition of this legal institution but rather a description of it, considering the cases he was able to analyse.²⁷ In the pope's opinion, this case could only be taken into consideration under the conditions outlined above.

Lambertini analyses equivalent canonization by means of many examples. These include some 'blessed' who never underwent a formal beatification process but have had cults dedicated to them since long ago, although not certificated by a pontifical act.²⁸ The pope lists some 'blessed' for whom many documents attest to the antiquity of the cult, also in public form, highlighting that sometimes there was neither a formal cause nor an equivalent canonization. Under the prescripts of Urban's VIII decrees, in these cases the cult could be allowed to continue only if a condition for *casus exceptus* was found, despite the lack of a formal beatification or canonization cause. This case can be defined as an 'informal' cult or cult without formal confirmation.²⁹ In cases in which the Church did not want to launch a process *per viam cultus*, it was not necessary to eliminate the cult or use the *casus exceptus* dispositive.³⁰ At the same time, if a 'blessed' without beatification or canonization did not have the equivalent conditions for beatification, the

²⁶ BENEDETTO XIV, *De Servorum Dei Beatificatione et Beatorum Canonizatione - La Beatificazione dei Servi di Dio e la Canonizzazione dei Beati*.

²⁷ MISZTAL, *Kanonizacja równoznaczna*, p. 199; Pope Benedict describes equivalent canonization in chapter 41 of the first book: BENEDETTO XIV, *De Servorum Dei Beatificatione*, I/2, XLI.

²⁸ The examples are related to some figures of the diocese of Ancona and Bologna, where Lambertini worked (BENEDETTO XIV, *De Servorum Dei Beatificatione*, I/2, XVIII, pp. 316-336).

²⁹ Lambertini takes into consideration: for Ancona Liberio or Oliverio, Antonio Fatati, Gabriele Ferretti; for Bologna: Ludovico Morbioli, Elena Duglioli dall'Olio (†1520), the 'blessed' Lucia, Nicolò Albergati, Arcangelo Canneto (†1513), Bononio abbate (†1026) – the latter obtained the Vatican's permission and the inclusion in the Roman Martyrology.

³⁰ Cfr. *Ivi*, I/2, XVII, pp. 313-315, 7.

Apostolic See could choose one of two possible responses: to not suppress the cult or to carry out *ad ulteriora* (more and deeper) investigations with the aim of initiating a canonization process.³¹

One of the cases addressed by Lambertini³² is the *casus exceptus* of Nicolò Albergati from Bologna.³³ Albergati was a Cartusian monk, bishop of Bologna, who died in Siena in 1443. Lambertini lists the authors who wrote about this monk: St. Antonino, three very famous men (*celeberrimi viri*), Giacomo Zenò, Poggio Fiorentini and Carlo Sigonio who wrote his biography but also Giorgio Garnefelt who put together various essays about him. There were also two other biographies of Albergati, one written by friar Bonaventura Cavallo of the Franciscan Observance and one by the Archpriest Giovanni Antonio Victor. As regards the public cult surrounding this figure, Lambertini highlights that in Bologna, Florence and other cities there are drawings showing Albergati surrounded by bright and shining rays («*corucantibus et splendentibus radiis*»). In the *dies natalis*, masses were celebrated in his honour albeit not identifying him by name. The author also mentions a revered fellowship composed of 33 members who pray to the ‘blessed’ asking for his intercession, and one day a year a Dominican preacher presents his virtues. Lambertini argues that a process based on fame, virtues, miracles and cult *ab immemorabili* was actually started but that it did not lead to any sentences being issued. In this case, the public cult was not prohibited because there was no pronouncement from a committee. Starting from the mid-XVIII century, Nicolò Albergati was considered blessed.

In the juridical analysis of *casus exceptus* it is interesting to note that the candidate’s public cult, as previously argued, was required to have a ‘universal’ dimension rather than being limited to a local church. For this reason, it is important that the Servant of God be venerated not only in conventual or monastic churches, but also in secular ones, and such veneration would constitute proof of the extended scope of the cult.³⁴

Writings and testimonies by Fathers or holy men can be very important in *casus exceptus* determinations. The category of ‘holy men’ includes not only saints canonized before Urban VIII’s decrees but also people worthy of faith due to their sanctity and lifestyle.³⁵ The writings in this case must not refer to the Servant of God while he is alive – since his way of life might still change – but only after his death. The writings about the candidate by themselves are not sufficient to grant *casus exceptus*, but they are a strong argument if combined with others.

An apostolic indult is another option for equivalent canonization and represents by itself a sufficient condition for granting *casus exceptus*. It can

³¹ *Ivi*, p. 315.

³² In his treatise, Benedict XIV list eleven cases of equivalent canonization: St. Romuald, St. Norbert of Xanten, St. Bruno of Cologne, St. Peter Nolasco, St. Raymond Nonnatus, St. Giovanni de Matha and St. Felix of Valois, St. Margaret of Scotland, St. Stephen of Hungary, St. Wenceslaus, St. Pope Gregory VII and St. Gertrude of Helfta (*ivi*, I/2, XVII, pp. 330-333, 16-17).

³³ *Ivi*, I/2, XVII, pp. 330-333, 16-17; on this blessed see E. Pásztor, *Niccolò Albergati*, in *Dizionario Biografico degli Italiani*, I, 1960, pp. 619-621.

³⁴ *Ivi*, I/2, XIX, pp. 340-341, 3-4.

³⁵ *Ivi*, I/2, XIX, pp. 342-343.

also be represented by an oral declaration made by a pope even if not confirmed by a bull or official document, but a private piece of writing is not considered sufficient. In Lambertini's opinion, the Church can also approve a cult by means of a pontifical authorization to include the Servant of God among other saints with clear signs of sanctity,³⁶ or by permission to transfer the relics to a more honourable place³⁷ so as to enhance the public cult surrounding the person in question, as in the ancient *elevatio* and *translatio*. The last aspect to consider is the necessity of miracles to qualify a candidate for equivalent beatification or canonization. According to the Urbanian decrees, in the previous centuries three miracles were necessary for candidates to be beatified as *casus excepti*, or only two for them to be beatified through the *non cultus* procedure.³⁸ Today, on the basis of the 1983 legislation and *Sanctorum Mater* instructions in particular, one miracle after equivalent beatification is necessary for canonization while no miracles are required for the latter.³⁹ At the same time, it is important to note that standard canonizations may also take place in the absence of miracles (think for example of the beatification of a martyr) and so this condition is not specific to equivalent canonization.⁴⁰

Currently, as established by this legislation, a cause is to be considered 'ancient' (*casus exceptus*) when a cult is so old that it is impossible to interrogate witnesses regarding the virtues or martyrdom of the Servant of God in question. In this case, as emphasized throughout this paper, the trial is conducted on the basis of historical sources together with the interrogation of witnesses as to the candidate's current fame or signs of sanctity.⁴¹

In summary, as underlined by Misztal, the difference between ordinary and equivalent canonization is the way in which the Pope includes the candidate in the list of saints.⁴² Indeed, there are some details included in the decree of

³⁶ *Ivi*, I/2, XIX, p. 370, 8.

³⁷ *Ivi*, I/2, XIX, p. 370, 9.

³⁸ *Le cause dei santi. Sussidio per lo studium*, p. 447.

³⁹ Congregation for the Causes of Saints, *Sanctorum Mater*, pars II, titulus III, art. 35. It is interesting to note that the Code of Canon Law of 1917 contained many explicit references to *beatificatio aequipollens* (cann. 2125-2135, 2137 § 1, 2138 § 2), while the *Sanctorum Mater* does not. Regarding the aspect of miracles in the previous Code of Canon Law, see: PAOLO MOLINARI, *Observationes aliquot circa miraculorum munus et necessitatem in causis beatificationis et canonisationis*, «Periodica de re morali, canonica, liturgica», 63, 1974, pp. 341-384: especially 341-342; *Id.*, *I miracoli nelle cause di beatificazione e canonizzazione*, «La civiltà cattolica», 129, 1978, pp. 21-33.

⁴⁰ Regarding this aspect and for some historical examples, see F. VERAJA, *La canonizzazione equipollente e la questione dei miracoli nelle cause di canonizzazione*. According to Veraja, one of the first cases – or perhaps the first – of confusion between canonization without miracles and equivalent canonization was the cause of the saints John Fisher and Thomas More, canonized on the basis of their martyrdom without considering miracles. At the same time, their *Positio* included some references to equivalent canonization (*ivi*, p. 483). In the opinion of the author, other causes erroneously considered to be equivalent were those of St. Margaret of Hungary, St. Joh of Ávila and St. Nicholas Tavelic and his companions.

⁴¹ *Le cause dei santi. Sussidio per lo studium*, p. 447.

⁴² Benedict XIV defines "Servant of God" as an ancient blessed who never underwent a formal process for equivalent canonization, and "Blessed" as a candidate for ordinary canonization (MISZTAL, *Kanonizacja równoznaczna*, p. 204).

promulgation of sanctity that distinguish between the two forms. Viewed in this way, equivalent canonization is not a different type of canonization process opposed to the ordinary process but rather a different kind of Pontifical act.⁴³

In the case of equivalent canonization, therefore, collective memory – confirmed by historical sources – acquires great importance. The fact of people constantly believing in the *Servus Dei*'s virtues and fame of sanctity over time substitutes for the individual depositions of multiple witnesses. Thanks to historical analysis, collective memory, and especially the memory of reliable historians, becomes the basis of the entire canonization process. The expression *cultus ab immemorabili* itself underlines the role of ancient memory (Latin: *in + memor*, without memory because of its antiquity) in that it emphasizes the candidate's condition of enjoying a reputation of sanctity over time after his/her death or, in many cases, already while he/she was still alive.

4. The cases study of Luigi Rabatà and Angela da Foligno

In order to understand the *casus exceptus* dispositive, we can briefly consider two case studies: an equivalent beatification from the middle of XIX century and a more recent equivalent canonization that took place in the 2000s.

One example of *beatificatio aequipollens*⁴⁴ is that of Luigi Rabatà (†1490), the prior of the Carmelite convent of St. Michael of Randazzo, in Sicily.⁴⁵ During the XVI century, and precisely in 1533 and 1573, two trials (*inquisitiones in partibus*) were held about his miracles and *fama sanctitatis*. However, it was not until 10 December 1841 that Pope Gregory XV confirmed the cult dedicated to this Servant of God, inscribing his name among the blessed. The case of Rabatà is a *casus exceptus* because his cult is documented as having existed more than 100 years before the decrees of Pope Urban VIII.

An interesting document related to this confirmation is *Informatio super confirmatione cultus ab immemorabili tempore praestiti* (Information on the confirmation of the antiquity of the cult), a report that was written in 1841.⁴⁶ The document is composed of an introduction with biographical information about Rabatà and a description of his virtues. Here the author highlights that the cult of Rabatà is unmemorable, arguing that it predates the Urbanian

⁴³ *Ivi*, pp. 203-204.

⁴⁴ The expression “formal beatification” (*beatificatio formalis*) indicates the ordinary process, with the recognition of a new “blessed”, while equivalent beatification (that is, from a juridical perspective, the *confirmatio cultus ab immemorabili*, also called *beatificatio aequipollens*) is based, as underlined, on confirming an already existing cult. For a discussion of this specific aspect see HENRYK MISZTAL, *Le cause di canonizzazione. Storia e procedura*, Città del Vaticano, Libreria Editrice Vaticana 2005, pp. 97-102.

⁴⁵ Regarding blessed Rabatà, see: PIO SIMONELLI, *Il beato Luigi Rabatà carmelitano. Studio sulla figura e sul culto. Testo dei processi canonici del XVI sec.*, Roma, Edizioni Carmelitane 1968, and MARCO PAPASIDERO, «A laudi Deu». *Luigi Rabatà tra storia, memoria e pratiche devozionali*, Roma, Edizioni Carmelitane 2019.

⁴⁶ AGOC, Post., folder B. *Aloisius Rabatà* (secc. XIX-XX), *Informatio super confirmatione cultus ab immemorabili tempore praestiti* (1841).

decrees, particularly in reference to the *non cultus* condition. There are also several paragraphs of text. The first, *De Sepulcro elevato sub Ara maxima ante annum 1533* (the tomb elevated under the high altar before 1533), provides a description of the elevation of the Blessed's relics from the first burial site to the main altar. The second, *De titulo Beati tributo usque ab anno 1533* (the title of blessed used since 1533), considers the fact that the title 'blessed' had been used since 1533 and in modern historiographies as well. The paragraph *De Imaginibus Beati cum notis et signis Sanctitatis* (On the images of the blessed with rays and signs of sanctity) describes images of Rabatà, also addressing the representation of signs specifically related to his sanctity, expression of a public cult. The fourth paragraph is intitled *De luminibus accensis ante Aram Beati* (the candles lighted on the case of Blessed's relics) and it attests to the existence of this devotional practice on the basis of a signed declaration by the convent's friars. The last paragraph, *De continuatione cultus* (On the continuity of the cult), is related to the continuity of a cult venerating Rabatà throughout the centuries.

This document is an interesting example of the way in which a Servant of God might be blessed thanks to the *casus exceptus* dispositive. The *Informatio* references many of the elements outlined above: references to the antiquity of the cult, expressed by the elevation of the relics placed in the main altar, the 'blessed' title having been used for Rabatà since 1533, that is, the date of the first trial, and the fact that the cult has continued down through the centuries. Furthermore, the text also shows that the veneration of Rabatà constitutes a public cult by virtue of candles being lit on the sepulchre, and the specific existence of signs of sanctity – tolerated by ecclesiastic authorities over the years – in the form of rays around his figure.⁴⁷ In this as in the other cases of equivalent canonization, the theme of memory is crucial. All of the chapters in *Informatio* contain multiple references to the habits of devotees over the years, highlighting their constant devotion to the blessed Rabatà. At the same time, this text represents a way to remember – thanks to a historical document – how the community of Randazzo cares for its *Servus Dei*.

Another case study is the canonization of the blessed Angela da Foligno (†1309), a sister of the Third Order of St. Francis. Due to the spontaneous development of a public cult, on 7 May 1701 Clement XI gave the Order of Friars Minor Conventual and Foligno permission to recite the Divine Office. Later, on 20 December 1766, Clement XIII authorized them to hold masses. Angela was only canonized later, by Pope Francis on 9 October 2013 and via equivalent canonization.

Her case is considered a *casus exceptus* because of the cult *ab immemorabili* but also thanks to the number of text and pieces of evidence attesting to her sanctity. We can consider two sources: the *Positio super extensione cultus, fama sanctitatis et signorum* published by the Congregation of the Causes of

⁴⁷ In the proceedings from the 1533 trial, one witness testified that the blessed was depicted together with other Carmelite saints in Randazzo's conventual church (cfr. PAPASIDERO, «A laudi Deu» Luigi Rabatà, p. 57).

Saints in 2013,⁴⁸ and the Decretal Letter signed by Pope Francis the same year.⁴⁹

The first aspect worth noting is the structure of the text. The *Positio* is composed of eleven parts. The *Praenotatio Relatoris Generalis* (p. V-XV) was written by Relatore Generale Vincenzo Criscuolo, Postulator Angelo Paleri, and Collaborator Massimo Vedova, and contains a short life history of the saint and a general description of the *Positio* itself. As with other *positiones*, there is an *Introductio generalis* (pp. 1-27) featuring a short biographical profile, the historical developments of her canonization cause, the value of the message conveyed by her life, and bibliographical references. The *Informatio super virtutibus* (pp. 29-67) outlines the virtues Angela displayed to a heroic degree. In keeping with standard practice, these are presented beginning with the theological virtues (faith, hope, and charity), followed by the cardinal ones (prudence, justice, fortitude, and temperance), then evangelical virtues (poverty, chastity, and obedience) and finally the virtues of humility and meekness. The longest chapter of the text is intitled *Biographia ex documentis* (pp. 69-252) and is composed of two different parts: the first is a description of the historical context of Foligno during the XIII and XIV centuries along with a longer biographical section related specifically to her conversion, penitence, new mystical life and relationship with the disciples who accompanied her with a specific section on her spirituality and forms of charisma. The second part of the chapter is the critical text *Liber Lelle* – which also contains her revelations – but without the critical apparatus included in the editions by Ludger Thier and Abele Calufetti.⁵⁰ The fifth part of the *Positio* is the *Summarium Documentorum* (pp. 253-428); this part contains many archival documents related to Angela and her canonization cause. These include letters, certificates, notarial documents, biographies, municipal resolutions, reconnaissance of the relics, petitions sent to the Pope and Congregation by religious authorities, etc. The main aim of this section is to demonstrate the antiquity of the cult dedicated to Angela as well as her reputation for and signs of sanctity. In the last part of the *Positio* is the *Decretum de validitate inquisitionis diocesanae* (p. 255), a decree issued by the Congregation of the Causes of Saints in 2010 regarding the validity of the cause; it is followed by the *Relatio Peritorum in historia et archivistica* (pp. 431-455), that is, the report by the historical committee regarding the canonization cause, and the *Vota censorum Theologorum* (pp. 457-467) that addresses the votes cast by theological censors. The *Positio* ends with the *Index nominum ac locorum* (pp. 469-478), an index of the names of people and places quoted, and the *Index generalis* (pp. 479-481). In accordance with the decrees of Urban VIII and Lambertini's *De Servorum Dei Beatificatione*, the *Positio* is based on the historical aspects of the cult dedicated to Angela da Foligno. The aim of the cause is to demonstrate the

⁴⁸ *Canonizationis Beatae Angelae a Fulgineo*, cit.

⁴⁹ *Lettera Decretale di Papa Francesco sulla Canonizzazione equipollente della Beata Angela da Foligno*, Roma, 9 ottobre 2010; on St. Angela see: A. Blasucci, *Angela da Foligno*, in *Bibliotheca Sanctorum*, I, Roma, Città Nuova, 1961, coll. 1185-1190.

⁵⁰ *Il libro della beata Angela da Foligno*, ed. by Thier Ludger and Abele Calufetti, Grottaferrata (Roma), Collegi S. Bonaventurae ad Claras Aquas 1985.

antiquity of the cult (*ab immemorabili*), but also to attest to the occurrence of miracles and signs over the centuries. The book does not show any depositions regarding Angela's sanctity and there are no direct witnesses. Rather, the cause is based on historical and archival sources. As underlined in an introductory paragraph, the case of Angela da Foligno meets the three conditions set by Lambertini: the antiquity of the cult – it is documented as having begun with the death of the saint, as highlighted by a chronological table,⁵¹ but the text shows that she also enjoyed a reputation for sanctity during her life – as well as historical evidence about her virtues and an uninterrupted notoriety for miracles.

The public act available for devotees to read is not the *Positio* but the Decretal Letter. Issued on 9 October 2013, this document summarizes Angela's life starting with the statement pronounced by Pope Benedict XVI on 13 October 2010 during a catechesis on the figure of this saint. It repeatedly underlines that the aforementioned *Liber Lelle* is important by virtue of its historical value for understanding Angela's sanctity. The central part of the Letter grants special attention to a description of her heroic virtues (including chastity, poverty, and humility) while also dwelling on her mystical gifts. The Decretal Letter highlights the importance of the *Liber*, but stresses that there is currently a cult dedicated to her – as required by the *casus exceptus* – as evidenced by the cenacle of prayer in Foligno that attracts devotees from all over the world. The Letter includes several elements linked to the dispositive of equivalent canonization. Firstly, it grants particular attention to the historical importance of the *Liber*. Moreover, it underlines the way in which the importance of her message and spirituality has been preserved in collective memory, considering her a 'blessed' or 'saint' even though she had not been formally recognised as such. On the basis of Lambertini's perspective, the aforementioned concessions by Popes Clement XI and Clement XIII must be considered an implicit recognition of Angela as a blessed. The text makes explicit reference to equivalent canonization in order to underline the formal request sent to Pope Benedict XVI by the Franciscans and Umbrian Episcopal Conference and the fact that the pope authorised the Congregation for the Causes of Saints to proceed in this direction by drafting the *Positio super Canonizatione aequipollenti*.

In this case as well, collective memory has played an important role. The numerous documents included in the *Positio*, but also the Decretal Letter, stress that there exists a community of devotees dedicated to St. Angela and widespread interest in defining an 'historical memory' of her.

Conclusion

As mentioned above, the process of setting up a new figure of sanctity – a new saint – involves a community as well as collective memory. An authoritative intervention on the part of Church institutions neither predates the process nor generates the phenomenon in question; rather, this institutional intervention interacts with two elements that are already in place

⁵¹ *Canonizationis Beatae Angelae a Fulgineo*, cit., pp. 19-20.

at the moment when the Church becomes involved: the behaviour of the *Servus Dei*, which is itself grounded in the religious tradition of his or her community, and the «reputation of sanctity» attributed to this virtuous person by the community. The two case studies presented above facilitate an assessment of the role played by community representation and collective memory in the beatification and canonization process. Precisely because these examples constitute *casus excepti*, they show that the Church's official intervention cannot afford to not take into consideration the claims of the community, as underlined, for instance, by the requests sent to the Congregation for the Causes of Saints in the case of Angela da Foligno. While direct witnesses represent a crucial element in the juridical apparatus of the standard beatification and canonization process, in these cases such testimony is replaced and compensated for by the existence of a longstanding cult (*ab immemorabili*) dedicated to the candidate. In reality, although the existence of the cult variously expressed by different devotional practices constitutes evidence of the Servant of God's heroic virtues, the true burden of proof lies with the community and its collective memory. In equivalent canonization the existence of a cult, normally considered an impediment to becoming a recognized saint of the Catholic Church, instead becomes an indirect guarantee of the virtuous life of the Servant of God. In cases like these, the absence of personal testimony provided by privileged eyewitness emphasizes the role of collective memory, a memory which is expressed not in the form of a «reputation for sanctity», but rather in the concrete practice of a longstanding tradition of venerating the person in question. From a sociological and anthropological perspective, equivalent canonization can be considered a trial of memory designed to rediscover, through an historical lens, the scope and depth of collective 'remembrance' regarding the sanctity of a *Servus Dei*. From a juridical perspective, it is a direct act by the Pope – and, as underlined by many jurists, it is the form of the act itself that distinguishes equivalent canonization from ordinary ones – that effectively adds the candidate to the list of blessed or saints.⁵² It is also important to underline that equivalent canonization is a very complex juridical dispositive that has been subjected to misinterpretations and confusion throughout history, as Veraja keenly notes.

In conclusion, *casus exceptus* represents an exception to the ordinary process; nonetheless, it has been used many times in history, including quite recently.⁵³ For instance, during the pontificate of Benedict XVI the only person to have been granted equivalent canonization was Hildegard von Bingen (10 May 2012). In contrast, during the pontificate of Pope Francis, seven candidates have already received it: Angela da Foligno (9 October 2013), Pierre Favre (17 December 2013), Mary of the Incarnation Guyart,

⁵² MISZTAL, *Le cause di canonizzazione*, pp. 81-83; F. VERAJA, *La canonizzazione equipollente e la questione dei miracoli nelle cause di canonizzazione*, p. 479.

⁵³ Veraja concluded his article – in 1975 – by underlining that, in his view, equivalent canonization, while still possible in principle, was no longer feasible due to a lack of subjects because it is not suited to 'modern Saints'. It must therefore be understood as belonging to the history of canonization as an institution: («[...] pur essendo ancora possibile in linea di principio, non è più attuabile per mancanza di soggetti. Essa pertanto va rilegata nella storia dell'istituto di canonizzazione» (*ivi*, p. 500).

François de Montmorency-Laval and Giuseppe de Anchieta (3 April 2014),
Bartolomeu Fernandes dos Mártires (10 November 2019), and Margherita da
Città di Castello (21 April 2021).