



MICHELE FUSCO
VESCOVO DI SULMONA - VALVA

Prot. N. 12/23

In data 1° agosto 2020 emanai un Decreto ad experimentum per tre anni con il quale stabilivo l'abolizione dei Padrini e delle Madrine nei Sacramenti del Battesimo e della Confermazione.

La decisione scaturiva dalla considerazione che la presenza dei Padrini e delle Madrine in questi Sacramenti "risulta spesso una sorta di adempimento formale, in cui rimane poco visibile la dimensione della fede".

In più sostenevo che "il Codice di Diritto Canonico, riguardo la figura del Padrino e della Madrina, indica la possibilità, non la obbligatorietà" (cfr. can. 872), "dando però specificazione delle qualità richieste, ovvero, una vita conforme alla fede e all'incarico che si assume e l'essere esenti da impedimenti canonici" (cfr. can. 874)

Ribadivo inoltre quanto alla Nota Pastorale CEI dell'8 giugno 2003 circa le qualità necessarie per adempiere tale compito che, purtroppo, non sempre ci sono.

Allo scadere del triennio, constatato che quanto stabilito è stato ben recepito e puntualmente attuato, sentiti il Collegio dei Consultori e il Consiglio Presbiterale che hanno espresso parere favorevole a continuare in questa direzione

DECRETO

L'ABOLIZIONE DEI PADRINI E DELLE MADRINE NEI SACRAMENTI DEL BATTESIMO E DELLA CONFERMAZIONE A TEMPO INDETERMINATO

a partire dal 1° agosto 2023.

Dato a Sulmona, dalla Sede Vescovile, il 1° luglio 2023

MONS. EULO TARULLO
Cancelliere Vescovile



ABOLITION OF SPONSORS: SOME CONSIDERATIONS FROM THE DECREE OF 1 JULY 2023 OF THE BISHOP OF SULMONA-VALVA

By decree of 1 July 2023, the Bishop of the Diocese of Sulmona-Valva, His Excellency Msgr. Michele Fusco, abolished, as of 1 August 2023 and for an indefinite period of time, the office of sponsors for the sacraments of baptism and confirmation within the territory of his diocese. This decision was taken after a three-year *ad experimentum* period in which the aforementioned office was suspended *ad tempus*. According to the text of the episcopal decree of 2023, having ascertained that what was established in 2020 has been well implemented and punctually implemented and confirming the reasons that had already determined the prelate's choice, the decision becomes definitive and the office is abolished. That of the Bishop of Sulmona is the first decree to abolish the office of sponsors indefinitely. As is well known, many diocesan Bishops in Italy have in recent years issued decrees *ad experimentum*, normally of three years' duration, by which they have established the suspension of these offices, in some cases even for the sacrament of baptism or confirmation alone. The dioceses of Rossano-Cariati, Ventimiglia-Sanremo, Viterbo, Cosenza, Grosseto, Catania, Mazara del Vallo, Melfi, Brindisi, Viterbo, Gubbio, Oristano, Spoleto-Norcia, Agrigento, Palermo, Brindisi, Teano-Alife-Sessa Aurunca have operated in this direction to date, but without any claim to exhaustiveness. The Archbishop of Reggio Calabria had been the forerunner, but with the aim of averting the link between the administration of the sacraments and the Mafia, in 2014. The Bishops' decision (as emerges from the reasons represented in the decrees) is dictated by the observation that the office of sponsor has lost its real value, that this office is substantiated in a mainly formal fulfilment that would now have little to do with the spiritual dimension and faith, that the choice of sponsors is made with criteria and purposes, often also very questionable and of interest or patronage, that do not take into account the role that these figures are called upon to play, and also that the complexity of today's family relationships, characteristic of so many of the faithful proposed for this office, makes the relationship between the faithful and the parish priest delicate, difficult and a source of conflict and misunderstanding, bearing in mind that the latter can only abide by the subjective criteria for the appointment as prescribed in the Code of Canon Law (cf. Canon 874) and the purpose of the office itself (cf. Canon 872). Moreover, all the Bishops' decrees refer to Canon 872 of the Code of Canon Law, which, by stating: "To the person to be baptised, as far as possible, a sponsor shall be given,...", would indicate only the possibility/eventuality of the presence of such figures but not their obligatory nature.

The Catechism of the Catholic Church (No 1255) recalls that sponsors, who are called upon to perform an ecclesial function (*officium*), must be solid believers, capable and ready to support the newly-baptised child or adult on the path of Christian life. As far as Confirmation is concerned, No

1311 of the CCC, in affirming the appropriateness of their presence, expresses a preference for continuity in the appointment, also with the aim of strengthening the theological link between the sacraments of Christian initiation. The Code of Canon Law (canons 872-874 and 892-893) states that the task of the male sponsor or female sponsor is, in the case of the sacrament of baptism, to assist the person to be baptised as an adult or to present the person to be baptised as an infant with his or her parents, cooperating to ensure that the person baptised leads a Christian life in conformity with baptism and faithfully fulfils his or her obligations, while in the case of the sacrament of confirmation, it is to ensure that the person confirmed behaves as a true witness to Christ. The Code then lays down the conditions for admission to the office: designation by the baptised/confirmed person himself or by his parents, in the case of baptism, or by his legal guardian or, in their absence, by the parish priest or minister; aptitude and intention to exercise the office; minimum age of sixteen years unless exceptions and derogations apply; reception of the sacraments of Christian initiation; conformity of life to the faith and the office; absence of canonical penalties legitimately inflicted or declared.

The Decree of the Bishop of Sulmona, poses, upon initial examination, several questions, both of a strictly legal nature and of a theological and pastoral one.

The main juridical question concerns the relationship between universal and particular law. The coexistence of the universal dimension with the particular dimension is not only a historical constant for the Catholic Church, but also an element that responds to its essence. This is also embodied in the juridical dimension of the Church, and canonical codification, in the wake of conciliar teaching, regulates the relationship between universal and particular law, albeit still in a way that is not 'proportionate' (Corecco). The current system is essentially made up of the combined provisions of canons 20 and 135, § 2 CIC. Can. 20 states that '*lex universalis minime derogat iuri particulari aut speciali, nisi aliud in iure expresse caveatur*', thus establishing the general rule of respect for particular law, to the point that when a universal law is enacted - later - contrary to a particular law - earlier - the latter would remain in force. However, the same canon 20, specifying: "*unless the law expressly provides otherwise*" recognises, however, the superiority of the universal legislator, who may derogate from the particular law, but only when this is expressly indicated. This system safeguards ecclesiastical communion, the reasonableness of inferior legislation and the protection of the rights of the faithful. Canon 135 §2 clarifies this by stating, among other things, that the inferior (particular) legislator cannot validly promulgate a law contrary to the superior law, and taking into account that the diocesan bishop, in accordance with Canon 392 CIC, is obliged to promote the discipline common to the whole Church and therefore to press for the observance of all ecclesiastical laws.

The act of the Bishop of Sulmona is to be counted among the episcopal legislative acts in the form of a general decree with an abstract addressee, since it is addressed to all the faithful of his diocese (canons 29-30). Since it is a particular law, in the light of what has been specified, and since it abolishes

the office of sponsors in the diocesan territory, this particular law now prohibits for the faithful of the diocesan territory concerned what the universal law on the subject, and under the conditions laid down, permits.

In a 1975 Response (*Notitiae* 11 [1975], pp. 61-62), the then Congregation for Divine Worship and the Discipline of the Sacraments specified that, outside of extraordinary cases, the sponsor of confirmation must be present. While it is true, in fact, that it is up to the local Ordinary, in his pastoral prudence and taking into account the situations and circumstances of the place to indicate what course of action should be followed in his diocese, in the light of the Response, this allowed him only in particular cases, to allow (*rectius dispensare*) a faithful to approach Confirmation without any sponsor. The Response was reiterated after the publication of the Code of Canon Law (*Notitiae* 20 [1984], p. 86).

The Dicastery for Legislative Texts, in accordance with Article 181 of the Apostolic Constitution *Praedicate Evangelium*, has the competence, but at the request of the interested parties, to determine whether laws and general decrees issued by legislators inferior to the Roman Pontiff are in conformity with the universal law of the Church. In its recent answer (12 May 2020) to a question, precisely on the subject of the relationship between particular and universal law, the Dicastery recalled that “A norma del can. 135 §2, il legislatore inferiore non può dare validamente una legge contraria al diritto superiore, in quanto la legge inferiore deve, tra le altre cose, essere sottomessa all’autorità superiore e rispettare la gerarchia delle norme emanate da legislatore di diverso grado gerarchico”, pointing out that recourse to other institutions, such as custom (or dispensation), should be considered unfounded to justify a particular law contrary to universal law, and suggesting, rather, to request the Holy See to approve a decree of this kind. In fact, recourse to other 'opinions', as in the episcopal decrees is often referred to with a reference to consultation of the Presbyteral Council or the College of Consultors, is not diriment, however significant. The suggestion of the Dicastery for Legislative Texts could certainly be useful for the prelates preparing to follow in the wake of the Sulmona diocese's decree.

Added to this is a more general consideration, regarding the meaning of the phrase "*quantum fieri potest*" contained in CIC Canon 872. The rule, according to the overall tenor of the text, is certainly not peremptory or prescriptive, as indeed it was not in the 1917 Code, but neither should it be considered merely optional, as all the Bishops who have decreed the temporary suspension of the office of sponsors seem to believe.

The abolition of sponsors also raises issues of theological relevance. Some episcopal decrees emphasise, instead of the role of these offices, that of the parish community, which would be called upon to "present" the candidate to the sacraments and take charge of his or her spiritual growth. As recently reiterated by the Dicastery for the Doctrine of the Faith, in its Doctrinal Note on the modification of the sacramental formula of Baptism of 6 August 2020, it must always be kept clear that in the celebration of the sacraments, the subject is the Church-Body of Christ together with its Head,

which is manifested in the concrete assembled assembly, but this assembly acts ministerially - not collegially - because no group can make itself Church, but becomes Church by virtue of a call that cannot arise from within the assembly itself. Consequently, in the specific case of the sacrament of baptism, as the Note specifies, “il ministro [...] non può nemmeno dichiarare di agire a nome dei genitori, dei padrini, dei familiari o degli amici, e nemmeno a nome della stessa assemblea radunata per la celebrazione”.

Finally, as for the pastoral profile, does suspending or abolishing sponsors really seem the most appropriate solution, as some decrees claim, to strengthen the 'spirit' and the significance of the office, while, however, deciding to stop conferring it? Regarding the renewal of the sacramental pastoral in Christian initiation, one should note the decree of the Archbishop of Genoa, 'ad experimentum' and 'ad triennium', dated February 2023 and in force as of next December, which has, on the other hand, established, in contrast to those of his brethren, to build for sponsors, in order to include them once again in a Christian journey of faith, pathways - also suggested by pastoral creativity - with moments of listening to and sharing the Word of God, or proposing to those persons indicated by the family who, while not having the prescribed requirements, nevertheless express a positive parental, affective and educational closeness, the opportunity to take part in the celebration of the sacrament only as witnesses to the sacramental rite (cf. can. 875 CIC). This decree seems to be aimed at enhancing and better determining, in the context of canon 872, the problematic necessity to lead a life in conformity with the faith, considering that different territories, cultures and situations - and hence the important contribution of particular legislation - entail different determinations that only particular law could better highlight, also with a view to the preservation of the office of sponsors.

However, considering that "reality is superior to the idea", according to one of the postulates that guide the thinking of Pope Francis, one cannot fail to take into account the objectivity of the assumptions that determined the episcopal decrees of suspension and abolition of the office of sponsor, and, in this sense, taking into account the fact that "the path now appears to be marked out", one could suggest a small but effective amendment to can. 872, which would add to the text of the provision the phrase, already provided for elsewhere in the CIC, "*unless the particular law establishes otherwise*", thus overcoming misunderstandings, misinterpretations, discontents, or worse appeals and, possibly, also urging the Bishops' Conferences to make future decisions clear as possible for a given territory, result also of a synodal "listening", considering that "the the voice of Christ speaking through the entire People of God" (Apostolic Constitution *Episcopalis communio*, 5).

Paolo Palumbo

Giustino Fortunato University