

POPE PAUL VI

MOTU PROPRIO

JUNE 15, 1966



ON THE POWER TO GRANT  
DISPENSATIONS



DE EPISCOPORUM  
MUNERIBUS

*Motu Proprio*

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*Norms regarding the power to  
grant dispensations*

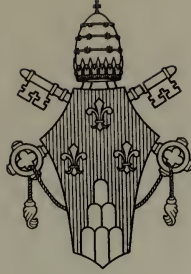
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# Apostolic Letter of Pope Paul VI

*issued motu proprio  
in which norms regarding the power to grant  
dispensations are communicated to the bishops*

Apostolic Letter of Pope Paul VI issued *motu proprio* in which norms regarding the power to grant dispensations are communicated to the bishops.

The teaching on the duties of bishops which it was our good fortune to promulgate (solemnly) in the Second Ecumenical Vatican Council clearly states that individual churches are ruled with sacred authority and power by the bishops to whom they have been entrusted as to ambassadors of Christ. The pastoral office, i.e., the constant and daily care for the sheep, the Council teaches, is fully committed to them together with its proper, ordinary, and immediate power in virtue of which [bishops] have the sacred right and duty before God to make laws for their subjects, to pass judgment, and to regulate everything which pertains to worship and the ordering of the apostolate (cf. Dogmatic Constitution: *Lumen Gentium* 27.) Since this power, however, as the same Council teaches, bears with it offices to be carried out by many acting together by the will of Christ in His Mystical



Body according to the order of the sacred hierarchy, it is then put into effect when the canonical or juridical determination is added by hierarchical authority which is given according to norms approved by the supreme authority of the Church (cf. Introductory explanatory note 2 AAS 57 (1965): 73).

In the decree beginning with the words *Christus Dominus* the same holy Council declares these principles, and while it affirms that all the power which is required for the exercise of their pastoral office belongs *per se* to bishops in the dioceses entrusted to them, at the same time it openly declares once more our own immediate power over the individual churches to reserve cases for the good of the whole flock of the Lord by the inherent right of Peter's successor. (Decree: *Christus Dominus* 8, a.)

It was indeed a very great joy for us that we were able openly to declare the dignity of bishops, to praise their office, to acknowledge their power — all of which are to be considered as so many bonds of mutual solicitude drawing us close to our venerable brothers.

Moreover, with these principles placed in their perspective, the church shines forth in greater splendor with its structures joined in a firm unity of a harmonious body since bishops joined with the Supreme Pontiff are the ones who carry out the divine plan and receive strength and guidance from him to guard more effectively and to propound the sacred deposit of Christian doctrine.

Since, however, norms are shortly to be issued for the implementation of the conciliar decrees, considering with special attention both the teaching just set forth and especially the duties and rights of bishops we deem it our task either to perfect the norms given in the decree *Christus Dominus* where there is need of completion, or to explain them where explanation is needed so that all the benefits may be reaped from it which are expected.

As is clear, in order that the consolations of religion may be more readily available to men living with a new and extraordinary rapid pace in these our days, the Ecumenical Council

grants to bishops of dioceses this faculty among others *of dispensing the faithful over whom they exercise authority according to the norm of the law from a general law of the Church in a particular case as often as they judge that it contributes to their spiritual good, unless a special reservation has been made by the supreme authority (Ibid., n. 8 b).*

Therefore, following this prescription, so that in the whole Latin Church there may be one norm and procedure we think it is necessary to draw up a list of general laws for the relaxation of which authority is to be reserved to us, that is a list of laws in dispensing with which the Apostolic See has always shown restraint or from which it has been accustomed to dispense only very rarely on account of serious matters in human society.

Therefore, having heard the offices of the Roman Curia, the post-conciliar commissions, and the secretariats, and having carefully weighed their opinions, with certain knowledge and with our supreme apostolic authority we declare and decree for the whole Latin Church the following which shall be in force until the new Code of Canon Law is promulgated.

I. We declare that the laws which Mother Church most prudently enacted by the Code of Canon Law and which she later established by other documents which were published and did not revoke, are intact and in force unless the Second Ecumenical Vatican Council openly abrogated them, or limited or rescinded them in some points.

II. By the prescription of the conciliar Decree *Christus Dominus*, 8b., only Canon 81 of the *Code of Canon Law* is abrogated.

III. By bishops of a diocese are meant not only residential bishops but also others who are equated to them in law (*Ibid.*, n 21). Parity of rights which bishops of dioceses and others enjoy, the common concern of these rights, and the need of providing for the spiritual good of the faithful demand this. Therefore, Vicars and Prefects Apostolic (cf. Canon 294 §1),

Apostolic Administrators permanently constituted (cf. Canon 315 §1), Abbots and Prelates *nullius* (cf. Canon 323 §1) also enjoy this faculty of dispensing.

IV. According to the norm of Canon 80 a dispensation is understood as *a relaxation of the law in a special case*. The faculty, however, of dispensing is exercised in regard to *laws which prescribe or forbid*, not however in regard to constitutive laws.

The granting of a permission, faculty, indult and absolution is in no way contained in the concept of a dispensation.

Laws regarding processes, since they have been enacted to protect rights, and since a dispensation from them does not directly look to the spiritual good of the faithful, are not the object of the faculty which is treated in the Decree *Christus Dominus*, n. 8b.

V. In the category of a general law of the Church fall only disciplinary laws enacted by the supreme ecclesiastical authority by which all are everywhere bound for whom they were made according to the norm of Canon 13 §1, but by no means the divine laws both natural and positive from which only the Supreme Pontiff — when he uses his power as Vicar — can dispense as happens in a dispensation from a marriage which is *ratum* and *non consummatum*, from those which involve the privilege of faith, and from others.

VI. A particular case looks not only to the faithful as individuals, but also to several physical persons forming a community in the strict sense.

VII. The faithful in whose regard the power of dispensing is exercised according to the norm of the law are all those who by reason of domicile (cf. Canon 94) or another title are subject to the bishop.

VIII. According to the norm of Canon 84 §1 to grant a dispensation, a just and reasonable cause is required taking into



consideration also the seriousness of the law from which a dispensation is granted. A legitimate cause for a dispensation, however, is the spiritual good of the faithful (cf. Decree *Christus Dominus*, n. 8b.).

IX. Leaving intact the faculties specially granted to Legates of the Roman Pontiff and to Ordinaries we expressly reserve to ourselves the following dispensations:

1. Dispensation from the obligation of celibacy or from the prohibition to contract marriage by which deacons and priests are bound even if they have legitimately been reduced to the lay state or have returned to it (cf. Canon 213 §2).

2. Dispensation from the prohibition to exercise the order of the priesthood by married men who have received the same order without receiving a dispensation from the Apostolic See.

3. Dispensation from the prohibition which rests on clerics in a Sacred Order.

a) to practice medicine or surgery;

b) to assume public offices which carry with them the exercise of lay jurisdiction or administration;

c) to run for, or to assume the office of senator or legislative deputy in places where a pontifical prohibition has intervened;

d) to carry on through themselves or through others, business or commerce either for their own advantage or that of others.

4. Dispensation from general laws which affect Religious as such, not, however, insofar as Religious are subject to local Ordinaries according to the norm of common law and especially of the conciliar Decree *Christus Dominus* (nn. 33-35), religious discipline always remaining firm and without prejudice to the right of their own superior.

From the rest of the general laws only if in cases which touch the members of exempt clerical religious orders.

5. Dispensation from the obligation of denouncing a priest guilty of the offense of soliciting in confession which is dealt with in Canon 904.

6. Dispensation from the lack of canonical age in those to be ordained which is in excess of one year (*in weighing the causes for which they can dispense from the lack of canonical age bishops should remember the seriousness of what is set forth in the conciliar Decree; Optatam totius*, n. 12).

7. Dispensation from the course of studies of the philosophical and theological curriculum both in regard to the amount of time according to the law and the primary disciplines (cf. Decree: *Optatum totius*, n. 12).

8. Dispensation from all irregularities which have been brought before the judicial forum.

9. Dispensation from irregularities and impediments to receiving Orders:

- a) from the irregularity arising from defect: if there be a case of sons born of adultery or of a sacrilegious marriage; or in the case of a defect of the body, or in the case of epileptics and insane;
- b) from irregularity arising from a public delict of those who have apostasized from the faith or have gone over to heresy or schism;
- c) from irregularity arising from a public delict of those who have dared to attempt marriage or to perform the civil act only, while they are themselves bound by the bond of matrimony or sacred orders or religious vows even simple and temporary, or with a woman bound by the same vows or joined in a valid marriage (Canon 985, 3°);
- d) from irregularity arising from a delict either public or occult of those — and all collaborators — who have committed voluntary homicide or effectively procured the abortion of a human fetus (Canon 985, 4°);
- e) from the impediment by which men having a wife are forbidden to receive the sacred order of the priesthood.

10. In regard to *the exercise of an order already received* the dispensation from the irregularities which are mentioned in Canon 985, 3° in public cases only; and from the irregularities in 4° even in occult cases unless recourse to the Sacred Penitentiary is impossible, the obligation nevertheless remaining firm for the one dispensed to have recourse to the Sacred Penitentiary as soon as possible.

11. Dispensation from the impediment of canonical age for contracting a valid marriage as often as the defect of age exceeds a year.

12. Dispensation from the impediment to marriage arising from the diaconate, or the sacred order of the priesthood, or from solemn religious profession.

13. Dispensation from the impediment of crime mentioned in Canon 1075, 2° and 3°.

14. Dispensation from the impediment of consanguinity in the direct line and in the collateral line up to the second degree mixed with the first.

15. Dispensation from the impediment arising from affinity in the direct line.

16. Dispensation from all matrimonial impediments if there be question of mixed marriages as often as the conditions required in n. I. of the Instruction *Matrimonii Sacramentum* issued by the Sacred Congregation for the Doctrine of the Faith on March 18, 1966 (cf. AAS 58 (1966): 237) cannot be observed.

17. Dispensation from the form prescribed by law for validly contracting marriage.

18. Dispensation from the law of renewing matrimonial consent in a *sanatio in radice* as often as:

a) a dispensation is required from an impediment reserved to the Apostolic See;

b) there is a case of an impediment of the natural or divine law, which now has ceased;



c) there is a case of mixed marriages when the conditions set forth in the Instruction of the Sacred Congregation for the Doctrine of the Faith, n. I., already mentioned, have not been observed.

19. Dispensation from a vindictive penalty established by common law which has been declared or inflicted by the Apostolic See itself.

20. Dispensation from the time prescribed for the Eucharistic fast.

The norms concerning the faculties of granting dispensations given to the bishops according the conciliar Decree *Christus Dominus* will begin to be in force from August 15 of this year.

It is our command that whatever has been set forth in this letter issued *motu proprio* be firm and valid anything whatsoever to the contrary notwithstanding.

Given at Rome at St. Peter's the fifteenth day of June 1966 in the third year of our pontificate.

POPE PAUL VI.

(The following is the Latin text as it appeared  
in the June 18, 1966 issue of  
*L'Osservatore Romano*)



SANCTISSIMI DOMINI NOSTRI  
PAULI  
DIVINA PROVIDENTIA  
PAPAE VI  
LITTERAE APOSTOLICAE  
MOTU PROPRIO

Datae

quibus normae Episcopis impertiuntur  
ad facultatem dispensandi spectantes

PAULUS PP. VI

De Episcoporum muneribus doctrina, quam Nobis feliciter contigit in Concilio Oecumenico Vaticano II sollemni ritu promulgare, perspicue tradit, Ecclesias particulares ab Episcopis, quibus tamquam Christi legatis concreditae sunt, auctoritate et sacra potestate regi; iisdemque pastorale officium — hoc est constantem et cotidianam ovium curationem — plene committi cum potestate propria, ordinaria et immediata, propter quam *sacrum ius et coram Domino officium habent in suos subditos leges ferendi, iudicium faciendi, atque omnia quae ad cultum apostolatusque ordinem pertinent, moderandi* (cfr. Const. dogmatica *Lumen Gentium*, n. 27). Quae quidem potestas — quemadmodum idem Concilium Vaticanum II docet — cum munera secum ferat a pluribus obeunda, ex Christi voluntate in Mystico eius Corpore secundum sacrae Hierarchiae ordinem una operantibus, tum demum ad actum adducitur *cum canonica seu iuridica determinatio per auctoritatem hierarchicam accesserit*, quae iuxta normas datur, a suprema Ecclesiae auctoritate approbatas (cfr. *Nota explicativa praevia*, n. 2).

Quae principia in Decreto, a verbis *Christus Dominus* incipiente, sacrum idem Concilium asseverat, quod, dum affirmat Episcopis in dioecesibus ipsis concreditis per se omnem competere potestatem, ea scilicet ratione *quae ad exercitium eorum muneris pastoralis requiritur*, simul Nostram iterum profitetur in singulas Ecclesias immediatam potestatem ad bonum totius Dominici gregis reservandi causas, iure nativo Petri successoris propriam (cfr. Decretum *Christus Dominus*, n. 8, a).

Nobis autem summo gaudio fuit, potuisse Nos Episcoporum dignitatem aperte declarare, celebrare munera, agnoscere potestatem: quae profecto omnia totidem sunt habenda mutuae sollicitudinis vincula, Nos cum venerabilibus Fratribus astringentia.

His praeterea principiis in sua luce collocatis, Ecclesia splendior affulget, in solidam corporis unitatem concordiae compage copulata; quoniam Episcopi, cum Summo Pontifice coniuncti, sunt divini consilii effectores, ab eoque robur et moderationem

accipiunt, ad sacrum christianae doctrinae depositum efficaciore ratione custodiendum atque proponendum.

Cum vero brevi normae sint edendae Decretorum Conciliarium exsecutoriae, singulari studio considerantes cum nuper exhibitam doctrinam, tum potissimum Episcoporum munia et iura, Nostrum esse consemus normas in Decreto *Christus Dominus* editas, sive perficere, ubi complemento indigeant, sive enucleare, ubi interpretationem desiderent; ut fructus omnes, qui inde expectantur, plane percipiantur.

Quemadmodum est in comperto, Concilium Oecumenicum, ut promptiora religionis solacia hominibus, nostris hisce diebus nova singularique incitatione viventibus, praebeantur, hanc inter alias Episcopis dioecesanis facultatem facit: *dispensandi a lege generali Ecclesiae in casu particulari fideles, in quos ad normam iuris exercent auctoritatem, quoties id ad eorum bonum spirituale conferre iudicent, nisi a Suprema Auctoritate specialis reservatio facta fuerit (ibid. n. 8, b).*

Hoc igitur praescriptum exsequentes, ut in tota Ecclesia Latina una habeatur norma et ratio agendi, oportere existimamus indicem statuere legum generalium, quarum relaxationis onus Nobis reservandum sit; hoc est, legum, a quibus dispensandis Apostolica Sedes se numquam non continuit, vel a quibus non nisi perraro, ob res quae in humana consortione momentum obtinent, dispensare consuevit.

Itaque, Officiis Romanae Curiae, Commissionibus Postconciiliaribus, atque Secretariatibus auditis, eorumque sententiis mature perpensis, certa scientia, Suprema et Apostolica auctoritate Nostra, haec quae sequuntur — donec novus Codex Iuris Canonici promulgetur valitura — pro universa Ecclesia Latina sive declaramus sive decernimus.

I. Quas leges providentissima Mater Ecclesia Codice Iuris Canonici sanxit atque aliis deinceps editis documentis statuit nec revocavit, integras ac sanctas declaramus, nisi eas Concilium Oecumenicum Vaticanum II aperte abrogaverit aut iis in quibusdam obrogaverit vel derogaverit.



II. Praescripto Decreti Conciliaris *Christus Dominus*, n. 8, b) canoni 81 C.I.C. tantummodo derogatur.

III. Episcopi dioecesani intelleguntur non solum Episcopi residentiales, sed etiam alii ipsis in iure aequiparati (*ibid.* n. 21). Id postulat paritas iurium, quibus Episcopi dioecesani et alii fruuntur, communisque eorundem iurium ratio, necnon necessitas providendi bono spirituali fidelium. Quare hac dispensandi facultate gaudent etiam Vicarii et Praefecti Apostolici (cfr. can. 294 § 1), Administratores Apostolici permanentiter constituti (cfr. can. 315 § 1), Abbates et Praelati nullius (cfr. can. 323 § 1).

IV. Ad normam can. 80, dispensatio intellegitur *relaxatio legis in casu speciali*. Facultas autem dispensandi exercetur circa *leges praecipientes vel prohibentes*, non autem circa *leges constitutivas*.

In notione dispensationis minime continetur concessio licentiae, facultatis, indulti et absolutionis.

Leges ad processus spectantes, cum ad iurium defensionem sint constitutae, et dispensatio ab iis bonum spirituale fidelium directe non respiciat, non sunt obiectum facultatis, de qua agitur in Decreto *Christus Dominus*, n. 8, b).

V. Nomine legis generalis Ecclesiae veniunt leges dumtaxat disciplinares, a Suprema Auctoritate ecclesiastica constitutae, quibus tenentur ubique terrarum omnes pro quibus latae sunt, ad normam can. 13 § 1; minime vero eae leges divinae, cum naturales tum positivae, a quibus unus Summus Pontifex — ubi potestate vicaria utitur — dispensare valet; sicuti accidit in dispensatione a matrimonio rato et non consummato, ab iis quae circa privilegium fidei versantur, et ab aliis.

VI. Casus particularis spectat non tantum singulos fideles, sed etiam plures personas physicas, communitatem sensu stricto constituentes.

VII. Fideles, in quos ad normam iuris auctoritas dispensandi exercetur, sunt ii omnes qui ratione domicilii (cfr. can. 94) vel alius tituli Episcopo subiciuntur.

VIII. Ad normam can. 84 § 1, ad dispensationem concedendam requiritur iusta et rationabilis causa, habita etiam



ratione gravitatis legis, a qua dispensatur. Causa vero legitima dispensationis est spirituale fidelium bonum (cfr. Decretum *Christus Dominus* n. 8, b).

IX. Salvis facultatibus Legatis Romani Pontificis et Ordinariis specialiter tributis, Nobis expresse reservamus dispensationes quae sequuntur:

1) Ab obligatione caelibatus seu a prohibitione matrimonii contrahendi, qua diaconi et presbyteri astringuntur, etiam si ad statum laicalem legitime redacti aut regressi sint (cfr. can. 213 § 2).

2) A prohibitione exercendi ordinem presbyteratus facta coniugatis, qui eundem ordinem sine dispensatione Apostolicae Sedis receperint.

3) A vetito, quod in clericos in sacro Ordine constitutos cadit:

a) exercendi medicinam vel chirurgiam;

b) assumendi officia publica, quae exercitium laicalis iurisdictionis vel administrationis secum ferant;

c) exquirendi vel assumendi munus senatoris vel legiferi deputati, in locis ubi pontificia prohibitio intercesserit;

d) exercendi per se vel per alios negotiationem aut mercaturam, sive in propriam sive in aliorum utilitatem.

4) A legibus generalibus, quae afficiunt religiosos qua tales, non autem quatenus iidem Ordinariis locorum ad normam iuris communis et praesertim Decreti Conciliaris *Christus Dominus* (nn. 33-35) subsunt, firma semper manente religiosa disciplina et salvo iure proprii Superioris.

A ceteris egibus generalibus, tantum si agatur de sodalibus Religionis clericalis exemptae.

5) Ab obligatione denunciandi sacerdotem reum delicti sollicitationis in confessione, de qua in can. 904.

6) Ab ordinandorum defectu aetatis, qui annum excedat (*Meminerint Episcopi, in perpendendis causis propter quas ab*

*ordinandorum aetatis defectu dispensare valent, gravitatem eorum quae Decreto Conciliari Optatam totius, n. 12, statuuntur).*

7) A ratione studiorum cursus philosophiae rationalis et theologiae, tum ad legitimum temporis spatium, tum ad primarias disciplinas quod attinet (cfr. Decr. *Optatam totius*, n. 12).

8) Ab omnibus irregularitatibus ad forum iudiciale deductis.

9) Ab irregularitatibus et impedimentis ad ordines *suscipiendos*:

a) ab irregularitate ex defectu, si agatur de filiis adulterinis vel sacrilegis, de corpore vitiatis, de epilepticis et amen-tibus;

b) ab irregularitate ex delicto publico eorum, qui apostasiam a fide consummaverint, aut ad haeresim vel schisma transierint;

c) ab irregularitate ex delicto publico eorum qui matrimo-nium attentare, aut civilem tantum actum ponere ausi sint, vel ipsimet vinculo matrimoniali aut ordine sacro aut votis religiosis etiam simplicibus ac temporariis ligati, vel cum muliere iisdem votis adstricta aut matrimo-nio valido coniuncta (can. 985, 3°);

d) ab irregularitate ex delicto sive publico sive occulto eorum qui voluntarium homicidium perpetrarint, aut fetus humani abortum procuraverint, effectu secuto, omnesque cooperatores (can. 985, 4°);

e) ab impedimento quo viri uxorem habentes prohibentur sacrum ordinem presbyteratus recipere.

10) *Ad exercitium ordinis iam suscepti*, quod attinet, ab irregularitatibus de quibus in can. 985, 3, in casibus tantum publicis; et 4, etiam in casibus occultis, nisi recursus ad S. Poenitentiarum sit impossibilis, firmo tamen onere in ipso dispensato recurrendi quam primum ad eandem S. Poenitentiarum.

11) Ab impedimento aetatis ad matrimonium validum contrahendum, quoties aetatis defectus annum excedat.

12) Ab impedimento matrimoniali orto ex diaconatu, vel sacro ordine presbyteratus, vel ex sollemni professione religiosa.

13) Ab impedimento criminis, de quo in can. 1075, 2° et 3°.

14) Ab impedimento consanguinitatis in linea recta et in linea collateralis usque ad secundum gradum mixtum cum primo.

15) Ab impedimento orto ex affinitate in linea recta.

16) Ab omnibus impedimentis matrimonialibus, si agatur de matrimoniis mixtis, quotiescumque servari nequeunt condiciones requisitae in n. I Instructionis *Matrimonii Sacramentum* a S. Congregatione pro Doctrina fidei, die 18 martii 1966 editae (cfr. *A.A.S.* LVIII [1966] p. 237).

17) A forma iure praescripta ad valide contrahendum matrimonium.

18) A lege renovandi consensum matrimonialem in sanatione in radice, quoties:

a) requiritur dispensatio super impedimento Sedi Apostolicae reservato;

b) agitur de impedimento iuris naturalis vel divini, quod iam cessaverit;

c) agitur de matrimoniis mixtis, cum servatae non fuerint condiciones praescriptae in commemorata Instructione S. Congregationis pro Doctrina fidei, n. I.

19) A poena vindicativa iure communi statuta, quae ab ipsa Sede Apostolica declarata vel inflicta fuerit.

20) A tempore statuto pro ieiunio eucharistico.

Normae de facultatibus dispensandi, Episcopis iuxta Conciliare Decretum *Christus Dominus* tributis, valere incipient a die XV mensis Augusti huius anni.

Quaecumque vero a Nobis hisce Litteris motu proprio datis statuta sunt, ea omnia firma ac rata esse iubemus, contrariis quibuslibet non obstantibus.

Datum Romae, apud Sanctum Petrum, die XV mensis Iunii, anno MDCCCCLXVI, Pontificatus Nostri tertio.

PAULUS PP. VI



