



DICASTERIUM
DE LEGUM TEXTIBUS

N. 18207/2024

Vatican City, 15 April 2024

Your Excellency,

With your letter dated January 6th, which we received on February 7th, you asked this Dicastery some questions regarding the nature of canonical juridic persons. Please allow me, before addressing your concerns, to specify that the answers provided below do not apply to the Catholic Church and the Apostolic See, as they have the character of a moral person by divine institution (see can. 113, §1).

«1. Are juridic persons constituted prior to the entry into force of the Code of Canon Law of 1983 all still considered as minors, as canon 100 §3 of the previous Code specified they were? If not, what are they?».

Answer: The 1983 Code completely reorganizes all matters regarding canonical juridic persons. For this reason, every question in this regard is subject to the norms of the aforementioned Code and not to the *CIC* of 1917 (cf. cann. 20 and 6, §1, n. 1, *CIC* 1983). In the 1983 *CIC*, juridic persons are not equated with minors. In fact, the related provision of can. 100, §3, *CIC* 1917 does not have a corresponding provision in the current Code. Canonical juridic persons are defined by norms that specifically regulate them in the *CIC*, and in particular in cann. 113-123. They remain as they always have been, and as is obvious, equated to natural persons (see can. 113, §2), for which reason they are called "persons".

«2. Are juridic persons constituted following the entry into force of the Code of Canon Law of 1983 considered as minors, as equivalent to adults, or possessing some other status?». «3. In the event more than one situation is possible, i.e. some juridic persons are considered as minors, others as equivalent to adults, and others possibly having some other status, how do we know which are which?».

Answer: Answers to questions 2 and 3 are contained in the answer to question no. 1.

«4. In the event the universal law is simply silent on the matter, can this determination be made via particular law?».

Answer: Equiparation to minors, as pointed out above, does not exist, but universal law establishes convenient legal means so that canonical juridic persons can act through their legitimate representatives and are adequately protected. In addition, special guarantees are provided, with regard to the administration of their property (see, e.g.,

can. 1281, §3) and their presence in court (see, e.g., can. 1480, §2); as also, in general, now the new can. 128 expressly recalls the obligation to compensate for damage unlawfully done to anyone, which certainly includes juridic persons.

On the other hand, the particular law, of the authority inferior to the universal Legislator, could possibly still establish other requirements (in addition to what is provided for in *CIC* 1983 on the matter), if it were deemed necessary for the circumstances. But such an approach must always be mindful of the fact that the inferior law must only be complementary to the general legal regime on canonical juridic persons, with which it must be congruent (cf. can. 135, §2, *CIC* 1983). And this same approach must also be mindful of the fact that canonical legislation concerning the subjects of law that are juridic persons in practice has also been shown to be adequate and sufficient.

With the hope that these clarifications will be of help, I avail myself of this opportunity to express to you the assurances of my highest consideration.

Sincerely yours in Christ,


✠ FILIPPO IANNONE O.C.

Prefect


✠ JUAN IGNACIO ARRIETA
Secretary