Minor Basilicas (Especially in Canada) and Their Current Insignial Privileges

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1. Introduction: Minor Basilicas in the World and Their Privileges in Canon Law

While it is said there are some 1,700 basilicas in the world,¹ the special armorial privileges of these great churches have received scant attention in the manuals on heraldry.² This is especially true of the works in English, although there are a number of articles on the subject in specialized literature.³

¹ My numbers come from 'List if Catholic Basilicas,' https://en.wikipedia.org (accessed 10/3/2020).

² The most extensive treatment in the armorial literature is to be found in DONALD Lindsey Galbreath (Geoffrey Briggs ed.), *Papal Heraldry*, London, Heraldry Today, 1972, pp. 27-37 Duane L.C.M. Galles, 'Basilica Heraldry,' *Heraldry in Canada*, (June, 1988), pp. 28-31; brief notice is found in BRUNO BERNARD HEIM, *Heraldry in the Catholic Church: Its Origins, Customs, and Laws*, 2d ed., Gerards Cross, England, Van Duren, 1981, p. 59; James-Charles Noonan, JR., *The Church Visible: The Ceremonial Life and Protocol of the Roman Catholic Church*, New York, Viking, 1996, p. 190; Michael Francis McCarthy, *A Manual of Ecclesiastical Heraldry: Catholic, Anglican, Lutheran, Presbyterian and Orthodox*, Darlinghurst, N.S.W., Thylacine Press, 2005, p. 100.

³ Xavier-Marie-Joseph Barbier de Montault, 'Le Pavillon,' *Oeuvres Complètes*, 16 vols., Paris, Librairie H. Welter, 1890, III, pp. 339-346; WILLIAM WILFRID BAYNE, O.S.B., 'The Heraldic Pavilion, or Ombrellino,' *Liturgical Arts*, 23 (February, 1955), p. 69; Robert F. McNamara, 'Conopoeum and Tintinnabulum: The Basilica's Insignia,' *Liturgical Arts*, 31 (November, 1962), pp. 29-32.

This state of affairs may reflect the relative rarity until recent decades in the English-speaking world of this unique type of larger Catholic church.⁴ While it seems there are some 573 basilicas in Italy, some 168 basilicas in France, and over a hundred basilicas each in Spain and Poland, there appear to be only two basilicas in Ireland, three in England, none in Scotland, and four in Australia. The United States now has nearly ninety. In Canada — especially Francophone Canada, whose heritage is thoroughly Catholic — basilicas are somewhat more numerous than in other Commonwealth lands. Canada today has twenty-four basilicas, the oldest being the Cathedral-Basilica of Notre Dame in Quebec City, which became a minor basilica in 1874 — the very first in the Commonwealth.⁵

⁴ 'Church' here is a term of art. Charles Augustine Bachhofen, *Liturgical Law: A Handbook of the Roman Liturgy*, Saint Louis, B. Herder Book Co., 1931, p. 21, states: 'A church is a sacred building dedicated to divine worship, open to all the faithful who wish publicly to worship there.' 'Church' is a genus composed of several species. Bachhofen, at p. 23, he states: 'By custom and acceptance the following order is observed as to the *rank* of the different kind of churches: (1) Major basilicas; (2) Cathedral churches; (3) Minor basilicas; (4) Abbey churches, either of the regular or secular clergy; (5) Collegiate churches; (6) Parish churches; (7) Conventual or religious churches, provided they are such, and not mere oratories; (8) Mission or station churches, sometimes called chaplaincies.' S. Many, *Praelectiones de locis sacris nimirum de ecclesiis, oratoriis, altaribus coemeteriis et sepulturis*, Paris, Letouzey et Ané, 1904, pp. 12-13, has a similar typology of churches.

⁵ **1.** In **Britain** it seems there are (or were) four minor basilicas. The Abbey Church of Saint Gregory the Great at Downside was made a minor basilica by **Pius XI**, apostolic letters *Cliftoniensi* (23 May 1935) AAS (1935) 27, pp. 401-402; other basilicas are St. Chad's Cathedral in Birmingham and the Shrine of Our Lady of Walsingham. The Premonstratensians left Corpus Christi Priory in Manchester in 2007, however, and the Benedictines recently departed from Downside.

^{2.} In **IRELAND**, the Purgatory of Saint Patrick in the Diocese of Clogher, Ireland, Pius XI, apostolic letters Clogheriensis (16 June 1931), AAS (1931) 23, pp. 398-398; Our Lady of Knock John Paul II, apostolic letters *Abunde constat* (18 July 1979), AAS 71 (1979), pp. 973-974; in The **UNITED STATES** basilicas number 87, and include the Cathedral of the Diocese of Galveston-Houston (**John Paul II**, apostolic letters *Cum cathedrale* (2 August 1979), 71 (1979), p. 975; the Church of Saint Adalbert, Grand Rapids, Michigan, **John Paul II**, apostolic letters *Pergratum nobis est* (22 August 1979), 71 (1979), p. 1345-1346; the Cathedral of the Immaculate Conception in Denver, JOHN PAUL II,

In principle the privileges of minor basilicas are governed by canon law, but alas, much of its relevant elements are not easy to discover, because canon law as whole is only partially codified, and the parts concerned with minor basilicas are not included in the codified part. The 1917 Code of Canon Law contained only one very general canon on the subject, —canon 1180 —and the 1983 Code of Canon Law makes no mention of basilicas as all. The reason for this lacuna is suggested by Canon 2 of the Code of Canon Law. This canon tells us that the Code for the most part does not govern liturgical law, and the law of minor basilicas is seen as part of liturgical law. Not only is this form of law difficult to locate, but it has changed significantly over time. Like so much other liturgical law, the law of minor basilicas was reformed after the Second Vatican Council of the 1960s. In consequence, the privileges of minor basilicas were

apostolic letters *Historicum ob suum* (3 November 1979), 71 (1979), pp. 1508-1509; the Cathedral of St. Joseph, San Jose, California, JOHN PAUL II, apostolic letters *Sancti Iosephi cultum* (22 December 1995), 88 (1996), p. 351; Cathedral of the Sacred Heart, Newark, New Jersey, **John Paul II**, apostolic letters *In Foederatis Civitatibus* (22 December 1995), 88 (1996), p. 352; Shrine of St. Anne, Scranton, Pennsylvania, JOHN PAUL II, apostolic letters *Dum sanctae Annae* (29 August 1996), 88 (1996), p. 843; Church of St. Michael the Archangel, Loretto, Pennsylvania, **John Paul II**, apostolic letters *Sua initia* (9 September 1996), 88 (1996), pp. 911-912;

In Australia, basilicas number five and include the Cathedral of St. Mary (Our Lady Help of Christians), Sydney, New South Wales, Pius XI, apostolic letters Inter potiores (4 August 1932), 25 (1933), pp. 200-201; the parochial church and shrine of Our Lady of Victories, Camberwell, Victoria, JOHN PAUL II, apostolic letters Praestans templum (30 September 1996), 89 (1997), p. 18; ⁶ Canon 1180 reads: 'No church can be endowed with the title of basilica except by apostolic grant or immemorial custom; the privileges are indicated by either of these sources.' EDWARD N. PETERS (ed.), The 1917 Pio-Benedictine Code of Canon Law in English Translation with Extensive Scholarly Apparatus, San Francisco, Ignatius Press, 2001, p. 401. The 1917 Code is cited Codex iuris cnonici, Pii X Pontificis Maximi iusu digestus, Benedicti Papae XI auctoritate promugatus, praefatione, fontium annotatione et indice analyticoalphabetico ab Emo Petro Card. Gasperi auctus, Neo-Eboraci, P. J. Kennedy & Sons, 1918. This Code was in effect from 1918 until the appearance of the current code in 1983, which is cited Codex iuris canonici, auctoritate Ioannis Pauli PP. II promulgatus, fontium annotatione et indice analylitico-alphabetico auctus, Città del Valtican, Libreria Editrice Vaticana, 1989.

modified at that time. Only a dozen of the basilicas in Canada, however, antedate the close of the Second Vatican Council in 1965.

The present article, then, will explore the history and canon law of minor basilicas and then describe their distinctive insignia, both before and after the changes effected after the Second Vatican Council. Some of these insignia have been authorized for use in the armorial achievements of basilicas, justifying their inclusion in this journal. Given the large number of minor basilicas in Canada, and the creation in 1988 of the Canadian Heraldic Authority, the question of their nature and correct armorial use is of particular interest in Canada.

2. A History of the Basilica as a Form of Building

The word 'basilica' comes from the Greek expression *aulé basiliké* meaning 'royal house', especially the royal 'hall' or audience chamber that stood at the centre of a palace complex. Such buildings, characterized by large spaces and magnificent trappings, were indispensable for the dignified conduct of public affairs, and, even after the demise of kings in Greece, the buildings to which they had given their name survived. In fact, the basilica not only survived, but it *flourished*, and developed into a distinct architectural form. Its external form, and normal placement within a palatial complex (in this case, that of the Pope in Rome) can be seen in Fig. 1. A simpler and more isolated version — the cathedral of St Martin in Tours, as it looked around 470 — can be seen in Fig. 2. Below.

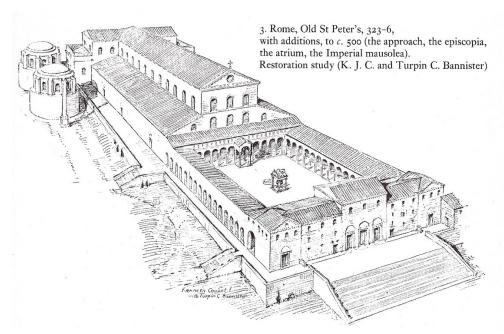
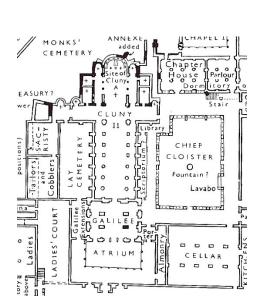


Fig. 1. The Basilica of St. Peter in Rome, built 323-326. A typical early plan, with an extensive colonnaded forecourt or atrium abutting a narthex

The basilica in *architecture* is a covered double arcade terminating in a rounded apse and flanked by two or more aisles. The central space or **nave** is typically lit by **clerestory** windows, set high in the walls over the **nave arcade** and the **aisle** or **aisles** set behind it to either side (as can be seen in Fig. 2b). After Constantine's Edict of Toleration in 313 A.D., many basilicas were built or given over as places of Christian worship. Liturgy, derived from the Greek word for 'public service,' *leitourgia*, thus made its home in a public building. Rome, as the Empire's capital, soon acquired several basilicas for worship, several being the gift of Constantine himself.

As Christianity spread from the great cities that served as the seats of imperial governors and bishops to smaller towns and eventually to the countryside, its places of worship tended to be called by the newer name of *ecclesia*, a Greek word for 'assembly', which gave rise to the Romanic words including *chiese*, *église*, and *iglesa*. In the Germanic languages, however, derivatives of the Greek designation *kuriakon oikon* 'Lord's house' prevailed in this sense, including the English *church*, the Scots *kirk*, and the German *Kirche*.

Eventually, the new terms became normal, and *ecclesia* or its local vernacular equivalent replaced *basilica* as a generic name for a Christian place of worship.



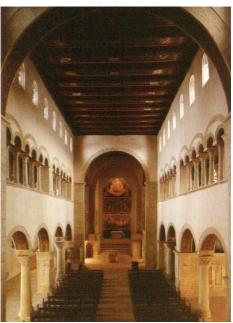


Fig. 2. a. The basilican church at the centre of the great abbey of Cluny in Burgundy; b. Interior of a contemporary basilica, showing the nave arcade and the tiers of openings to admit light to its central passage.

3.The Surviving Basilicas and their Distinctive Privileges

Some basilicas, however, continued to use their original designation, and Rome, with its wealth of churches, continued to have many such basilicas. By the eighteenth century a differentiation had arisen among the Roman basilicas on the basis of their importance. In the early part of that century, the Holy Year pilgrimage churches of **Saint John Lateran** (the papal cathedral), **Saint Mary Major**, **Saint Peter** by the Vatican Palace, and **Saint Paul-outside-the-walls**, had come to be styled 'major' or greater basilicas. To gain the special indulgence granted to pilgrims to Rome during the Holy Year, which occurred every twenty-five years, the pilgrim had to visit each of these basilicas. By contrast, Rome's other basilicas began to be called minor or lesser basilicas.

All of these Roman basilicas ranked as *distinguished* (*insignis*) churches, and as such were permitted distinctive *ornaments* and

their clergy special *privileges*. Each basilica was a 'stational' church, to which the pope and his clergy would process on appointed days each year to celebrate Mass. To protect the pope from inclement weather during the cavalcade to a stational church, a large **umbrella** — called an *ombrellone* in Italian and a *conopoeum* in Latin — was borne in the procession. This umbrella was made of triangular panels of cloth in red and yellow: the emblematic colours of the Roman senate. To announce the approach of the cavalcade, a large **bell** or *tintinnabulum* mounted on a pole was also borne before it. Devices of both of these forms were kept in readiness at each Roman basilica, and eventually displayed in a conspicuous place in its nave, so that in time they came to be seen as distinctive ensigns and privileges of these churches.





Fig. 3. The insignia of a basilica. a. An *ombrellino* b. A *tintinnabulum*

Each of the Roman basilicas was, moreover, a *collegiate* church, served by a chapter of canons. In their capacity as the priests of a basilica, its canons acquired the right to a special form of choir dress, to be worn during the chanting of the Liturgy of the Hours.

During the colder winter months from All Hallows to Easter, while chanting their seven-times-daily offices, canons of distinguished collegiate churches in general enjoyed the additional privilege of wearing a violet *cappa magna*: a long poncho-like

woolen garment, fitted with an ermine shoulder-cape. The *cappa magna* was also worn by prelates of various ranks over a garment called a *rochet* — a long, close-fitting *surplice* of white cotton, usually reserved for prelates — which itself was worn over the *soutane* or cassock — the basic garment of a priest.

3. The Extension of Basilican Privileges beyond Rome since 1805

When in the eighteenth century the name and privileges of the Roman minor basilica finally became fixed, they were ready for export as a new form of honour at the disposal of the Pope. The practice of creating new minor basilicas naturally began in Italy, not far from the papal capital. The first minor basilica to be created outside Rome itself was that of Saint Nicho⁷las in Tolentino in the Marche north-east of Rome. At the request of its clergy, Pope Pius VI in 1783 bestowed the title of 'basilica' and its attendant privileges on that church by the bull *Supremus ille*.

In 1805, the status of minor basilica finally crossed the Alps and made its way to Paris. That year its archiepiscopal Cathedral of Notre Dame was given the honour by Pope Pius VII, to please the new French 'Emperor' Napoléon Bonaparte — whom he had just crowned in the new basilica.

The last stage in the development of the early law of minor basilicas came in 1836, when the Sacred Congregation of Rites issued the decree *Lucerina*, which defined the privileges of minor basilicas. The canons of the cathedral at Lucerina in Italy had petitioned both for the title of minor basilica and for the right to the use of the pontificals customary among abbots — that is, the right to the use of the simple mitre and crosier. The latter request was denied, but the title of 'minor basilica' was granted The canons in turn responded by asking for a list of the privileges of minor basilicas, which had not yet been codified.

The 1836 decree duly listed these, and declared the distinctive privileges of minor basilicas to be — besides the distinctive name of 'basilica'—the use of the *conopaeum* or umbrella, the *tintinnabulum* or

⁷ On this, see Thierry Sarmant, 'The Coronation of Napoleon Bonaparte', in Patrick Boucheron, ed., *France in the World: A New Global History*, New York, Other Press (2019), pp. 495-501.

bell, and the *cappa magna*.⁸ The last privilege, however, applied only to basilicas that possessed a chapter of canons. Where the basilica *lacked* a chapter of canons, the privilege of the *cappa magna* remained in abeyance until the church obtained one.

The 1836 decree did not address the subject of armorial usage, but a number of customs emerged without central approval. Armorially the custom developed of placing the *conopaeum* behind the shield of the basilica as a distinctive ensign for churches of that rank. There are instances when the *tintinnabulum* was used as well, but most authors supported only the use of the *conopaeum*.

5. The Extension of Basilican Status to Churches in Canada from 1874

Such then was the law of minor basilicas in 1874, when the Cathedral of **Notre Dame** in Quebec City became a minor basilica. A dozen Canadian churches in fact received the title before the spate of liturgical reforms set in train by the Second Vatican Council that in 1968 would change the law of minor basilicas. These basilicas included the Cathedral-Basilica of Notre Dame in Ottawa (1879), the Basilica of Saint Anne de Beaupré (1887), the Cathedral-Basilica of Notre Dame Reine-du-Monde et St. Jacques in Montreal (1919), the Cathedral-Basilica of Saint Dunstan in Charlottetown, PEI (1927), the Cathedral-Basilica of Saint Boniface, Saint Boniface, Manitoba (1949), the Cathedral-Basilica of Saint Mary in Halifax, Nova Scotia (1950), the **Oratory of Saint Joseph** in Montreal (1954), the Cathedral-Basilica of Saint John the Baptist in Saint Johns, Newfoundland (1955), the Cathedral-Basilica of Saint Michael in Sherbrooke, Quebec (1959), the Cathedral-Basilica of Saint Peter in London, Ontario (1961), and the Basilica of Notre Dame-du-Cap in Cap-de-la-Madeleine, Quebec (1964).

6. The Effects of the Second Vatican Council on Basilican Privileges

⁸ Sacred Congregation of Rites, decree *Lucerina* (27 August 1836), *Decreta authentica congrgationis sacrorum rituum*, 5 vols., Romae, Ex Typographia polyglotta, 1898, II, p. 264.

Then came the Second Vatican Council. The Council did not change church doctrine, but it did embrace a new pastoral approach or *novus habitus mentis*. The Church is hierarchical and many had considered it in terms of a power pyramid with God at the top, followed by the Pope, the bishops, the clergy, and the lay people. But Vatican II chose to define the role of the clergy as one of service, or *diakonia*, in the internal life of the Church. In imitation of Christ the Servant, clerics of all ranks were to be ordained and dedicated to ministering his grace and truth to their brothers and sisters, and the laity were to have a *right* to this service. Now that the Church was to be thought of in terms of clerical *service* rather than clerical *authority*, one could envision the Church in terms of a service pyramid with Christ at the bottom, His ministers above Him, the Christian laity above them, the world above them, and God above all.⁹

The reformed Vatican II ecclesiology could not fail to have some related effect on the law of minor basilicas. The old-style basilica had been conceived in terms of privileges for the church so created and its clergy. Now the law would be reformed and restructured in terms of service. The reform came on 6 June 1968 with the publication by the Sacred Congregation of Rites of the decree Domus Dei. The opening paragraphs of the decree noted that 'all ecclesiastical institutions must, in accord with the mind of the Second Vatican Council, be accommodated to the conditions and needs of our times.' Having sought expert advice, the Congregation determined that 'the title minor basilica, should be retained but enriched with new meaning whereby such churches will be linked even more closely with the Chair of Peter and become centers of special liturgical and pastoral endeavor.' Accordingly, in the decree, which was divided into three sections entitled 'conditions', 'obligations', and 'concessions', the Congregation 'carefully reviewed and made timely changes' in the law of minor basilicas.

In addition the decree—for the first time—laid down express conditions for the grant of the title *implicit* in the very name 'basilica' — which, as we have seen, means 'royal (hall). Churches applying for the title had to 'stand out (*emineat*) both in appropriate size and in

⁹ Cormac Burke, *Authority and Freedom in the Church*, San Francisco, Ignatius Press, 1988, pp. 25, 110, 114.

artistic décor.' Moreover, the candidate church should already enjoy a certain pre-eminence throughout its diocese, by reason of its possession of notable relics of a saint or a well-known sacred image, or having been the site of an important event in the religious history of the diocese.

Furthermore, the candidate church had to have been consecrated, not merely blessed, and had to be a 'radiant centre of religious and pastoral life', with liturgical celebrations carried out with the utmost dignity, ensured by the presence of a suitable choir, a sufficient number of priest confessors, and a frequent preaching of the Word of God. Once granted the title of 'minor basilica', the church also incurred special obligations. It had to promote the religious education of the Christian faithful — in particular by the dissemination of documents which manifest the mind and teaching of the current Supreme Pontiff. It had also a duty to celebrate solemnly the feasts of Saint Peter's Chair (22 February), Saints Peter and Paul (29 June), and the anniversary of the election of the current Supreme Pontiff. Finally, as proved opportune, a basilica was to make provision for Masses in Latin, either sung or read. Adverting to Vatican II's constitution on the liturgy, the decree stated that at sung Masses, Gregorian chant or sacred polyphony was to be performed with particular care and devotion.

Having laid down the conditions for the grant of the title, and the obligations attendant upon its grant, the decree then continued by setting forth the distinctive **concessions** or **privileges** flowing from the grant of the title. These included certain **indulgences**, and the right to **say the creed** at Masses in which some pilgrimage group, or a similarly large body of people, attend. (This was a privilege because the creed is normally said only at Sunday Mass.)

The privileges also included the grant to the basilica's **rector** of the right to wear a distinctive garment. In place of the normal *cappa magna*, he was to wear a black silk *mozzetta*, or shoulder-cape, with piping, buttonholes and buttons of red. Finally, the reform decree provided that 'on banners, furnishings, and the basilica's seal', the basilica might display, instead of the *conopoeum* and *tintinnabulum*, the pontifical insigne of the **crossed keys**.

The new rules gave rise to some uncertainty as to when the privileges granted took effect, and whether they superseded earlier

grants. Canon 8 of the Code states that legislation goes into effect when it is promulgated. ¹⁰ Canon 9 states, in addition, that the legislation of the Apostolic See is normally promulgated through the *Acta Apostolicae Sedis*, and goes into effect three months after it appears in that collection, unless the nature of the situation requires otherwise, or a different effective date is expressly set out in the act itself.

Canon 10, moreover, states that legislation is normally *prospective* and not *retroactive*, unless the contrary is expressly provided. By the same token, canon 4 provides that acquired rights, as well as privileges and *indults* which have been granted by the Apostolic See to individuals or organizations, remain in effect unless expressly repealed by the Code.

In view of these provisions, article 14 of *Domus Dei* is of particular importance. It reads: 'Churches which have already obtained the title **basilica**, should as far as they can, accommodate themselves to the conditions and obligations mentioned above in nn. 1-9,' that is, to the conditions and obligations just set out. The concessions were set forth in articles 10-13. In other words, in accordance with canons 4 and 10, basilicas already enjoying privileges under the 1836 decree *Lucerina*, continued to enjoy them, including the right to the use of the *conopeum* and *tintinnabulum*. But by virtue of article 14 — and contrary to canons 8, 9, and 10 — existing basilicas were to accommodate themselves to the extent possible to the new legislation on conditions and obligations.

The upshot of these articles was that the armorial privileges of minor basilicas now differed from one to another, and depended on the date on which each church had received the status. Those made a basilica *before* the promulgation of *Domus Dei* (6 June 1968) were entitled to the traditional *conopeum* and *tintinnabulum*. Those made a basilica *after* the appearance of *Domus Dei*, by contrast, were governed by the reformed post-Vatican II legislation, so that — instead of ensigning their shields with the *conopeum* (and *tintinnabulum*) — they should place behind their shield the pontifical crossed keys, conceded by *Domus Dei*, which in armorial

¹⁰ Sacred Congregation of Rites, decree *Domus Dei* (6 June 1968), *Acta Apostolicae Sedis*, 60 (1968), pp. 536-538; English translation in James L. O'Connor, S.J. (ed.), *The Canon Law Digest*, VII (Chicago, 1975), pp. 28-31.

representations should represent the key *in bend* in gold and that in *bend sinister* in silver.¹¹

After the promulgation of the 1983 code of canon law in 1983, and the reorganization of the Roman Curia in 1988, the legislation on minor basilicas was modified yet again (if only slightly) by a new decree, *Domus ecclesiae* — promulgated on 9 November 1989, the feast of the dedication of the Lateran Basilica. The provisions¹² regarding the crossed keys as the special insigne of a basilica, and



Basilica of Sainte Anne de Beaupré: Nave facing the high altar

¹¹ Galbreath, p. 14.

¹² Congregation for Divine Worship and the Discipline of the Sacraments, decree *Domus ecclesiae* (9 November 1989), *Acta Apostolicae Sedis*, 83 (1990), pp. 436-440.

the red-trimmed black *mozzetta* for its rector, were repeated without change.

Sommaire en français

L'article de Dr Galles trace l'histoire — surtout dans le contexte de la loi canonique de l'Eglise catholique romaine, — du type d'église appellée 'basilique' (un mot qui derive du mot grec ('royal') dans l'expression aulê basilkê 'salle royale'); et plus précisément l'histoire du sous-type honorifique appellé 'basilique mineure'. Son explication commence par l'histoire de la basilque comme type de bâtiment de l'Antiquité Grecque jusqu'au temps présent, et de la pratique de conférer sur des églises de n'importe quel style architecturel le status honorifique de 'basilique mineure', ce qui transmet à leur établissement clerical toute une série de privilèges honorifiques — parmi lesquels des privilèges armoriaux.

L'article examine aussi l'évolution de ces privileges, et de leur extension sous une succession de régimes pontificaux aux églises éminentes hors de Rome et de l'Europe. Les privilèges (fixés en 1836) se sont étendus hors de Rome en 1783, hors de l'Italie (à Notre Dame de Paris en France) en 1805, et au Canada (à la Cathédrale de Notre Dame de Québec) en 1874.

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