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Every effort is made to report the views of authors objectively and accurately, without attempting to comment on them. Since, however, our contributors are fully engaged in their own work, it is impossible to exclude all danger of inaccuracy or misinterpretation. If any of our readers discover any inaccuracies, we hope they will point them out to the editor.

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Contents

<i>General Subjects</i>	2
<i>Historical Subjects</i>	23
<i>Code of Canons of the Eastern Churches</i>	36
<i>Code of Canon Law Book I: General Norms</i>	40
<i>Book II, Part I: Christ's Faithful</i>	45
<i>Book II, Part II: The Hierarchical Constitution of the Church</i>	54
<i>Book II, Part III: Institutes of Consecrated Life and Societies of Apostolic Life</i> ..	66
<i>Book III: The Teaching Office of the Church</i>	69
<i>Book IV: The Sanctifying Office of the Church</i>	71
<i>Book IV, Part I: The Sacraments</i>	74
<i>Book IV, Part I, Title I: Baptism</i>	75
<i>Book IV, Part I, Title III: The Blessed Eucharist</i>	76
<i>Book IV, Part I, Title IV: The Sacrament of Penance</i>	80
<i>Book IV, Part I, Title VI: Orders</i>	81
<i>Book IV, Part I, Title VII: Marriage</i>	85
<i>Book IV, Part II: The Other Acts of Divine Worship</i>	114
<i>Book IV, Part III: Sacred Places and Times</i>	116
<i>Book V: The Temporal Goods of the Church</i>	118
<i>Book VI: Sanctions in the Church</i>	119
<i>Book VII: Processes</i>	127
<i>Exchange Periodicals</i>	148
<i>List of Abbreviations, Periodicals and Abstractors for this Issue</i>	149
<i>Books Received</i>	150

GENERAL SUBJECTS

Comparative law

AC 49 (2007), 181-190: Patriciu Vlaicu: Les principes d'organisation ecclésiastique face aux réalités contemporaines: territorialité et responsabilité pastorale. (Article)

The Church initially linked its structures to those of the Roman Empire, while pursuing its own spiritual vocation. The territorial principle ensures stability and orderly links with other local Churches. The Council of Nicea, canon 8, refers to the custom of not having two bishops in the one city. Congar writes that the conversion of Franks and Visigoths gave rise to national or ethnic Churches. The Church also developed structures to serve the pastoral needs of nomadic peoples. In the synodal structure of the Orthodox Church metropolitans or patriarchs assure unity in synodality (and recognize no other primacy). However the customs of the 1st millennium are not set in stone. The pastoral care of migrants is a challenge to the Orthodox Churches. A multiplicity of bishops is not *per se* a difficulty: in Cairo there are six Catholic bishops of different rites; in New York there are five diocesan bishops and eight auxiliaries, acting in unity and co-responsibility. There is a need for a pan-Orthodox structure so that those responsible for the unity and communion of the Church can meet synodally "to the glory of God the Father, the Son and Holy Spirit".

BV 70 (2010), 341-351: Borut Košir – Andrej Naglič: Odgovornost katoliške Cerkve za dejanja duhovnikov in redovnikov (= Responsibility of the Catholic Church for the Actions of Priests and Religious). (Article)

This paper researches the possibilities of attributing responsibility for acts committed by priests and religious in the Republic of Slovenia to the Catholic Church. It is limited to an analysis and synthesis of general and abstract laws (statutes) since hitherto no particular and concrete (judicial or administrative) legal provision has been issued.

CLSN 163/10, 87-99: Adelaide Madera: Juridical Bonds of Marriage for Jewish and Islamic Women. (Article)

This is an article reproduced from the *Ecclesiastical Law Journal* (2009), pp. 51-64 (see *Canon Law Abstracts*, no. 104, p. 2).

DPM 15/16 (2008/2009), 37-81: Burkhard Josef Berkmann: Die Annullierung von Ehen mit einem oder zwei nichtkatholischen Partner gemäß *Dignitas Connubii*. (Article)

See below, canon 1671.

LJ 164/10, 26-44: Russell Sandberg: Islam and English Law. (Lecture)

On 7 February 2008 a lecture on the relationship between Islam and English law by the Archbishop of Canterbury caused uproar, principally as a result of the view that it is not possible for two systems of law to coexist. S. demonstrates that it is simply not the case that religious laws do not run alongside the law of the land, and that this extends beyond the Established Church. He outlines ways in which English law currently recognizes or allows Islamic laws and Islamic religious practices.

LJ 165/10, 124-143: Ryan W. Hill: Legal Pluralism in the Liberal State: A Defence of the Archbishop of Canterbury or a Human Rights Impasse? (Article)

This article is set against the backdrop of the Archbishop of Canterbury's 2008 lecture (see preceding entry) in which he suggested that a degree of formal legal recognition of religious "law" in the religiously pluralist context of England and Wales seems unavoidable. To support the Archbishop, it poses and explores two questions for his critics. The first question concerns the legitimacy of the legal situation as it currently stands and asks how, in the pluralist context, we can justify the law functioning as a means to "protect" religious groups from their own legitimate rule systems. The second question concerns the effectiveness of the law and the legal system against the reality of an unofficial legal pluralism that sees particular normative codes being adopted *de facto* for certain members of the UK community. H. considers the strength of the human rights challenges which these two questions reveal. Finally, he sets out the dilemma which failure to accommodate religious plurality presents for the liberal supporter of human rights – the liberal human rights paradox – concluding that the Archbishop's choice of topic is highly pertinent for discussion but highly complex when it comes to reaching satisfactory solutions.

LJ 165/10, 144-158: Charles Donahue: Malchus's Ear Revisited: Reflections on Classical Canon Law as a Religious Legal System. (Article)

See below, Historical Subjects (*Classical period*).

SC 44 (2010), 369-397: Jobe Abbass: Le Code oriental: une ressource pour la révision du Code latin. (Article)

See below, General Subjects (*Law reform*).

Compilations

Ap LXXXII 3-4 (2009), 821-840: Martina Vintrova – Andr ej Kacmar: La presenza delle donne e degli uomini nella Curia Romana nell'anno 2007. (Article)

This is a presentation of the female and male personnel serving the Church in the Roman Curia for the year 2007. The study is factual and no conclusions are drawn by way of interpretation of the significance of these figures.

IC 50 (2010), 687-717: Jorge Otaduy: Cr nica de Jurisprudencia 2009. Derecho eclesi stico espa ol. (Compilation)

O. presents a review of decisions in the Spanish courts in 2009 concerning conscientious objection to the compulsory subject of Education for Citizenship in Spanish schools; the rights of religion teachers; cultural patrimony (the remodelling of part of  vila Cathedral); conscientious objection to medical expenses, for religious reasons; conscientious objection to acting as registrar for a same-sex marriage; the use of religious symbols in schools; data protection in relation to baptismal registers; the registration of religious bodies; the right to education; protection of a school's ideology; and State prevention of a transmission by a Christian television station. He also provides details of nine cases involving religious matters which came before the European Court of Human Rights in 2009; several of these are concerned with article 9 of the European Convention (freedom of thought, conscience and religion); others involve article 11 (freedom of association), article 10 (freedom of expression), and article 2 of Protocol 1 (right to education).

IC 50 (2010), 719-730: Jorge Otaduy: Cr nica de Legislaci n 2009. Derecho eclesi stico espa ol. (Compilation)

O. presents a review of legislation from 2009 involving issues of Spanish ecclesiastical law: places of worship; rights and freedoms; financial and taxation matters; teaching; social security; cultural patrimony; and the Armed Forces.

REDC 67 (2010), 467-488: Federico R. Aznar Gil: Boletín de legislación canónica particular española, 2009. (Compilation)

A.G. provides listings of particular legislation issued during 2009 by the dioceses of Spain. His division follows the order of the Books of the Code, with the name of the diocese, title and date of publication of the legislation and its page number in the appropriate diocesan gazette.

Patricia M. Dugan (ed.): The Canon Law Directory 2011, English Edition. (Book)

This book is presented as a tool for those working in the ministry of canon law. It is a guide to all the canon law resources, dicasteries, societies, chanceries and tribunals that conduct their work in English. (For bibliographical details see below, Books Received.)

Ecclesiology

CLSN 160/09, 62-65: Benedict XVI: Apostolic Letter *Ecclesiae Unitatem* concerning the Pontifical Commission *Ecclesia Dei*. (Document and commentary)

On 2 July 1988 Pope John Paul II established the Commission *Ecclesia Dei* to deal with matters arising from the reintroduction of the 1962 Rite of the Mass. Then, so as to extend and update the instructions in *Ecclesia Dei*, Pope Benedict XVI issued the *motu proprio Summorum Pontificum* on 7 July 2007. On 2 July 2009 a further *motu proprio, Ecclesiae Unitatem*, was issued, its principal innovation being that the Commission would now fall under the Congregation for the Doctrine of the Faith. In his commentary Gordon Read examines the new regulations and the liturgical ramifications.

Comm 40 (2008), 26-54: Pontificium Consilium de Legum Textibus: Congressus Studii de themate *La legge canonica nella vita della Chiesa. Indagine e prospettive, nel segno del recente Magistero Pontificio*. (Report)

This report on a Congress studying canon law in the life of the Church to mark the 25th anniversary of the promulgation of the Code contains the text of the Pope's address, and that of the response of the President of the Council, together with excerpts from the papers of Cardinals Herranz, Dias, Re, Cordes, Grocholewski, Rodé and Erdö, as well as that of Cardinal Bertone.

REDC 67 (2010), 459-465: Carta Apostólica del Sumo Pontífice *Ecclesiae Unitatem* para la reforma de la Comisión *Ecclesia Dei*. Texto en castellano y comentario de José San José Prisco. (Document and commentary)

This is the Spanish text of Benedict XVI's *motu proprio Ecclesiae Unitatem* reordering the structure of the Pontifical Commission *Ecclesia Dei* which had been set up by John Paul II in 1988 to examine the questions arising from the illicit ordination of four bishops by Archbishop Marcel Lefebvre and to work for the restoration of ecclesial unity and communion. With the lifting of the excommunication of these bishops the principal remaining problem is now a doctrinal, not a canonical or juridical one. The *motu proprio* restructures the Commission and unites it more closely with the Congregation for the Doctrine of the Faith.

SC 44 (2010), 211-258: Pamela McCann: The *Sensus fidei* and Canon Law. (Article)

The topic of the *sensus fidei* made its first appearance in official Catholic teaching at the Second Vatican Council and has become an important theme in contemporary Catholic ecclesiology. This article examines the conciliar developments of the teaching, and investigates how the value of the *sensus fidei* has been incorporated in the Code of Canon Law. The codification process is analyzed to evaluate whether full scope was given to the value of the *sensus fidei* as taught by Vatican II, in keeping with the Council's agenda of Church renewal and legislative reform. The insights of contemporary canonists, who have found ways to integrate the *sensus fidei* in the universal law and ecclesial practice, are considered. In particular, the *sensus fidei* as a source of law and its possibilities for renewal of a functioning *communio* ecclesiology and reception in Church praxis are explored.

Ecumenism and interreligious dialogue

AC 49 (2007), 131-133: Cyrille Gundiaev: Introduction au colloque de Moscou des 30 Novembre-2 Décembre 2007. (Article)

The Patriarch of Moscow sets out the implications of a territorial ecclesiology. The Moscow patriarchate exists in the territory of several independent States; the borders are not national but canonical borders of a Church that exists in a place. Orthodox Christians are unhappy at the violation of the principles of territorial ecclesiology in the Orthodox Diaspora. The fact that there are several

Orthodox bishops in one city can be resolved by dialogue and effective action by the Churches involved. In the 1st millennium the territories of the Roman Catholic Church and the Orthodox Church did not cross one another's borders. In recent times migration and the growth of communities led to the growth of one Church in the territory of the other. Should Orthodox living in France consider that they are living in Roman Catholic canonical territory? What of Catholics living in Russia or Greece?

AC 49 (2007), 135-151: Sergueï Firsov: Aspects juridiques de la politique confessionnelle de la Russie impériale (XVIII-début XX siècle). (Article)

The *Corpus iuris* of the Russian Empire describes the Emperor as “supreme protector and guardian of the dogmas of the dominant faith, defender of the true faith and of good order in the Holy Church” (art. 42); he exercises power through the Most Holy Governing Synod (art. 43), in practice a part of the civil administration. Members of the Royal family were able to marry “representatives of other confessions” (art. 140) with the permission of the Emperor. Non-Orthodox could build churches. The government, not the Pope, exercised control of the Catholic Church; Church property belonged to the State but was “loaned” to the Church. F. outlines the arrangements for Muslims, Jews, Armenian Christians and Georgian Orthodox. The radical anticlerical politics following the revolution in 1917 ended the “symphony” between State and Church.

AC 49 (2007), 191-203: Hyacinthe Destivelle: Quelques réflexions à propos des débats suscités par la création de diocèses catholiques en Russie. (Article)

D. traces the views of Cardinal Kasper on the decision to establish Catholic dioceses in Russia. In 2002 he stated that the Church does not recognize the concept of “canonical territory”; in 2003 he noted that the Holy See had not set up a diocese of Moscow but the diocese of the Mother of God at Moscow; in 2004 drawing on the concept of “sister Churches”, he stated that Catholics should not carry on missionary work among Orthodox Christians. D. comments on A. Garuti, *Libertà religiosa ed ecumenismo. La questione del “territorio canonico” in Russia*, Cantagalli, Siena, 2005, and *Il papa patriarca d'Occidente? Studio storico-dottrinale*, ed. Francescane, Bologna, 1990, by the same author. The Orthodox theologian Valdimir Lossky held that the Orthodox reaction to the Roman decision shows that Orthodoxy fully recognizes the Catholic Church. Can separated Churches respect the principle of “canonical territory”? The document *General principles and norms of the Catholic Church in Russia to coordinate evangelization and ecumenical commitment in Russia*

and in other countries of the EU (1992) states that Catholic bishops will keep Orthodox Ordinaries informed of important pastoral initiatives.

IE XXII 2/10, 508-552: Conferenza Episcopale Italiana: Vademecum per la pastorale delle parrocchie cattoliche verso gli orientali non cattolici, 23 febbraio 2010 (con nota di Adolfo Zambon, *La cura pastorale verso gli orientali non cattolici presenti nelle parrocchie cattoliche*). (Document and commentary)

This is the text of the Vademecum issued by the Italian Bishops' Conferences for the pastoral care of Eastern non-Catholics present in Catholic parishes. It provides general guidelines with respect to each sacrament, followed by norms for admission to full communion in the Catholic Church. Two appendices at the end of the document schematically present a list of all the Eastern Churches. In his commentary, Z. explains the situation of *diaspora* in which many Eastern non-Catholic find themselves, especially in Western Europe. Before setting out the possibilities of pastoral care, he examines the question of the presence of true sacraments in the Eastern Churches; the consequences for ecumenical relations; *communicatio in sacris*; the sphere of competence of each diocesan bishop and of the Holy See; and the relationship between the CIC/83 and the CCEO. He then looks in detail at the provisions of the new Vademecum.

Family issues

DPM 15/16 (2008/2009), 511-529: Matthias Pulte: Ehe und Familie in der Verkündigung Papst Benedikt XVI. angesichts postmoderner westlicher Lebens- und Gesellschaftsmodelle. (Article)

P. deals with marriage and the family in the teaching of Pope Benedict XVI with respect to the current social reality especially in Europe. According to the Pope, marriage and the family are not chance sociological constructs, nor are they simply the result of historical and economic processes. Through the declarations of Benedict XVI on marriage and the family, and also on the social implications of the Christian matrimonial and family culture, P. shows that the teaching put forward by the Pope is both founded on reason and also something capable of being lived out in practice.

General introductions to canon law

G J. Woodall: A Passion for Justice. An Introductory Guide to the Code of Canon Law. (Book)

The revision of canon law, which led to the CIC/83 for the Latin Church, sought expressly to reflect the key teachings of the Second Vatican Council. The Code, beyond the general norms for understanding and applying its laws as a whole, centres upon the People of God in its common, diverse and complementary forms of living the Gospel, upon the Church's broad teaching function, and upon its sanctifying function, especially through the sacraments. It attends also to the temporal goods of the Church, for which there are responsibilities of stewardship, to penal law and sanctions, and to procedural law – the latter designed to ensure the practical implementation of the Church's law, which is essential if its affirmations concerning justice and mission are not to remain vacuous. This book attempts to provide a theological and juridical introduction to and explanation of these various aspects of the Church's life. The schematic presentation of "key canons" is designed to enable the reader to understand the principal elements of a specific section and to see how those canons can be broken down so that their inter-related parts may be read, analyzed and applied. Apart from the sixteen main chapters dealing systematically with the Books and subdivisions of Books of the CIC/83, there are updating appendices dealing with the reception of former Anglican communities; the recent changes introduced by the 2009 *motu proprio Omnium in Mentem* (see below, canons 1008-1009; 1086, 1117, 1124); and the procedures for dealing with clerical sexual abuse of minors and other grave crimes. (For bibliographical details see below, Books Received.)

Human rights

CLSN 163/10, 6-16: Declan Morgan: Religious Beliefs and Human Rights. (Conference presentation)

See below, General Subjects (*Religious freedom*).

Comm 40 (2008), 18-25: Pope Benedict XVI: Allocutio Summi Pontificis ad Membra Conventus Generalis Consociationis Nationum Unitarum die 19 aprilis 2008 Neo-Eboraci habita. (Address)

The Pope addresses the General Assembly of the United Nations, partly in French, partly in English. He emphasizes that the crises that face the world call

for concerted action especially in the context of the environment and international development. Human rights cannot be adequately protected when they are entrusted exclusively to national governments.

Comm 40 (2008), 84-85: Secretaria Status: Sermo a Mons. Silvano M. Tomasi, perdurante sexta sessio ordinaria Consilii Iurium Hominis, occasione 60i Anniversarii Declarationis Universalis Iurium Hominis die 10 decembris 2007 prolatus. (Speech)

T. marks the 60th anniversary of the Declaration of Human Rights by observing that this recognizes such rights, but does not confer them. They arise from the dignity of the human person.

Comm 40 (2008), 267-269: Secretaria Status: Allocutio de themate *Sullo stato di diritto a livello nazionale e internazionale ad 63am sessionem Conventus Generalis Nationum Unitarum Coetus a moderatore delegationis Sanctae Sedis die 14 mensis octobris 2008 habita.* (Address)

The representative of the Holy See addresses the General Assembly of the United Nations on the theme of the rule of law as an indispensable but not sufficient means to protect the dignity of the individual at international as well as national level.

Comm 40 (2008), 293-300: Secretaria Status: Allocutio Secretarii Status, occasione Actus celebrationis LX anniversarii Declarationis Universalis Iurium Hominum, in Aula Pauli VI die 10 mensis decembris 2008 habita. (Address)

In an address to mark the 60th anniversary of the Universal Declaration of Human Rights the Secretary of State reflects on its origin and the value placed on it by Pope John XXIII in *Pacem in Terris* and in subsequent teachings of the Magisterium. He raises the challenge to this of an economic system which seems governed by anonymous forces. He also points to the danger that religious freedom may be seen as simply freedom of worship in the private sphere. The 1948 Declaration was an achievement but also a point of departure. Human rights must be seen as a whole, standing or falling together.

Comm 42 (2010), 55-57: Secretaria Status: Interventus quoad tutelam iurium proprietatis intellectualis apud Consilium Organizationis Mundialis

Commercii Consociationis Nationum Unitarum (ONU) ab Exc.mo Silvano M. Tomasi peractus. (Address)

The Holy See's representative at the United Nations expresses concerns at proposed agreements regarding the vindication of intellectual property rights over genetic coding and manipulation that may have an effect on agriculture and the food supply for some nations.

Law reform

CLSN 164/10, 35-47: Ian B. Waters: The Code of Canon Law Celebrating a Quarter of a Century: Some reflections. (Article)

W. begins with observations about four theological matters which some believe are not definitively settled – power of governance; the minister of anointing of the sick; diaconate reserved to males; sacramentality of marriage – and how they are dealt with in the CIC/83. He then offers suggestions for refinement of some merely ecclesiastical laws on privacy, the impeded Holy See, the appointment of bishops, the synod of bishops, particular councils, episcopal conferences, religious law, Catholic health care, the means of social communication, general absolution, investigative processes, and procedural law.

DPM 15/16 (2008/2009), 105-119: Martin Grichting: Der Eigenschaftsirrtum (c. 1097 §2 CIC). Ein problematischer Ehenichtigkeitsgrund. (Article)

See below, canon 1097.

J 70 (2010), 396-433: John M. Huels: Towards Refining the Notion of 'Office' in Canon Law. (Article)

See below, canon 145.

SC 44 (2010), 369-397: Jobe Abbass: Le Code oriental: une ressource pour la révision du Code latin. (Article)

Within the perspective of a possible revision of the CIC/83, this comparative study of the two Codes of the Catholic Church proposes ways in which the CCEO might serve as a resource in that revision process. Comparative articles written after the promulgation of the CCEO suggested that, in individual cases, the CCEO might already be considered as an interpretative aid in clarifying

doubts in parallel passages of the Latin Code (CIC/83, canon 17) or in filling legislative gaps in Latin laws made in similar circumstances (CIC/83, canon 19). In the context of any future revision of the Latin Code, the argument is now made that, in many cases, the later Eastern formulations should simply replace their Latin equivalents in order to resolve ambiguities and fill lacunae in the CIC/83. Part I of this article treats three such cases and proposes the eventual adoption of the clear CCEO norms over the earlier CIC counterparts.

Comparative law studies serve not only to increase the knowledge of the bodies of law being studied, but also, in the context of the reform of one or other of those legislative systems, to suggest concrete possibilities for revision or improvement of either legislation. The two Codes of the Catholic Church cannot be compared as if they belonged to two distinctly separate nations or legislative systems. They have the same legislator whose mind and purpose when enacting laws to govern certain matters were undoubtedly identical. These things considered, Part II of the study examines three CIC/83 canons and proposes that one simply be omitted while the other two be replaced by the later CCEO formulation.

A comparative study of the Eastern and Latin Codes shows that many CCEO canons, some even longstanding, find no expression in the CIC/83. Just as previous Latin and Eastern codification commissions have drawn upon each other's legislation for inspiration, the same rule will undoubtedly be followed in any future project to reform and improve the Latin Code. Within this context, Part III of the paper recommends three instances in which the CCEO should be added to the Latin legislation. In this way, the CCEO will prove to be not only a source and resource for the revision of the Latin legislation, but also a living and dynamic part of the one body of the Catholic Church's canon law.

Legal theory

AkK 178 (2009), 52-67: Helmuth Pree: Kirchenrechtstheorie als eigenständige kanonistische Grundlagendisziplin. (Article)

P. aims to demonstrate the necessity of establishing, alongside the discipline of "theology of canon law", the "theory of canon law" as a basic discipline in its own right. The former finds and interprets canon law from a theological point of view; the latter treats canon law with regard to its legal-philosophical and legal-theoretical aspects, and comprises therefore a fundamentally different subject-matter. Making the theory of canon law an independent field of study corresponds also to the curriculum set out in the Congregation for Catholic Education's 2002 Decree *Novo Codice*, where among the fundamental disciplines of canon law, alongside the theology of canon law, the study of legal

philosophy is a mandatory requirement. Legal theory turns out to be a part of legal philosophy; it can however also be seen as a (relatively) independent discipline arising from it.

AnC 4/2008, 173-180: Piotr KroczeK: „Funkcja prawa” jako skutek wprowadzenia do systemu prawnego normy prawnej (= The function of law as a result of a new norm of law in the system of law). (Article)

K. examines the meaning of the term “function of law”, especially insofar as it refers to the effect of the introduction of a new law into the legal system.

Ap LXXXII 3-4 (2009), 761-778: Matteo Nacci: Riflessioni sulla Consuetudine canonica di Francisco Suárez nel contesto della seconda Scolastica. (Article)

N. comments on the significance of the great Jesuit scholar Francisco Suárez, *doctor eximius*, to the Church of the Council of Trent and subsequently. He explains Suárez’s understanding of the term “canonical custom” in his development of the theories on law held by St Thomas Aquinas.

DPM 15/16 (2008/2009), 193-217: Richard Puza: Die Wahrheitsfindung im kanonischen Prozess. Moralische Gewissheit und diakonisches Kirchenrecht. (Article)

See below, canon 1608.

DPM 15/16 (2008/2009), 579-586, 640-643: Peter Stockmann: Die Ansprache Papst Benedikts XVI. vom 26. Januar 2008 vor der Römischen Rota. (Address and commentary)

See below, canon 1444.

Per 99 (2010), 345-371: Ottavio De Bertolis: Vicende del giusnaturalismo nello stato costituzionale moderno. (Article)

De B. reflects on the natural law foundation that lies behind and beneath the juridical framework of the modern constitutional State. Even in the contemporary secular State, law cannot be reduced simply to the written positive norm that emanates from the political authority. In countries of

common law tradition, reference is often made to “the Rule of Law” in the light of which all positive “laws” are to be understood and applied. The authentic foundation of every juridical order, this “natural law”, is to be found in none other than the human person.

Relations between Church and State

AnC 4/2008, 231-254: Dariusz Walencik: Zryczałtowany podatek dochodowy od przychodów osób duchownych. Wątpliwości interpretacyjne i postulaty *de lege ferenda* (= A flat-rate income tax for clergy. Uncertainties concerning interpretation of law and proposals *de lege ferenda*). (Article)

W. deals with certain tax issues affecting clergy in Poland, proposing a number of alterations to the existing law.

CLSN 157/09, 22-31: Peter Smith: Engaging with the State for the Common Good: Some Reflections on the Role of the Church. (Lecture)

This, the 7th Lyndwood Lecture, was given by the then Archbishop of Cardiff, and dealt with the growth of secularism in Britain and indeed throughout the world. The concept that religion should be regarded as a sphere of private life and individual conscience raises many challenging questions. Does a proper and appropriate separation between Church and State mean that the Church has no right or duty to be involved in politics? Do religious values have any accepted place in political discourse? Does religion have anything to contribute to the common good and the proper ordering, development and flourishing of civil society? In view of the present rise in emphasis on the term “discrimination”, S. says that recent legislation seems to take the view that all discrimination is wrong and must be outlawed. The Church’s position, based on her understanding of human dignity and equality, is that it is *unjust* discrimination – not discrimination in a vague and general way – that is wrong.

Comm 40 (2008), 213-222: Pope Benedict XVI: Lex N. LXXXI de Fontibus Iuris Status Civitatis Vaticani die 1 mensis octobris 2008 promulgata. (Document)

The laws of the Vatican City State were substantially revised in 2000. This *motu proprio* sets out the basic sources of the State’s law in 13 articles and replaces the corresponding laws promulgated on 7 June 1929.

Comm 40 (2008), 270-281: Secretaria Status: Conventio inter Sanctam Sedem et Principatum Andorrae. (Document)

The text of the Concordat between the Holy See and Andorra agreed on 17 March 2008 is printed in parallel columns, in Latin and in Andorran dialect.

Comm 40 (2008), 342-347: José María Serrano Ruiz: Articulus explanans legem de fontibus iuris a Summo Pontifice die 1 mensis octobris 2008 datam. (Article)

In October 2008 the Pope issued new texts, replacing those promulgated in 1929, setting out the sources of law for the Vatican City State. S.R. emphasizes the importance of knowing the sources of law for a correct understanding of the texts. He does not offer a detailed commentary but focuses on what is new, primarily a wider view of canon law than simply the CIC/83, e.g. reference to the CCEO, and also accepting certain elements of Italian civil law.

Comm 42 (2010), 31-33: Secretaria Status: Conventio inter Apostolicam Sedem et Philippinarum Rempubicam de cura bonorum culturae Catholicae Ecclesiae. (Document)

This is the text of an agreement dated 17 April 2007, in both English and Italian, between the Holy See and the Republic of the Philippines on the cultural heritage of the Catholic Church. The agreement sets out in six articles the principles governing such issues and harmonizing civil and canon law.

Comm 42 (2010), 34-36: Secretaria Status: Conventio inter Apostolicam Sedem et Saxoniam Inferiorem, Niedersachsen, quae Concordatum die 26 mensis februarii 1965 initum immutat. (Document)

This agreement dated 6 April 2010 modifies the Concordat between the Holy See and Lower Saxony concluded in 1965 with regard to the legal status of several schools. The text is in German and Italian.

Comm 42 (2010), 67-68: Nota explanans novos progressus in relationibus diplomaticis inter Sanctam Sedem et Vietnamiam. (Document)

This unattributed note appeared in *L'Osservatore Romano* on 27 June 2010. It reports the progress made by a working party towards establishing bilateral

relationships between the Holy See and Vietnam. This had led to an agreement that the Holy See would appoint a non-resident representative to Vietnam.

DPM 15/16 (2008/2009), 399-420: Stefan Ihli: Die Geschichte der Zivilehe. (Article)

I. looks at the history of civil marriage in the Low Countries, England, Scotland, Ireland, France, Italy, Belgium and Germany. In the particular case of Germany he argues that the introduction of obligatory civil marriage has deprived religious marriage of its significance in State law.

DPM 15/16 (2008/2009), 587-633: Andreas Weiss: Hochzeit ohne Standesamt? Zum Wegfall des Verbots der „kirchlichen Voraustragung“ im staatlichen Personenstandsrecht. (Article)

The so-called State prohibition on religious weddings between people not yet civilly married was unexpectedly abolished in Germany with effect from 1 January 2009. W. reflects on the history of this prohibition, the reactions of Churches and religious groups in Germany to the lifting of the ban, and possible future developments.

EE 85 (2010), 575-623: Pablo Martín de Santa Olalla Saludes: El *Convenio para la Provisión de Beneficios no consistoriales*. Un acuerdo a mitad de camino entre el Acuerdo sobre presentación de Obispos y el Concordato. (Article)

The negotiation of the Concordat of 27 August 1953 constituted an arduous task for Spanish diplomacy. The need to overcome the international isolation in which Franco's regime found itself after the Second World War forced the Ministry for Foreign Affairs to focus all its efforts on a major agreement between the Catholic Church and the Spanish Government, and on explicit support for the United States, the leading country in the capitalist bloc. Before obtaining this Concordat, the Government of Franco and the Holy See negotiated several agreements, one of which was the agreement for non-consistorial benefices. This document developed a system for designating ecclesiastical appointments that were not made directly by the Pope by way of a consistory.

EE 85 (2010), 665-693: María Elena Olmos Ortega: El «efecto Bolonia» sobre el Derecho Canónico en las universidades españolas. (Article)

Canon law has been a basic element in the contraction and shaping of European as well as some common law legal institutions. Knowledge of canon law contributes to the formation of lawyers and is necessary for professional practice; thus the presence of canon law would be desirable in canon law schools. Nevertheless, within the new European Higher Education Area proposed in Bologna in 1999 and effectively adopted in 2010, analysis of the new degree curricula reveals that canon law has been removed from the curriculum of the law degree in both public and private Spanish universities. This paper puts forward some proposals which can help remedy this situation.

EE 85 (2010), 817-843: Santiago Panizo Orallo: ¿Cosas del poder, abusos de poder, neurosis del poder? Reflexiones. (Article)

See below, canon 1059.

IC 50 (2010), 517-545: Luis Javier Arrieta: La inmatriculación de fincas de la Iglesia católica por medio de certificación diocesana. (Article)

Spanish law provides a fast, cheap and easy method for first registration of immovable properties belonging to the Catholic Church, but doubts have been raised as to the compatibility of this legislation with the Constitution. A. looks at some of the practical issues involved.

IC 50 (2010), 547-591: José María Martí: Democracia y Religión: la aportación del cristianismo. (Article)

Since the political system tends towards excess, some mechanisms of control and a strong civil society are required. Religion may play a part in this regard. By its very nature religion may function as a form of correction and foundation. Democracy can also fall into despotism, the promotion of social conformism, or even fundamentalism. In an exclusively secular context, democracy can commit this kind of abuse, rendering itself absolute and all-encompassing. By contrast, religion may enable the political system to work for the common good.

IE XXII 2/10, 427-446: Fabio Vecchi: Il Concordato brasiliano del 2008: dal “separatismo privilegiario” al “pluralismo concordatario” nel modello pattizio di “Vereinbarung”. (Article)

V. looks at the 2008 accord between the Holy See and the Federal Republic of Brazil, setting out the history of the relations between the two authorities from the 18th century, when the country broke off diplomatic relations with the Holy See (1759-1808), up to this latest agreement. Tenacious efforts on the part of the Brazilian Bishops' Conference led to the formalization of the juridical status of the Catholic Church in Brazil. V. offers an extensive study of the Concordat.

J 70 (2010), 473-486: Roland Minnerath: How Should State and Church Interact? (Lecture)

M. begins by considering the State's appreciation of the Church-State relationship, and then the Church's. He goes on to consider how Church and State can converge towards common principles such as mutual independence and cooperation. He then asks whether Church and State need to interact, and shows that they must. This leads him to demonstrate the different historical forms of this interaction, and he finishes by considering how they should interact in the future.

LJ 165/10, 159-171: David Durisotto: Financing of Churches in Italy. (Lecture)

The financing of faith communities in Italy has undergone considerable change; and the benefits have been extended from the Roman Catholic Church to faith communities generally. The *otto per mille* system, in particular, under which a quota of 0.8 per cent of income tax may be allocated by the taxpayer either to one of the participating denominations (independent of the taxpayer's own denominational affiliations) or to the State itself for humanitarian and cultural purposes is a complex and uniquely Italian solution to a common European problem.

REDC 67 (2010), 295-363: José Joaquim Almeida Lopes: La reforma del Derecho Eclesiástico del Estado portugués del siglo XXI. (Article)

A.L.'s article deals with the relationship between the Portuguese Law of Religious Freedom (2001) and certain aspects of the Concordat between the Holy See and the Republic of Portugal (2004). One of the reasons for this law was to do away with the perceived discrimination reflected in the different ways

in which the Catholic Church and non-Catholic religious communities were being treated by the State. The question arose as to whether this law now also applied to the Catholic Church, or whether its status and relationship to the State should be governed by the norms of the Concordat. A.L. explains the historical background to this question and the various opinions expressed in the debates in the Portuguese Parliament, the outcome of which was that the law on religious freedom was not applicable to the Catholic Church. The text of this article is in Portuguese, despite its Spanish title.

Religious freedom

AC 49 (2007), 153-168: Mikhail Chakhov, *Liberté de conscience et régime des cultes en droit russe.* (Article)

Russian imperial law had four religious groups: 1. the Russian Orthodox Church; 2. “recognized and tolerated” (Catholics, Lutherans, Armenian, Mennonites, Baptists, Judaism, Islam, Buddhism, pagans); 3. “not recognized but tolerated” (some sects, “old believers”); 4. ‘not recognized or tolerated’ (sects such as the Skoptzy, which were treated as hostile). Only the Russian Orthodox Church could carry out missionary activity or publicize its activities. A decree of 2 February 1918 proclaimed the separation of Church and State and the separation of Church and schools. A hostile document issued in April 1929 regulated the religious practice of citizens and “groups of believers”. The Constitution of the Russian Federation (1997) recognized religious pluralism and the equality of all public organizations before the law (art. 13). Russia undertook to observe the Universal Declaration of Human Rights, the international Pact on civil and political rights, the Declaration on the elimination of all forms of intolerance and religious discrimination, and the European Convention on Human Rights.

AC 49 (2007), 169-180: Bernard Le Leannec: *Le statut de l’église catholique Romaine en Russie: une approche pratique de la problématique à partir de l’expérience de l’église Saint-Louis-des Français à Moscou.* (Article)

The parish of St Louis de France in Moscow enjoyed extra-territoriality since its foundation in 1789, being subject to the French consul. A law of 1 October 1997 reflects the fact that the Orthodox Church in Russia exists *de iure*; others are “authorized”. In April 1991 Pope John Paul II created three apostolic administrations: for European Russia, Siberia and Kazakhstan. In ten years the number of parishes grew from 10 to 220, and the number of priests from 8 to

215; and since 1993 the Major Seminary in St Petersburg began its mission of forming priests after a break of 81 years. The Constitution of 12 December 1993 guarantees liberty of conscience and practice of religion to every citizen; it also declares respect for religious pluralism. In 1997 the Orthodox Church was charged with preventing independent activities carried out by foreign religious organizations. In February 2002 the Holy See erected the apostolic administrations into dioceses.

AnC 4/2008, 255-270: Andrzej Wójcik: Interpretacja „wolności religijnej” w stosowaniu konkordatowego prawa małżeńskiego w Hiszpanii. Kilka ważniejszych kontrowersji (= Interpretation of “religious freedom” in application of concordat matrimonial law in Spain. Some more important issues/controversies). (Article)

W. analyzes certain problems arising out of the application of Spanish Concordat law after its change in 1979, especially in relation to competence for marriage nullity cases and the ratification of canonical decisions in the civil sphere.

BV 70 (2010), 483-493: Andrej Naglič: Svoboda vere v odločbi Ustavnega sodišča Republike Slovenije o ustavnosti Zakona o verski svobodi (= Freedom of Religion in the Decision of the Constitutional Court of the Republic of Slovenia on the Constitutionality of the Religious Freedom Act). (Article)

N. presents the understanding of freedom of religion following the recent decision of the Constitutional Court of the Republic of Slovenia on the constitutionality of individual provisions of the Religious Freedom Act. The decision provides a systematic review of this human right, which is contained, with regard to content and proceedings, in several articles of the Constitution of the Republic of Slovenia. This must have been the reason why the Constitutional Court gave a comprehensive interpretation of freedom of religion, especially regarding the legal and systemic coherence of Articles 41 and 7 of the Constitution. Religious and ideological beliefs, as well as organizations whose confessional or non-confessional activity contributes to the common values of society, are therefore essential and universally beneficial to the State. It is the duty and in the interest of the State to support these organizations impartially in the performance of their activities. The importance given to these considerations by the Constitutional Court will be indispensable in the further development of the legal-political discourse regarding freedom of religion in Slovenia.

BV 70 (2010), 495-515: Dominik Frelih: Freedom to change religion in UN documents and influence of Islamic states on wording and practice. Search for an unchangeable basis. (Article)

F. deals with the issue of religious freedom in the documents of the United Nations Organization and in the acts of other important international organizations that are active in the field of protecting human rights and fundamental freedoms. This universal legal view is primarily directed to the freedom to change religion or ideological conviction. Especially in the drafting process of UN declarations, conventions and resolutions, one can notice the endeavours of the member States of the Organization of the Islamic Conference to ensure that the freedom to change religion should not be clearly and explicitly defined.

CLSN 163/10, 6-16: Declan Morgan: Religious Beliefs and Human Rights. (Conference presentation)

In his paper to the Canon Law Society of Great Britain and Ireland Conference, Derry, May 2010, M., the Lord Chief Justice of Ireland, examines certain aspects of the manner in which the civil courts have responded to issues concerning the manifestation of religious beliefs, and the context in which those decisions were made. He points to changes in religious and social circumstances, which mean that we now live in a society which is, paradoxically, becoming both increasingly secular and increasingly diverse in religious affiliations. The introduction into domestic legislation of the rights and privileges guaranteed by the European Convention on Human Rights has dramatically altered the jurisprudential landscape, and M. deals with a variety of examples of this altered landscape.

EE 85 (2010), 787-815: Almudena Rodríguez Moya: Libertad religiosa y enseñanza de la religión: Especial atención al caso islámico. (Article)

The phenomenon of immigration has caused a remarkable change in Spain's religious situation, especially concerning religious education in public educational institutions of different belief from that of Catholicism. R.M. looks at the question of freedom of teaching, as a reflection of religious freedom, and the way in which it is recognized in the Constitution. In this context the teaching of Islam has been the object of specific legislation, and the first Handbook on Islam for educational institutions has been published.

IC 50 (2010), 477-515: Santiago Cañamares: Ley Orgánica de Libertad Religiosa: oportunidad y fundamento de una reforma. (Article)

In the light of the announced reform of the Organic Law on Religious Freedom in Spain, C. highlights the grounds on which the reform process should be based and the main points it should address.

IE XXII 2/10, 385-403: Ombretta Fumagalli Carulli: La libertà religiosa. Magistero della Chiesa cattolica, normativa internazionale, violazioni della prassi, dialogo interreligioso. (Lecture)

F.C. deals here principally with the international panorama of religious freedom, for two reasons: the involvement of the Holy See, and the progressive giving up of sovereignty of national States to supranational organizations. She studies the Magisterium on religious liberty in documents from Pius IX to John XXIII and John Paul II and, under different headings, summarizes the international protection of this freedom in the various universal declarations, particularly at the European level. She considers the violations, old and new, of religious freedom, as well as freedom of expression and education, conscientious objection, and interreligious dialogue.

Social issues

CLSN 157/09, 36-46: Jerry J. Pokorski: Financial Scandals in the Church. (Article)

In an article reproduced from the June 2008 issue of *Catholic World Report*, P. urges prompt action to avoid a wave of financial scandal in the Church, and suggests various sound business methods and practices for achieving this.

HISTORICAL SUBJECTS

1st millennium

AkK 178 (2009), 90-124: Wilhelm Rees: Amt – Seelsorge – Leitung. Kirchenrechtliche Standortbestimmung und Zukunftsperspektiven. (Article)

See below, canon 145.

AnC 4/2008, 149-172: Robert Kantor: La conversión al cristianismo como comienzo de las estructuras personales en la organización de las primeras comunidades cristianas. (Article)

K. presents the methods of conversion by which the Gospel was taken “to the ends of the earth”. Individual conversions, apostolic preaching, Christian schools and the liturgy are some of the means used for attracting the Gentiles to the knowledge of the new religion. K. dedicates the final section of his article to the conversion of noble families.

DPM 15/16 (2008/2009), 293-333: Peter Stockmann: Von Heiligen und Hieratsschwindlern. Berühmte kirchliche Ehefälle. (Article)

See below, Historical Subjects (*16th-19th centuries*).

IC 50 (2010), 415-475: Joaquín Sedano: Transmisión de los textos e investigación sobre las fuentes del Derecho canónico. (Article)

S. offers an overview of the transmission of canonical texts, as well as recent discoveries in this regard. In the light of a key concern for access to genuine texts, the first section explores the development of text transmission, referencing relevant Christian texts that are not canonical in the strict sense. The second section describes the current state of affairs with regard to research, highlighting the main advances in the last century. The paper provides up-to-date information regarding the various resources, bibliographical sources and textual editions on which to draw in further research.

SC 44 (2010), 399-426: David Heith-Stade: Receiving the Non-Orthodox: A Historical Study of Greek Orthodox Canon Law. (Article)

This article analyzes the development of the practice for receiving non-Orthodox in Greek Orthodox canon law. The main argument is that the development of this canonical institution was influenced by a pneumatological realist ecclesiology. This historical study of the development of a canonical institution will shed light on how Greek Orthodox canon law has functioned in practice.

Classical period

AkK 178 (2009), 68-89: Stephan Haering: Genehmigung von Handlungen lokaler kirchlicher Rechtsträger. Kirchenrechtsgeschichtliche Streiflichter. (Article)

See below, canons 1273-1289.

Ap LXXXII 3-4 (2009), 679-719: Roberto Migliorini: L'istruzione probatoria nel Processo romano-canonico: concetto e onere della prova dal XIII al XV secolo. (Article)

M. gives a rapid survey of the legal practices in Western Europe, both ecclesiastical and civil, that should be taken into account in studying and understanding the eventual development of the canon law of the Church that regulates the operations and practices of the Eastern Church tribunals in use today. He gives the sources for a number of the legal institutions and customs to which reference is often made by those whose duty it is to lecture on processes in the Code.

BV 70 (2010), 321-340: Priamo Etzi: “Il nostro chiostro è il mondo”: dalla precarietà insediativa del XIII secolo all’odierna itineranza francescana. Tra memoria, attualità e “profezia”. (Article)

As is well known, the first form of apostolate of the Friars Minor was a kind of itinerant evangelization that did not require any stable structure. Initially, the friars carried out their mission in contact with the population, preaching in open spaces. After 1240 Pope Gregory IX stipulated that the seats of the mendicant orders should be transferred to town centres. In the medieval town the friary of the mendicants really represents an important point of reference; it is not just a centre of religious action, but also a place of social relations. In offering his

reflections on the present and future of the First Order, E. first focuses on the unique figure and exceptional experience of St Francis; he then looks at the first Franciscan group (active itinerancy – *memory*) and its subsequent institutional structuring (from precariousness to stability – *current reality*); and finally sets out some ideas concerning a “legal foundation” for itinerancy in the future of the Franciscan First Order (predicted itinerancy – “*prophesy*”).

IC 50 (2010), 415-475: Joaquín Sedano: Transmisión de los textos e investigación sobre las fuentes del Derecho canónico. (Article)

See above, Historical Subjects (*1st millennium*).

LJ 165/10, 144-158: Charles Donahue: Malchus’s Ear Revisited: Reflections on Classical Canon Law as a Religious Legal System. (Article)

D. explores the uses made of the Biblical story of Malchus’s ear in the debate in the 11th and 12th centuries about the validity and efficacy of the sacraments of simoniacs. He argues that an important change occurred in the 13th century in the kinds of arguments that canonists made, and that the type of argument made about Malchus’s ear was also not characteristic of canonical argument prior to the 11th century. He concludes by suggesting that the type of argument made about Malchus’s ear is more like the types of arguments made in Jewish and Islamic law. Possible reasons for the difference, in most periods, between canon law and Jewish and Islamic law include: the streak of antinomianism that can be found in early Christian writing; the different relationship between religious and secular authority throughout most of the history of the three religions; the difference in the ways in which religious authority is structured in Christianity as opposed to Judaism and Islam; and the tendency of Christianity to separate law and morals more sharply than do Judaism and Islam.

RDC 58-59, 1-768 (entire volume): Décret de Gratien, Causes 27 à 36: Le Mariage. (Critical edition and translation)

After an introduction dealing with the author(s) of the *Decretum Gratiani* (pp. 11-20), an outline of the Decree in general (pp. 21-45), and of the treatise on Marriage in particular (pp. 46-66), and other explanations regarding the present edition and the abbreviations used (pp. 67-76), the rest of this volume is dedicated to parallel annotated Latin and French texts of Causes 27 to 36, including bibliography and other indices.

16th-19th centuries

AkK 178 (2009), 68-89: Stephan Haering: Genehmigung von Handlungen lokaler kirchlicher Rechtsträger. Kirchenrechtsgeschichtliche Streiflichter. (Article)

See below, canons 1273-1289.

AkK 178 (2009), 163-171: Carlo Fantappiè: Römische Kirche und rechtliche Modernität. Die lange Geschichte der Kodifikation des kanonischen Rechts. (Article)

See below, Historical Subjects (*1917 Code*).

DPM 15/16 (2008/2009), 293-333: Peter Stockmann: Von Heiligen und Hieratsschwindlern. Berühmte kirchliche Ehefälle. (Article)

Throughout Church history it is possible to find matrimonial causes which have involved famous personalities and/or have acquired the status of *causes célèbres*. S. gives details of five such causes: Otto and Ermengarde von Hammerstein; Friedrich Wilhelm von Württemberg and Princess Charlotte Auguste von Bayern; Charles Spencer-Churchill, 9th Duke of Marlborough, and Consuelo Vanderbilt; Joseph Bernhart and Elizabeth Nieland; Joseph Patrick Kennedy II and Sheila Brewster Rauch. At the end of the article S. brings together common conclusions which can be drawn from the five cases.

DPM 15/16 (2008/2009), 429-467: Georg May: Die Behandlung der Mischehen in der Erzdiözese Mainz während des 18. Jahrhunderts. (Article)

M. looks at the question of mixed marriages in the Archdiocese of Mainz in the 18th century, and the policy adopted by the Archbishop.

FCan V/2 (2010), 125-173: Fabio Vecchi: Le Istruzioni impartite da Urbano VIII a Monsignor Giovanni Battista Pallotta, Collettore Apostolico nel Regno di Portogallo. (Article)

The Instructions issued to the apostolic functionaries in missions outside the Papal States are a revealing indicator of the ecclesiastical policy pursued by the Roman Curia, providing evidence of both farsightedness and shortsightedness: a

capacity to observe social change, and indifference towards innovation. With the five practical rules in the Instructions given to Giovanni Battista Pallotta, the Collector-General of Portugal, Urban VIII expresses total disagreement not only with the regalism of Philip, King of Spain and Portugal, but also with the reformist sentiments of the judges in the courts that had competence for the *ius spoli*. This fiscal shortsightedness reflects the more general political inactivity that characterizes Urban VIII's reign in the early 17th century.

FT 20 (2009), 215-228: Szabolcs Anzelm Szuromi: An Outline of the History of Canonical Prescriptions Regarding Marriage in the Church. (Article)

See below, canon 1059.

IC 50 (2010), 415-475: Joaquín Sedano: Transmisión de los textos e investigación sobre las fuentes del Derecho canónico. (Article)

See above, Historical Subjects (*1st millennium*).

1917 Code

AkK 178 (2009), 163-171: Carlo Fantappiè: Römische Kirche und rechtliche Modernität. Die lange Geschichte der Kodifikation des kanonischen Rechts. (Article)

This is a summary of F.'s two-volume study published in 2008 under the title *Chiesa romana e modernità giuridica*. F. reconstructs the codification of canon law at the beginning of the 20th century together with its earlier history, and diagnoses an "epistemological break in the history of the sources". The abstract construction of the Codex has taken the place of law built on practical experience. On the other hand the Codex stands in a long tradition of legal modernity, to which the Roman Church has contributed since the 16th century. Far beyond the boundaries of canon law, the Codex has had a hand in the modernization of the Church, in the sense of centralization, "Romanization", and the development of a legal culture within ecclesiastical life.

CLSN 160/09, 69-92: Gordon Read: Declaration of Nullity of Marriage in Cases of Defect of Canonical Form. (Conference presentation)

See below, canons 1108-1117.

CLSN 163/10, 17-33: Philip E. Wilson: The Doctrine of Canonical Equity in the Rotal Decisions of Monsignor Charles Lefebvre. (Article)

Monsignor Charles Lefebvre was an auditor of the Sacred Roman Rota for 22 years, from 1956 to 1978. During that period he acted as *ponens* in 349 cases. He also wrote a great deal on marriage issues and procedures. Many of his sentences were considered to be significant to the development of Rotal jurisprudence at the time they were given. The Rotal sentences of Lefebvre form the subject of analysis for the purpose of understanding canonical equity, with jurisprudential developments being of secondary interest only. The critical issue is whether or not Lefebvre used his doctrine of canonical equity in his Rotal judgements. W., Archbishop of Adelaide, begins with a summary of Lefebvre's doctrine of canonical equity as it applies to the role of an ecclesiastical judge. He then selects a particular area of Rotal jurisprudence for examination: the incapacity to assume the obligations of marriage, which would eventually develop into canon 1095 3° of the CIC/83. Next he attempts to identify elements of canonical equity in the Rotal jurisprudence of that period. Finally he examines Lefebvre's own judgements to detect the presence of canonical equity. Lefebvre stressed three aspects of canonical equity: its suppletive role under canon 20 of the CIC/17; its evolutionary role; and its role in preserving the principles of justice.

DPM 15/16 (2008/2009), 469-486: Markus Müller: Die rechtshistorischen Grundlagen der Nichtberücksichtigung des Ehenichtigkeitsgrundes der „arglistigen Täuschung“ (cc. 1098 CIC; 821 CCEO) in den Normen des CIC/1917. (Article)

The ground of “inveigling by deceit” in canon 1098 of the CIC/83 is new and has no counterpart in the CIC/17. M., after pointing out the different types of *dolus* in Roman law, offers a reinterpretation of the theory of *dolus bonus* in the *Corpus Iuris Canonici*. The doctrine of *dolus in spiritualibus* was introduced into canon law through the glossators. From that time, *dolus* at the moment of contracting marriage was integrated into *error qualitatis in personam redundans*. Other kinds of deception not involving a juridically relevant error were not taken into consideration. M. sets out the historical and juridical reasons why the ground of deceit was absent from the CIC/17.

REDC 67 (2010), 11-48: Miguel Anxo Pena González: Confluencias teóricas y prácticas heterogéneas en las independencias americanas. (Article)

The bicentenary independence celebrations of most of the one-time Spanish colonies of Central and South America are due to begin shortly, and this article

offers an interpretation of the variety of influences and historical trends which contributed to the independence movements from 1808 onwards. P.G. examines the predominant acceptance in Spain of the *ius naturale* which established a pact between the ruler and the ruled, whereby those ruled gave loyalty and obedience to their ruler; the question arose about what was their right if the ruler failed to keep his side of that pact. Connected with this was the issue of the Spanish monarchy's firm belief in the doctrine of royal absolutism and enlightened despotism. Other influences were the effects of the Enlightenment itself and of the French Revolution. P.G. admits that these influences are not always easy to identify clearly in actual events, and he underlines the need for more research in this field.

REDC 67 (2010), 49-81: Ricardo García García: Celebración del primer concilio provincial de Valladolid (1887). (Article)

The ecclesiastical province of Valladolid was established in the 1851 Concordat between the Holy See and Spain. Its fourth Archbishop, Benito Sanz y Forés, called for the celebration of a provincial council which was duly celebrated in the summer of 1887 with the suffragan sees of Astorga, Zamora, Salamanca, Ciudad Rodrigo, Ávila and Segovia. Its task was to coordinate pastoral activity throughout the province, covering matters dealing with the Catholic faith, the sacraments, divine worship, the clergy, the material goods of the Church and Christian living, all contained in its 717 decrees, duly approved by the Holy See. The council led to a renewal in the dioceses concerned and to the celebration of various diocesan synods in following years. A second provincial council was held in 1930, adapting the norms of its predecessor to the needs of the times and serving the province well until the changes inaugurated by Vatican II.

20th century

AkK 178 (2009), 3-16: Winfried Aymans: Klaus Mörsdorf. Erinnerungen an den akademischen Lehrer und väterlichen Freund anlässlich seines 100. Geburtstages. (Article)

A. speaks of the character and influence of the great Munich scholar Klaus Mörsdorf, from the perspective of one who was both his student and his friend.

Historical Subjects (20th century)

CLSN 160/09, 69-92: Gordon Read: Declaration of Nullity of Marriage in Cases of Defect of Canonical Form. (Conference presentation)

See below, canons 1108-1117.

CLSN 163/10, 17-33: Philip E. Wilson: The Doctrine of Canonical Equity in the Rotal Decisions of Monsignor Charles Lefebvre. (Article)

See above, Historical Subjects (*1917 Code*).

DPM 15/16 (2008/2009), 293-333: Peter Stockmann: Von Heiligen und Hieratsschwindlern. Berühmte kirchliche Ehefälle. (Article)

See above, Historical Subjects (*16th-19th centuries*).

FT 20 (2009), 215-228: Szabolcs Anzelm Szuromi: An Outline of the History of Canonical Prescriptions Regarding Marriage in the Church. (Article)

See below, canon 1059.

IC 50 (2010), 385-397: José Orlandis: El Instituto de Derecho Canónico del Estudio General de Navarra. (Article)

O. who was the first director of the Institute of Canon Law established in the *Estudio General de Navarra* in 1959, relates the circumstances surrounding the origin of the Institute. In 1957, St Josemaría Escrivá, founder of Opus Dei and of the University of Navarre, initiated the project as part of an overall plan to promote the institutional development of the *Estudio General* by establishing a school of canon law. An important role in the development process was played by the then Secretary General of Opus Dei, Álvaro del Portillo, who was commissioned to address a number of specific issues with the Nuncio and the Spanish bishops. The Institute was established in June 1959 by means of a formula of aggregation to the Institute *Utriusque Iuris* of the Lateran Pontifical University. On 25 October 1960 the Institute became the School of Canon Law.

IC 50 (2010), 399-412: Gaetano Lo Castro: San Josemaría Escrivá, el derecho, la justicia. (A los cincuenta años de la creación de la Facultad de Derecho Canónico de la Universidad de Navarra). (Article)

The contribution of St Josemaría Escrivá to the juridical history of the Church extends beyond the foundation of the School of Canon Law at the University of Navarre, and acquires even greater importance because of: 1. his teaching on the universal call to holiness (which promoted a reassessment of the role of the faithful, and the laity in particular, in the life of the Church); 2. the endeavour to establish the appropriate legal form – a jurisdictional hierarchical entity of a secular nature and personal scope – for Opus Dei, the institution whose mission it is to proclaim that call to all men and women; 3. the doctrine of the divine value of temporal realities and the responsible freedom of Christians engaged in them; and 4. the setting out of horizons making it possible to rise above the apparent conflict between law and charism, and between law and conscience.

IC 50 (2010), 415-475: Joaquín Sedano: Transmisión de los textos e investigación sobre las fuentes del Derecho canónico. (Article)

See above, Historical Subjects (*1st millennium*).

SC 44 (2010), 293-342: Chad J. Glendinning: The Significance of the Liturgical Reforms Prior to the Second Vatican Council in Light of *Summorum Pontificum*. (Article)

See below, canon 897.

Second Vatican Council and revision of the CIC

AkK 178 (2009), 17-51: Arturo Cattaneo: Klaus Mörsdorfs Beitrag zur Revision des CIC. (Article)

Mörsdorf's contribution to the revision of the CIC is worthy of particular attention, because as a consultor to several study groups he made many decisive contributions, and also because in his fundamental research he had already prepared the way for the reform of canon law. The following themes are analyzed here: those accomplishments that are credited to him as one of the pioneers of Vatican II (above all with regard to *sacra potestas*); his critical opinions on certain post-conciliar developments; and his responses to particular drafts of the revised Codex. Thus it becomes clear that Mörsdorf's contribution

to the reform of the CIC was truly varied and comprehensive. He exercised a clarifying role in the complex environment of the post-conciliar years.

Comm 40 (2008), 120-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio X).
(Report)

This session (26-30 October 1970) continued its study of matrimonial processes reviewing CIC/17 canons 1971-1992, and concluded with draft canons on the right to impugn marriage, the role of judges and tribunal officials, proofs, sentence and appeal, and the summary process.

Comm 40 (2008), 143-165: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XI).
(Report)

This session (19-22 April 1971) considered procedures for separation of spouses and non-consummation cases (CIC/17 canons 1970-1973), but a proposed administrative process had been deferred. An appendix contains the draft canons on the two sections considered.

Comm 40 (2008), 348-376: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XII).
(Report)

The 12th session of the study group on procedural law met 21-24 February 1972 and examined the summary contentious process, dissolution in favour of the Faith, and whether to retain certain specialized procedures with regard to nullity of orders and in penal law (CIC/17 canons 1990-1998, 2142-2194). The summary contentious process was discussed at some length and new canons drafted. There was disagreement over whether norms on dissolution in favour of the Faith should be included in the Code, but sixteen canons were prepared. On the final point it was agreed that these special procedures were not needed and could be provided for through the proposed ordinary administrative procedure, but it would be advisable to have a process for the removal of parish priests.

Comm 40 (2008), 377-399: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XIII). (Report)

This session met 14-18 May 1972 to review the process for the removal of parish priests (CIC/17 canons 2157-2161). There was a lively discussion about whether, since “immovable” parish priests had been abolished, such a process was needed. In the end it was agreed that a two-part process was needed, for removal and for transfer. This was reviewed at some length; a draft of the proposed canons concludes.

Comm 42 (2010), 69-70: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio Ia die 13 mensis ianuarii 1970 habita. (Report)

The first brief report of a subcommittee set up to examine the principle that there should be norms for an administrative process raised two questions: whether there should be a mixed contentious-administrative process; and whether there should be administrative tribunals below the level of the Holy See. This group met on 13 January 1970.

Comm 42 (2010), 71-77: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio IIa diebus 22-24 mensis octobris 1970 habita. (Report)

The second session of the subcommittee met 22-24 October 1970 and discussed two questions: whether there ought to be from the outset an indication as to what matters could be handled in an administrative process; and how one might pass from an administrative to a judicial process and vice versa. They then considered sixteen draft canons.

Comm 42 (2010), 78-80: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio IIIa diebus 2-6 mensis martii 1971 habita. (Report)

This session meeting 2-6 March 1971 made further slight revisions to the draft canons.

Comm 42 (2010), 80-123: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio Ia diebus 1-5 mensis iulii 1971 habita. (Report)

The report begins by summarizing previous work carried out by the consultants on procedural law at their 8th session (October 1969), the small working party (1970-1971) and the establishment of a special commission on 27 March 1971 to examine the detailed proposals submitted by the United States Bishops' Conference and those of the bishops of Bavaria. The result of this was that the consultants working on general procedural law did not consider the proposed *schema* on administrative justice, remitting this to the special commission. The special commission had met and considered the two documents submitted 26-29 April 1971 and conveyed their views to the Pope. On the current occasion the special commission met seven times and considered a number of issues: whether an action for damages could be admitted and the time frame; whether a prior request for emendations should be required; whether this process could be applied to laws, general decrees, instructions, etc; how such norms should be applied to religious; what was required for a controversy over a subjective right to be decided in this way; whether it should be permitted to change from an administrative to a judicial process or vice versa; whether there should be explicitly-stated principles governing the issuing of decrees; whether the mechanism for hierarchical recourse against decisions of the bishop should be left to particular law; whether the right of hierarchical recourse directly to a Dicastery of the Holy See should be abolished; the power to be given to the hierarchical superior in recourse; whether the motive for recourse needed specification; the role of the episcopal conference and the possibility of second instance tribunals; whether the composition of such tribunals should be left to particular law; whether a tribunal should have the same powers in recourse as a hierarchical superior. This is followed by a (fourth) draft of the proposed canons, twenty-two in all, and annexes of the first three drafts from March 1970, November 1970 and March 1971.

Comm 42 (2010), 124-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio IIA diebus 4-6 mensis novembris 1971 habita. (Report)

The questions put to the second session of the special commission 4-6 November 1971 were whether the draft text reflected the conclusions reached in the previous session; whether the norms contained in draft canons 18 and 22 were satisfactory as these had not been discussed; whether there needed to be a reference to penal law, and if so whether that already contained in draft canons

53 §1 and 54 sufficed. Detailed discussion follows of each proposed canon in turn with a number of amendments. These raised two questions for consideration at the next session: recourse from a delegate to the person delegating; and passage from an administrative tribunal to hierarchical superior if all concerned consented. The question of an administrative penal process would be a matter for the appropriate group working on penal procedure.

Comm 42 (2010), 143-196: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Normis Generalibus” (Sessio V). (Report)

The group studying General Norms for the revised Eastern Code met 23 January – 1 February 1978. This session considered the following matters: ecclesiastical laws; rescripts; privileges; dispensations; the meaning of words; decrees, general precepts and instructions; singular administrative acts. Some of the texts are based on the *Schema PCCICR de normis generalibus*, but others on separate draft protocols. A number of revisions were made to the proposed texts. After this there was further detailed discussion on the section concerning ecclesiastical laws, but the other sections were accepted with a small number of further changes.

J 70 (2010), 434-454: Robert W. Oliver: Associations of the Faithful During the Conciliar Phase of Vatican II. (Article)

O. describes the *iter* of the texts on associations of the faithful during Vatican II from two mixed commissions, through the commissions on bishops and on the lay apostolate, to the drafts and then the final version of the Decree *Apostolicam Actuositatem*.

SC 44 (2010), 445-495: John Anthony Renken: The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law. (Article)

See below, CIC canon 502.

CODE OF CANONS OF THE EASTERN CHURCHES

General

Ap LXXXII 3-4 (2009), 723-741: Hany Nasif Bakhoun: Il Diritto particolare delle Chiese patriarcali *sui Iuris*. (Article)

B. opens his study by considering the basis in the teaching of the Church that permits the understanding of the term “particular law” in five different applications or aspects. The study is continued by detailed considerations of the arrangements of the legislation pertaining to individual Churches.

Comm 40 (2008), 166-174: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Animadversio praevia quoad codificationem Codicis Orientalis. (Comment)

Beginning with this number *Communicationes* intends to publish the acts of the Pontifical Commission for the Reform of the Code of Eastern Canon Law. This item explains the rationale and the method that will be followed. The intention is to provide a synthesis so that the process can be better understood, with references to *Nuntia* in order to avoid unnecessary repetition. A brief overview is given of the process from the Letter of the Secretary of State of 10 June 1972 establishing the Commission, to the presentation of the revised CCEO on 25 October 1990 and the winding up of the Commission on 31 January 1991.

Comm 42 (2010), 143-196: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Normis Generalibus” (Sessio V). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

SC 44 (2010), 369-397: Jobe Abbass: Le Code oriental: une ressource pour la révision du Code latin. (Article)

See above, General Subjects (*Law reform*).

Historical

Comm 40 (2008), 175-182: Ex Actis Pontificiae Commissionis Codici Iuris Orientali Recognoscendo: “Principi Direttivi per la revisione del Codice di Diritto Canonico Orientale”. (Report)

This item sets out the basic principles for the revision of Eastern Canon Law. There is to be one Code for the Eastern Catholic Churches, which is to have an Eastern and also ecumenical character and clearly set out the principle of subsidiarity treating all the Eastern Churches and the Western Church as equal. Particular mention is made of procedural and penal law.

Comm 40 (2008), 183-203: Ex Actis Pontificiae Commissionis Codici Iuris Orientali Recognoscendo: Coetus Studiorum “De Normis Generalibus” (Sessio I). (Report)

The first session of the group preparing revised Eastern Law on general norms met 9-14 December 1974 and made use of archived material prepared between 1935 and 1958 but never promulgated, as well as those sections that were promulgated under Pius XII. The discussion focused on terminology, especially that to be used relating to episcopal power, and such terms as “rite” and “particular Church”, as well as the concepts of personal and particular law.

Comm 40 (2008), 400-414: Ex Actis Pontificiae Commissionis Codici Iuris Orientali Recognoscendo: Coetus Studiorum “De Normis Generalibus” (Sessio II). (Report)

This session took place 10-15 March 1975. In their consideration of general norms the study group spent much time on “custom” and prepared five draft canons on this topic. They also studied the term “rite”. They were divided. Some wished to retain the term, others wanted it to be used rarely or not at all.

CCEO 7-26

Dominique Le Tourneau: Droits et devoirs fondamentaux des fidèles et des laïcs dans l’Église. (Book)

See below, CIC canons 204-231.

CCEO 63-77

CLSN 161/10, 88-92: Appointment of Patriarchs and Bishops in the Eastern Catholic Churches. (Documents and commentary)

The text is given of letters exchanged in January 2009 between the Pope and the newly-elected Patriarch of the Syrian Catholics of Antioch. In his commentary Gordon Read looks at the norms for the election of patriarchs and nomination of bishops, and provides information concerning the Syrian Catholic Church.

CCEO 78

IE XXII 2/10, 343-365: Orazio Condorelli: Giurisdizione universale delle Chiese *sui iuris*? Frammenti di una ricerca. (Article)

By virtue of canon 78 §2 of the CCEO the patriarch enjoys the full autonomy which the law recognizes to the Churches *sui iuris*; but the same cannot be said for major archbishops or for metropolitan Churches and other Churches *sui iuris*, in respect of which the CCEO is silent. C. analyzes the possibility of universal jurisdiction in these Churches. He studies early historical sources and Vatican II, as well as the provisions of the CCEO and subsequent requests from Eastern hierarchs to the Roman Pontiff.

CCEO 181

CLSN 161/10, 88-92: Appointment of Patriarchs and Bishops in the Eastern Catholic Churches. (Documents and commentary)

See above, CCEO canons 63-77.

CCEO 193

IE XXII 2/10, 325-342: Marco Dino Brogi: Obblighi dei Vescovi Latini verso i fedeli di una Chiesa orientale cattolica inseriti nella loro diocesi. (Article)

See below, CIC canon 383.

CCEO 271

SC 44 (2010), 445-495: John Anthony Renken: The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law. (Article)

See below, CIC canon 502.

CCEO 280

IE XXII 2/10, 325-342: Marco Dino Brogi: Obblighi dei Vescovi Latini verso i fedeli di una Chiesa orientale cattolica inseriti nella loro diocesi. (Article)

See below, canon 383.

CCEO 319

SC 44 (2010), 445-495: John Anthony Renken: The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law. (Article)

See below, CIC canon 502.

CCEO 399-409

Dominique Le Tourneau: Droits et devoirs fondamentaux des fidèles et des laïcs dans l'Église. (Book)

See below, CIC canons 204-231.

CCEO 821

DPM 15/16 (2008/2009), 469-486: Markus Müller: Die rechtshistorischen Grundlagen der Nichtberücksichtigung des Ehenichtigkeitsgrundes der „arglistigen Täuschung“ (cc. 1098 CIC; 821 CCEO) in den Normen des CIC/1917. (Article)

See above, Historical Subjects (*1917 Code*).

CCEO 927-930

IE XXII 2/10, 405-426: Beatrice Serra: Sull'estinzione e modificazione della persona giuridica nel diritto canonico moderno. Spunti ricostruttivi per una teoria dei soggetti di diritto. (Article)

See below, CIC canons 120-123.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

11

CLSN 161/10, 13-25: Benedict XVI: Motu Proprio *Omnium in Mentem*, 26 October 2009. (Documents and commentary)

See below, canons 1008-1009.

11

N XLVI 11-12/09, 577-580: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae *Omnium in Mentem*, Quaedam in Codice Iuris Canonici immutantur. (Document)

See below, canons 1008-1009.

16

Comm 40 (2008), 13-17: Pope Benedict XVI: Allocutio Summi Pontificis ad Auditores, Administratos Advocatosque Rotae Romanae coram admissos 26 ianuarii 2008. (Address)

In his 2008 address to the Roman Rota the Pope reflects on the centenary of the reform of the Rota by Pope St Pius X in *Sapienti Consilio* and on the role and significance of Rotal jurisprudence, both in the shaping of the current Code and in the life of the Church. Jurisprudence is an exercise not of legal positivism but the prudence of the law.

54

SC 44 (2010), 511-544: John M. Huels: The Efficacy of Delegation Without Notification or Acceptance. (Article)

Prior to the CIC/17, authors held that delegation must be notified to the delegate and accepted by him for it to be effective. This was still the dominant view after the CIC/17, but a minority of authors recognized that canons 37 and 38 of that Code, which said that rescripts did not require notification or acceptance, also applied to the delegation of faculties. H. shows that, under the law of the CIC/83, the delegation of faculties is normally best understood as a singular decree that makes a provision. Canon 54 §1 says that decrees take effect from

the moment they are communicated to the recipient, but this applies only to decisions and precepts, not to provisions. H. concludes on the basis of various arguments from the natural and positive law that the delegation of a faculty is effective from the moment it is granted and can validly be used even before the delegate is aware that it was granted.

120-123

IE XXII 2/10, 405-426: Beatrice Serra: Sull'estinzione e modificazione della persona giuridica nel diritto canonico moderno. Spunti ricostruttivi per una teoria dei soggetti di diritto. (Article)

B. intends not a complete exegesis of each canon but to concentrate on some of the key points of the norms concerning the extinction or modification of juridical persons (CIC/83 canons 120-123; CCEO canons 927-930). She studies the preparatory work of the two Codes, before setting out the current legislation and considering some problems of interpretation concerning i) the significance, in this context, of the reference to the provisions of the statutes; ii) the essential constitutive elements of the private juridical person.

127

Ap LXXXII 3-4 (2009), 743-760: Cristian Begus: Responsabilità patrimoniale dagli Organi canonici di consultazione. (Article)

This is the text of a paper presented at the 4th Canonical Interdisciplinary Day at the Lateran University, Rome, March 2001. The CIC/83, in a number of canons, contains provisions that require the superior to take advice and sometimes obtain the consent of a corporate body before acting. B. studies the responsibility resulting from participating or refusing cooperation in the work done by these bodies.

127

QDE 23 (2010), 311-323: Alberto Perlasca: Il superiore e il suo consiglio (can. 127 §1). (Article)

Starting from the negative response of 1 August 1985 to the *dubium* posed regarding the interpretation of the capacity of the superior to cast his vote at least in the circumstances of a tied vote in the consultative group, P. develops his exploration of the issues arising from canon 127. He offers a detailed exegesis of the terms employed in the document issued by the then Pontifical Commission for the Authentic Interpretation of Legal Texts. He also gives some

further attention to the significance of this interpretation for institutes of consecrated life.

129

AnK 178 (2009), 90-124: Wilhelm Rees: Amt – Seelsorge – Leitung. Kirchenrechtliche Standortbestimmung und Zukunftsperspektiven. (Article)

See below, canon 145.

130

AnC 4/2008, 83-97: Piotr Steczkowski: Dopuszczenie rozwiedzionych i żyjących w nowych związkach do komunii świętej. *Forum externum czy forum internum?* (= Admission to Holy Communion of faithful who are divorced and remarried. *Forum externum* or *forum internum?*). (Conference presentation)

See below, canons 915-916.

144

CLSN 160/09, 69-92: Gordon Read: Declaration of Nullity of Marriage in Cases of Defect of Canonical Form. (Conference presentation)

See below, canons 1108-1117.

145

AC 49 (2007), 11-45: Brigitte Basdevant-Gaudemet – Thibault Joubert: Recherches sur l'évolution historique d'une terminologie: l'office ecclésiastique. (Article)

Tracing the meaning of *officium* in the Decree of Gratian, the Decretals of Gregory IX and the Lateran Councils, the authors note a gradual change from a moral to a legal meaning; from the 16th century the link with benefices became more prominent. In the CIC/17 office was the means whereby a person shared in the power of jurisdiction; it was linked to the power of orders when the *cura animarum* was involved; it remained related to benefices (canon 1409). Vatican II emphasized the spiritual nature of office as a sharing in *sacra potestas* (cf. *Lumen Gentium*, 33) and abolished benefices (cf. *Presbyterorum Ordinis*, 20). *Causas Matrimoniales* (1971) allowed for the first time the conferral of a *munus* on a lay person.

145

AC 49 (2007), 55-82: Philippe Toxé: L'office ecclésiastique dans l'organisation de l'église. (Article)

While the task of bishops is of divine law, an episcopal office depends on canonical mission. Bodies, such as a council of priests, are not offices; neither is the moderator of a private association of the faithful. The provision of an office is normally done by decree. Only those tasks that are essential for the good of the Church should be set up as offices. Setting up an office implies that the necessary means are in place to appoint a person to it (CCEO, canon 937). The use of contracts of employment for lay persons makes the conferral of office more complex.

145

AC 49 (2007), 107-115: Philippe Greiner: Les qualificatifs au sujet des offices et charges ecclésiales. (Article)

G analyzes documents of the French Bishops' Conference (1997 and 2004) relating to office and duties. The 2004 document requires a letter of appointment for lay people undertaking certain roles. G feels this is more appropriate for the conferral of offices, whereas a "letter of mission" would suffice for other roles. He analyzes various letters appointing priests and lay persons, pointing out the inconsistent use of terms.

145

AkK 178 (2009), 90-124: Wilhelm Rees: Amt – Seelsorge – Leitung. Kirchenrechtliche Standortbestimmung und Zukunftsperspektiven. (Article)

Questions of official roles, pastoral care and leadership in the Church have arisen more intensely in the face of social upheaval, changes in the Church at universal and local level, and shortages of priests. R. considers the provisions of the CIC/83 in this regard, in the context of the varied roles and offices of the early Church, the way in which these roles were "limited" in the course of Church history, and finally the new approaches and instructions of Vatican II. He also examines present-day developments in Germany and Austria.

145

J 70 (2010), 396-433: John M. Huels: Towards Refining the Notion of ‘Office’ in Canon Law. (Article)

H. offers a commentary on canon 145 and suggests ways in which it can be improved. He begins with a historical commentary on the 1917 definition and on *Presbyterorum Ordinis*; and then on the revision process leading to the current canon. He lists various problems with the current definition: firstly the reference to “ecclesiastical”, when not all relevant offices are truly ecclesiastical ones; secondly the use of the polysemic term *munus*, whose various definitions he considers; thirdly the idea of *finis spiritualis*, since all roles in the Church are in some way spiritual; fourthly the use of *ordinatione sive divina sive ecclesiastica*; fifthly the idea of *stabilter constitutum*, since canon 145 §2 allows – in his view wrongly – non-stable offices. He thereafter compares the Latin and Eastern Codes on this point. To conclude, he considers the question of whether juridical persons or colleges can hold offices; the means of “obtaining office”; and how to achieve clarity about the ecclesiastical nature of the offices. Finally he offers some suggestions, based on what he has said, for improving the canon.

BOOK II, PART I: CHRIST'S FAITHFUL

204-231

Dominique Le Tourneau: Droits et devoirs fondamentaux des fidèles et des laïcs dans l'Église. (Book)

One of the innovations of Vatican II was the recognition of fundamental rights and duties of the faithful and of the laity in the Church. These rights and duties have found their place in canon law, both Latin and Eastern. Their study is essential, on account of their importance at the constitutional level and for the purposes of correctly interpreting and applying the rest of canon law. After an introductory chapter dealing with the background to and underlying principles of these rights and duties in both Codes, Le T. carries out a detailed analysis of Book II of the CIC/83 on "the People of God" and the duties and rights of all the faithful. He then dedicates the next major section of the book to the canons dealing with the rights and duties of the laity. (For bibliographical details see below, Books Received.)

207

Markus Graulich – Jesu Pudumai Doss (eds.): La missione del prete nella missione della Chiesa. (Book)

See below, canon 835.

218

SC 44 (2010), 53-98: Jesu Pudumai Doss: Freedom of Inquiry and Expression of *Christifideles*? Some Juridical Considerations Starting from Canon 218. (Article)

The author explores the framework, history, characteristics, implications and further prospects of freedom of enquiry and expression, as presented in the two Codes. The first part sets out a historical and doctrinal framework, along with the historical development of freedom of enquiry and expression as proposed by canon 218 of the CIC/83 and canon 21 of the CCEO. The second part analyzes the characteristics of the subjects of the freedom, the experts in sacred disciplines, the object of the freedom, a just freedom of enquiry and expression, and the principal limit of the freedom, the *obsequium* to the Magisterium. The third part focuses on the rapport between the Magisterium and the theologian, which is concretely manifested in various juridical procedures: mandate to teach, profession of faith and oath of fidelity, criteria for using the means of

social communication, and doctrinal examination by the Congregation for the Doctrine of Faith. The last part presents the “new horizons” that the freedom of enquiry and expression open up. The author concludes that the freedom of enquiry and expression is to be applied to all the faithful.

220

AnC 4/2008, 271-285: Piotr Skonieczny: Koncepcja teoretycznoprawna ochrony dobrego imienia w kan. 220 Kodeksu Prawa Kanonicznego Jana Pawła II (= Theoretical and legal concept of protection of good reputation according to can. 220 of the *Code of Canon Law of John Paul II*). (Article)

S. studies the possibilities of constructing a theoretical-judicial concept of protection of one's good name on the basis of canon 220. He does not believe that the notion of “human rights” is suitable for this purpose; nor are the concepts of private and public subjective rights, as used in civil law. The most reasonable solution for canon law is to regard the protection of one's good name as a fundamental right of the Christian.

220

Ang 87 (2010), 923-941: Piotr Skonieczny: La tutela della buona fama del chierico accusato degli abusi sessuali su minori: un modo di procedere nel caso concreto in base al can. 220 CIC/83. (Article)

S. examines the protection of the good reputation of a cleric accused of sexual abuse of minors. He analyzes a simple case and indicates the manner of its solution, possibly in the contentious trial. He sets out four difficulties in such cases: the problem of the *forum mixtum* (resulting from the joint competence of the ecclesiastical tribunal and the State); the question of the choice of actions (penal or contentious); the possibility of the application of the civil law in such cases (cf. canon 1290); and, most complicated of all, the harm that could be caused, possibly illegally (*illegitime*) to the reputation of the accused cleric, and the responsibility of the accuser. In conclusion, S. emphasizes that every cause *iurium diffamationis* should be examined *in concreto*, taking into account the cleric accused, the local Church, the common good, and the good of the personal sexually abused.

228

FCan V/2 (2010), 47-52: Elisa Araújo: A colaboração dos leigos no Governo da Igreja (cân. 228 CIC). (Article)

The CIC/83, reflecting the teaching of Vatican II, stresses the common priesthood of all the faithful and also a true fundamental equality among all. Although the specific duty of lay people is to carry out the mission which God has entrusted to the Church to fulfil in the world, the Code also allows a wide participation of lay women and men in the governance of the Church, with the exception of those offices which require the sacrament of order. Such offices often entail the full care of souls. The candidate for the office must be someone in communion with the Church as well as endowed with the qualities required for the office according to canon 149. Thus neither baptism nor order are in themselves sufficient for a member of the faithful to be appointed to an ecclesiastical office.

229

Comm 40 (2008), 307-321: Congregatio de Institutione Catholica: Instructio de Institutis Superioribus Scientiarum Religiosarum. (Document)

See below, canon 821.

231

Comm 40 (2008), 258-260: Pope Benedict XVI: Allocutio Summi Pontificis ad Sodales Officii Laboris Apostolicae Sedis die 19 mensis decembris habita. (Address)

The Pope addresses members of the Labour Office of the Holy See, set up to look after the interests of Vatican employees. He speaks of the importance of dialogue and harmony of procedures for reconciliation and arbitration. The working community forms one family with a common task, to help the Pope in his service of the universal Church.

231

Comm 40 (2008), 282-292: Secretaria Status: Rescriptum "Ex Audientia Ss.mi" quoad normas respicientes tuitionem dignitatis personae. (Document)

Rescript containing norms setting out the health-care arrangements for employees of the Holy See and the Vatican City State.

231

Comm 42 (2010), 37-40: Secretaria Status: Rescriptum ex Audientia Sanctissimi quoad Institutum “Contribuzione volontaria” ad pensiones pertinans. (Document)

This rescript dated 16 January 2010 sets out revised provisions for voluntary contributions to the Vatican Pension Fund.

231

Comm 42 (2010), 41-54: Secretaria Status: Accommodatio ad novas necessitates mansionarii respicientis Ordinationem Generalem Curiae Romanae (*Regolamento Generale della Curia Romana*). (Document)

This document sets out revised regulations covering the administrative staff of the Roman Curia, providing job descriptions and the level of studies required for each grade of official.

231

Anne Bamberg: Le renvoi du législateur à la loi civile et la responsabilité sociale de l'Église catholique: réflexion autour de l'interprétation du canon 1286 du code de droit canonique, in Jeanne-Marie Tuffery-Andrieu (dir.), *La responsabilité sociale de l'entreprise en Alsace et en Lorraine du XIXe au XXIe siècle*, Presses universitaires de Rennes, 2011, pp. 99-105. (Conference presentation)

See below, canon 1286.

232

Comm 40 (2008), 322-355: Congregatio de Institutione Catholica: Directoriae respicientes usum competentiarum psychologiarum in admittendis et formandis candidatis ad sacerdotium. (Document)

See below, canon 1029.

234

AkK 178 (2009), 144-162: Heribert Hallermann: Zugangsvoraussetzungen zum wissenschaftlichen Theologiestudium. Erwägungen anlässlich des

gesetzlich eröffneten Hochschulzugangs für qualifizierte Berufstätige.
(Article)

See below, canons 807-821.

241

Comm 40 (2008), 83: Secretaria Status: Rescriptum ex Audientia de applicatione Instructionis a Congregatione de Institutione Catholica die 4 novembris 2005 latae. (Document)

This rescript dated 8 April 2008 makes it clear that the determination that those with deep-seated homosexual tendencies may not be admitted to seminaries is applicable also to seminaries dependent on the Dicastries for Eastern Churches, for the Evangelization of Peoples, and for Institutes of Consecrated Life and Societies of Apostolic Life. (Regarding the Instruction of 4 November 2005 from the Congregation for Catholic Education, see *Canon Law Abstracts*, nos. 97, pp. 32-33; 98, p. 28.)

241

CLSN 158/09, 28-33: Secretariat of State: Discerning Vocations among Persons with Homosexual Tendencies. (Document and commentary)

See preceding entry. The English text of the rescript is given, together with a commentary by Gordon Read.

242-261

CLSN 161/10, 35-40: Gordon Read: Seminary Formation and the Discernment of Priestly Vocations. (Article)

Analyzing recent documents on priestly formation, R. notes how they place great stress on the need for the bishop's personal knowledge of the students during their period of formation and his direct interest and involvement in that formation, rather than simply relying on the reports of directors of vocations and seminary staff.

265-272

CLSN 164/10, 83-98: Brendan Daly: Incardination/Excardination: Background and Importance. (Article)

D. looks at the history and development of incardination in the early Church, the Middle Ages, the CIC/17, Vatican II (the Decrees *Presbyterorum Ordinis* and *Christus Dominus*, and the *motu proprio Ecclesiae Sanctae*), and the Congregation for the Clergy's *Directive Norms* of 25 March 1980, before looking at the provisions of the CIC/83 and some more recent documents from the Apostolic See. He concludes that today pastoral reasons reemphasize the importance of incardination as a pastoral and ministerial institution. There is also a concern by the whole Church for a better distribution of clergy. Bishops are encouraged to be generous in allowing their clergy to excardinate to particular Churches where there are grave shortages of clergy. Incardination is not just a juridical bond but, as the Apostolic Exhortation *Pastores Dabo Vobis* expresses it, "a series of attitudes and spiritual and pastoral options." Clergy need to be prepared for ministry in a new diocese, and receive mentoring and in-service training. The changed procedures for incardination enable priests to be more mobile, and allow for more flexible pastoral structures; but the procedures do need to be observed: otherwise problems can arise.

274

AkK 178 (2009), 90-124: Wilhelm Rees: Amt – Seelsorge – Leitung. Kirchenrechtliche Standortbestimmung und Zukunftsperspektiven. (Article)

See above, canon 145.

287

ETJ 14 (2010), 156-172: Cosmas A. Ojemen: The Promotion of Peace and Reconciliation in Nigeria Through Justice: A Perspective from Canon 287. (Article)

Canon 287 foresees that clerics have a role to play in promoting reconciliation and peace by contributing to the enthronement of justice in society. Nigeria is in dire need of such clerical services, as she urgently requires peace through acts of genuine reconciliation. The principal way to achieve this is the installation and practice of justice and equity for the citizens. The practice of justice by clerics should start in the Church itself and should be courageously promoted through preaching, catechesis, pastoral letters and pastoral care of the family. Clerics, however, can only pursue this mission of social justice through legitimately approved means and methods, since it is fundamentally the laity

that should pursue issues of justice in society through their active participation in politics. Participation in political parties and unions is prohibited by canon 287, although the same canon permits clerics to participate in such activities to promote the common good and the freedom of the Church against persecutions. Clerics have an important function in forming the lay faithful so that they in their turn can play a more active and constructive role in the politics of their country.

290

CLSN 160/09, 36-50: Congregation for the Clergy: Special Faculties: Dismissal from the Clerical State. (Document and commentaries)

See *Canon Law Abstracts*, no. 105, pp. 46-47. The text of the Circular Letter of 18 April 2009 is given together with a commentary by Bishop John Jukes OFM Conv., who considers that the document, with its reminder of the relationship between the bishop and his clergy and its recall of the significance of the discipline of celibacy, should be made known to the clergy. This would confirm to the clergy the bishops' confidence and loving regard for those who are their closest and necessary collaborators in the service of the People of God. It should be seen not only as a legal document but also as one that expresses pastoral concern for fellow clergy, and that will allow those departed from the ministry to resume a fuller engagement in the life of the Church. In a second commentary Mgr Gordon Read analyzes the faculties, pointing out that the aim of the document, issued in the Year of the Priesthood, would seem to be that of upholding celibacy by reducing the impact of its non-observance in defiance of the long-standing tradition and law of the Church.

290

CLSN 162/10, 9-15: Congregation for the Clergy: Application of Special Faculties. (Document)

See preceding entry. The English text is given of the Congregation for the Clergy's procedural guidelines for the instruction of cases dealt with under the special faculties.

290

IC 50 (2010), 659-683: Marek Gołab: Facultades especiales para la dimisión del estado clerical (Congregación para el Clero de 30 de enero de 2009). Análisis y comentario. (Document and commentary)

See preceding entries. After providing the Italian text of the Congregation for the Clergy's procedural guidelines, G.'s article (in Spanish) looks at the provisions in detail, including the reasons behind them, and refers to certain doubts to which they give rise.

290

REDC 67 (2010), 255-294: Federico R. Aznar Gil: La expulsión del estado clerical por procedimiento administrativo. (Article)

See below, canons 1394-1395.

290

REDC 67 (2010), 391-400: Carta circular de la Congregación para el Clero de 18 de abril de 2009, por la que se comunican las facultades especiales concedidas a los Ordinarios por el Romano Pontífice el 30 de enero de 2009 en relación a la expulsión del estado clerical. Texto en castellano. (Document)

See below, canons 1394-1395.

292

CLSN 162/10, 27-30: Vatican Press Office: Dismissal from the Clerical State of Archbishop Milingo. (Document and commentary)

Given here is a statement from the Vatican Press Office announcing Archbishop Emmanuel Milingo's dismissal from the clerical state for continued contumacy (see *Canon Law Abstracts*, no. 104, p. 62). There is also a commentary from Gordon Read.

298-329

J 70 (2010), 434-454: Robert W. Oliver: Associations of the Faithful During the Conciliar Phase of Vatican II. (Article)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

312

Ap LXXXII 3-4 (2009), 797-820: Giuseppe Rigosi: Considerazioni sullo Statuto definitivo del Cammino Neocatecumenale. (Article)

R. reviews briefly the history of the origin and progress of the Way of the Neo-Catechumenate from its start in 1964 in Spain. This serves to lead in with the main thrust of this study which is the comparison of the provisions of the first Statute, 29 June 2002, approved *ad experimentum*, and the definitive Statute approved by a decree of the Pontifical Council for the Laity on 11 May 2008.

312-320

FCan V/2 (2010), 53-75, 99-104: Miguel Delgado Galindo: Público y Privado en el Derecho Canónico: el caso de las Misericordias Portuguesas. (Documents and commentary)

A general decree of the Portuguese Bishops' Conference dated 23 April 2009 clarifies that the *Misericórdias* – originally instituted from the end of the 15th century onwards as fraternities for the exercise of Christian charity through the fourteen works of mercy – are public associations of the faithful and are governed by canons 312-320 of the CIC/83. This is an interpretative rule, because common canon law does not innovate in respect of such associations. D.G. believes that the debate which has arisen in Portugal over whether *Misericórdias* are public or private associations is not only a juridical matter, but reflects a process of secularization of society which for some years has threatened the Church in Catholic countries. After a brief historical and juridical excursus on the *Misericórdias* in Portugal, he analyzes the reasons why confraternities in general, and the *Misericórdias* in particular, are public associations of the faithful. Finally he examines the jurisprudence of the Apostolic See, considering two processes concerning the canonical status of the *Misericórdias* which ended with a ruling of the Supreme Tribunal of the Apostolic Signatura. The texts of the Decree of 23 April 2009, the *recognitio* of the Congregation for Bishops of 17 June 2010, and a statement from the President of the Portuguese Bishops' Conference dated 28 September 2010, are provided.

BOOK II, PART II: THE HIERARCHICAL CONSTITUTION OF THE CHURCH

349-359

CLSN 159/09, 47-78: Alan R. A. McCormack: The Privileges of Cardinals.
(Article)

This is an article reproduced from *Studia Canonica* 37 (2001), pp. 125-162 (see *Canon Law Abstracts*, no. 92, p. 34).

360

Comm 40 (2008), 62-80: Secretaria Status: Regulae Camerae Apostolicae.
(Document)

This is the text of the revised regulations governing the functioning of the Apostolic Camera.

360

Comm 40 (2008), 81-82: Secretaria Status: Dispositio quae *Ordinationem Generalem Romanae Curiae* integrat. (Document)

These two supplementary articles to the General Regulations of the Roman Curia fill a gap in the law concerning the expenses of employees asked to work away from their offices.

360

Comm 40 (2008), 83: Secretaria Status: Rescriptum ex Audientia de applicatione Instructionis a Congregatione de Institutione Catholica die 4 novembris 2005 latae. (Document)

See above, canon 241.

360

Comm 40 (2008), 223-246: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae quibus Supremi Tribunalis Signaturae Apostolicae *Lex Propria* promulgatur. (Document)

See below, canon 1445.

360

Comm 40 (2008), 336-341: Frans Daneels: Articulus explanans “Legem Propriam” Supremi Tribunalis Signaturae Apostolicae a Summo Pontifice die 21 mensis iunii 2008 datam. (Article)

See below, canon 1445.

360

FCan V/2 (2010), 107-113: Hugo da Silva Cavalcante: O Segredo Pontificio e a importância de ser observado. (Article)

The pontifical secret is analyzed in its several components, highlighting its nature, subject-matter, persons obliged to observe it, penalties for those who do not do so, and the oath to be sworn.

372

CLSN 160/09, 6-35: Apostolic Constitution *Anglicanorum Coetibus*. (Documents and commentary)

Collected together here are the texts of the Apostolic Constitution *Anglicanorum Coetibus* of 4 November 2009; the *Complementary Norms* of the same date issued by the Congregation for the Doctrine of the Faith; the Holy See Press Office release accompanying the publication of the Apostolic Constitution; the explanatory article by Fr Ghirlanda SJ which appeared in *L'Osservatore Romano* of 18 November 2009; and a commentary by Gordon Read, who sets out the historical antecedents and immediate background of the Apostolic Constitution, and raises some issues for discussion: what it is that constitutes an Anglican community; the relationship between the new Ordinariates and groups already received into communion; ascription; former Anglican bishops; irregularity; tribunals and competence; and what elements of liturgical provision are envisaged.

372

CLSN 162/10, 16-21: Gordon Read: *Anglicanorum Coetibus* – Six Months On. (Article)

R. presents an outline of developments in connection with *Anglicanorum Coetibus* up to May 2010.

372

FCan V/2 (2010), 21-44, 79-90: José Eduardo Borges de Pinho: *Implicações sobre a admissão dos anglicanos na Igreja Católica.* (Documents and commentary)

After pointing out the main elements in the Apostolic Constitution *Anglicanorum Coetibus* and the accompanying *Complementary Norms*, specifically in connection with the exercise of priestly ministry, the article addresses several issues in relation to the significance and scope of this Catholic initiative. It analyzes the ecclesiological and ecumenical aspects of this “pastoral response” from Rome to Anglicans who wish to join the Catholic Church, setting out some consequences both for the Anglican communities themselves as well as for the internal life of the Catholic Church, and in particular for the exercise of the priestly ministry within the Catholic Church. Attention is drawn to the fact that the path of reception now proposed presents many issues which will need to be dealt with and clarified as they arise. The Portuguese text of the Apostolic Constitution and the *Complementary Norms* is provided.

372

IE XXII 2/10, 325-342: Marco Dino Brogi: *Obblighi dei Vescovi Latini verso i fedeli di una Chiesa orientale cattolica inseriti nella loro diocesi.* (Article)

See below, canon 383.

372

IE XXII 2/10, 367-382: Pablo Gefaell: *L’attenzione agli orientali cattolici nei documenti delle Conferenze episcopali.* (Lecture)

G. offers an account of the norms and guidelines of Latin episcopal conferences for the pastoral care of Eastern Catholic faithful present in their territories – specifically those of the Spanish Bishops’ Conference which issued a set of

guidelines in 2003, and the Portuguese Bishops' Conference which is in the process of preparing its own norms.

372

Per 99 (2010), 373-430: Gianfranco Ghirlanda: La Costituzione Apostolica *Anglicanorum Coetibus*. (Article)

G. offers a lengthy commentary on the history and the contents of the Apostolic Constitution of Pope Benedict XVI, *Anglicanorum Coetibus*, of 4 November 2009. This Constitution was a response on the part of the Pope to several requests seeking full communion with the Catholic Church addressed to him by groups of the faithful within the Anglican Communion and by other groups without formal ties to the Anglican Communion. After a consideration of the ecclesiological basis for the Apostolic Constitution and a brief introduction to the theme of “Anglican patrimony”, G. presents a comprehensive reflection on the nature and purpose of the Personal Ordinariates provided for in the Constitution. In this article, he offers a response to some comments on and criticisms of the Apostolic Constitution, and considers the document within the wider context of the ongoing ecumenical dialogue.

372

REDC 67 (2010), 401-436: Constitución *Anglicanorum Coetibus* sobre la institución de Ordinariatos personales para los anglicanos que ingresan en plena comunión con la Iglesia. Texto en castellano y comentario de José María Díaz Moreno. (Document and commentary)

A Spanish translation of the Apostolic Constitution is provided. D.M. in his commentary draws on the document itself and its complementary norms to examine the ecclesiological and canonical place of Ordinariates in the Church's visible structures. He looks in more detail at their governance, the power of the Ordinary, *ad limina* visits, relations with the local episcopal conference and diocesan bishops, its clergy and their formation, its parishes, deaneries and institutes of consecrated life. A short section deals with the situation of Anglican bishops who enter the Ordinariate. D.M. ends by pointing out the important ecumenical aspect of this document and the fact that personal Ordinariates are not a canonical innovation (military and ritual Ordinariates already exist), although in this case it does constitute a new modality.

375

Comm 42 (2010), 19-23: Pope Benedict XVI: Allocutio Summi Pontifici de munere regendi, Audientiae Generalis occasione, die 26 mensis maii 2010 habita. (Address)

In this address given at a general audience the Pope marks the end of the “Year of the Priesthood” by speaking of the role of governance in the threefold ministry which priests share with bishops, and the relationship between hierarchy and communion. Authority is not an end in itself but a means to an end placed at the service of the true good of persons and of God. To feed the flock of Christ one must be docile to Christ. To contrast the juridical element of hierarchical subordination with the vitality and flexibility of a pastoral approach is to misunderstand its true nature. Communion and hierarchy are not contrary to but shape each other.

381

ITS 47 (2010), 399-404: Victor G. D’Souza: The Bishop in the Church and the Church in the Bishop: Some Reflections. (Article)

D’S. reflects that, as there cannot be a Catholic Church without Christ, so also there cannot be a diocese – particular Church – without the office of the bishop: in this way the bishop is in the Church as the representative of Christ. Through his ministry the bishop exercises solicitude for the Church, and therefore he carries the concerns of the Church and ministry in his heart. To him is given the responsibility of feeding the flock of Christ. In the heart of a holy and committed bishop, the faithful should be able to see joy hope, grief and anguish for the Church: in other words, a heart conformed to the Church, the bride of Christ. In this sense the Church is in the bishop.

382

Comm 42 (2010), 62; also N XLVI 11-12/09, 622: Congregatio de Cultu Divino et Disciplina Sacramentorum: Responsa ad dubia proposita. (Reply)

The liturgical rite whereby a diocesan bishop takes possession of his diocese is set out in the *Caeremoniale Episcoporum*. There is no provision for a symbolic handing over of the pastoral staff because this is part of the rite of ordination for a bishop. When the new bishop has already received episcopal ordination the taking of possession is expressed through the reading of the Apostolic Letter and the seating of the bishop in his chair. For this reason such a symbolic presentation of the pastoral staff is not permitted.

383

IE XXII 2/10, 325-342: Marco Dino Brogi: Obblighi dei Vescovi Latini verso i fedeli di una Chiesa orientale cattolica inseriti nella loro diocesi. (Article)

After an introduction dealing with the various causes, mostly emigration, that explain today's presence of Catholic communities all around the world but especially in the West, B. studies the canonical insertion of Eastern faithful in Latin dioceses according to legislation in the CIC/17 as well as Leo XIII's Apostolic Letter *Orientalium Dignitas Ecclesiarum* of 30 November 1894, and subsequently Vatican II and the CIC/83. Regarding the right of the faithful to follow their own rite, B. analyzes canons 372 §2, 383 §2 and 518, and CCEO canons 193 and 280 §1. He then considers the possibility of a plurality of rites within one diocese and the obligations of Latin diocesan bishops, distinguishing the manner of discharging such obligations either by means of priests and parishes of the same rite, or through an episcopal vicar. He also discusses the rights and duties of patriarchs and major archbishops.

384

Comm 42 (2010), 9-18: Pope Benedict XVI: Litterae Pastorales ad catholicos Hiberniae in festivitate Sancti Ioseph die 19 mensis martii 2010 missae. (Document)

In this Pastoral Letter to the people of Ireland the Pope addresses the scandal of child abuse perpetrated by priests and religious. He apologizes to the victims and their parents and rebukes those guilty of abuse. He also rebukes the bishops and their predecessors for failure to respond adequately or implement the norms of canon law in this area. He announces a programme of reparation and mission as well as an apostolic visitation of certain dioceses, seminaries and religious congregations.

391

AnC 4/2008, 99-111: Jan Dyduch: Udział biskupów w posłudze pasterskiej w świetle Instrukcji *Apostolorum successores* (= Participation of bishops in pastoral ministry according to the Instruction *Apostolorum successores*). (Article)

In the teaching of Vatican II the bishop appears as a successor of the apostles and as a pastor. Because of that he participates in his own way in the pastoral ministry of Christ and the Church. This participation is carried out in the governance of the People of God through the institution of laws, the exercise of

jurisdictional power, and directing worship and the apostolate. The diocesan bishop fulfils his mission of pastoral ministry with the help of juridical and advisory administrative bodies. Among these are the diocesan curia, the diocesan tribunal, the diocesan synod and the diocesan council.

391

AnC 4/2008, 113-127: Jerzy Adamczyk: Biskup diecezjalny jako ustawodawca (= The diocesan bishop as legislator). (Article)

This article shows the diocesan bishop as sole legislator in the diocese, and sets out the ways in which he exercises the legislative function.

391

Ang 87 (2010), 911-921: Piotr KroczeK: Authority of Bishop as Lawgiver. (Article)

The bishop as legislator of particular law has a very important mission in his diocese. Laws drafted by him are of great help to Christ's faithful who want to live in accordance with the Catholic faith. This is the reason why the bishop should take into consideration as many elements as possible to make the law effective. K. presents one of the factors of good legislation, namely, the authority of the lawgiver. He begins with a presentation of the consequences of legislative power in the Church, looked at from two points of view: legislation and reception of law. He then analyzes the term "authority" in the context of the Church, before clarifying its relationship with freedom. Next he addresses the question of the elements that have an effect on the authority of the bishop as legislator, and offers some practical suggestions. Finally he deals with the issue of popularity and authority. All these lead to the conclusion that the issue of the authority of the legislator in the Church is a very complex and multidimensional problem. It is also very serious, because it has an impact on reception of law, which in turn is of importance for practising truth, and ultimately for salvation.

392

Comm 42 (2010), 9-18: Pope Benedict XVI: Litterae Pastorales ad catholicos Hiberniae in festivitate Sancti Ioseph die 19 mensis martii 2010 missae. (Document)

See above, canon 384.

402

CLSN 157/09, 32-35: John Jukes: The Bishop Emeritus. (Comment)

Pope Paul VI in his 1966 *motu proprio Ecclesiae Sanctae* introduced the concept of the retirement of diocesan bishops and subsequently of auxiliary bishops. In 1973 he approved a Directory on the Pastoral Ministry of Bishops, which did not refer to the retirement of bishops; but in 1988 Pope John Paul II approved norms in connection with retired bishops. A new Directory for Bishops was issued on 22 February 2004; and in the spring of 2008 the Congregation for Bishops issued a document in Italian called *Il Vescovo Emerito*, which was largely non-legal in nature but gave guidance on certain consequences and relationships resulting from the introduction into the Church of retirement from the office of bishop by reason of age. J., retired Auxiliary Bishop of Southwark, provides an analysis of these various documents.

403

CLSN 163/10, 34-35: Gordon Read: Archbishop as Coadjutor. (Comment)

R. comments on the announcement that the Archbishop of Albi, France, had been appointed as Coadjutor to the Archbishop of Montpellier. Although on the surface this seems somewhat strange, it seems that it forms part of a long-term reorganization of diocesan and regional structures in France.

469

AnC 4/2008, 99-111: Jan Dyduch: Udział biskupów w posłudze pasterskiej w świetle Instrukcji *Apostolorum successores* (= Participation of bishops in pastoral ministry according to the Instruction *Apostolorum successores*). (Article)

See above, canon 391.

475-481

RMDC 16 (2010), 245-266: Rogelio Ayala Partida: El Vicario general: oficio importante en la pastoral diocesana: su perfil y la evaluación de su desempeño. (Article)

A.P. deals with the appointment and the functions of the vicar general and his pastoral importance within the diocese. Since the vicar general is the *alter ego* of the bishop, the appointment of the correct person and the constant evaluation of his functions must necessarily result in the pastoral benefit of the particular

Church. A.P. examines the concept of the vicar general; the vicarious faculties of the vicar general and his role as moderator of the curia; the personal requirements for holding the office; the procedure for appointing the vicar general; his position in relation to matters which the bishop reserves to himself or which require a special mandate; possibilities of evaluation of the vicar general on the part of the bishop; and possible causes for his removal. *Mutatis mutandis* these reflections may also be applied to other offices.

502

SC 44 (2010), 445-495: John Anthony Renken: The College of (Eparchial) Consultors: A Comparison of Latin and Eastern Law. (Article)

Canon law requires the existence of the college of (eparchial) consultors in every diocese/eparchy. It performs many important *munera*, whether the see is filled, impeded, or vacant. The college traces its origins to the Church in the United States in the 19th century. This article studies the earlier and current legislation on the college, whose purpose is identified with its many *munera*. R. concludes his study with a series of canonical questions concerning the college, and proposes some solutions to these questions.

515

CLSN 158/09, 38-43: John Jukes: The Response of a Diocese to the Challenge Presented by a Shortage of Priests. (Article)

J. considers the shortage of priests and its consequences, and the response of the diocesan bishop. The CIC/83 offers three possible courses of action: the suppression and amalgamation of parishes; the grouping of a number of parishes under a team of priests led by a moderator; or one parish priest being in charge of several parishes. J. comments on each of these options. He also stresses the need of a specific priest or priests being responsible for vocations work.

515

SC 44 (2010), 31-52: James A. Coriden: Parish Communities and Reorganizations. (Article)

This study underlines that the parish has a priority in the life of the Church. It has many canonical rights and obligations as a parish. C. presents some diverse reconfigurations of ministry in local communities of the faithful. Finally, he addresses several particular questions connected to the parish.

515

SC 44 (2010), 99-148: John Anthony Renken: The Statutes of a Parish. (Article)

A parish is a public juridical person established *a iure*. Canon 117 discusses statutes for juridical persons. While canonists express diverse opinions as to whether or not a juridical person established *a iure* is required by canon 117 to have its own statutes approved before it is erected, there are multiple advantages in a parish having its own statutes. Civil documents governing parishes would correspond to the canonical statutes, such that the same norms governing the operation of a parish would be operative in the civil and the ecclesiastical realms. This study proposes the content of the canonical statutes of a parish, which necessarily would be adapted in local settings in order to reflect the particular characteristics of each parish.

517

AC 49 (2007), 83-95: Jean-Pierre Vuillemin: L'office curial dans un contexte de pénurie de prêtres. (Article)

Canon 517 is an exceptional provision and will apply only as long as there is a scarcity of priests. The term “moderator” has no religious connotation and poorly describes the task of the priest who fulfils the role. A permanent deacon with the pastoral care of a parish has precedence over lay faithful (*Directory for the Ministry and Life of Permanent Deacons*, 1998, no. 41). A true pastoral partnership envisaged by this canon will be based on the equality of the baptized and the distinction of ministries (between the ordained and those who are not).

517

AkK 178 (2009), 90-124: Wilhelm Rees: Amt – Seelsorge – Leitung. Kirchenrechtliche Standortbestimmung und Zukunftsperspektiven. (Article)

See above, canon 145.

517

AkK 178 (2009), 125-143: Johann Hirnsperger: Der Pfarrassistent / die Pfarrassistentin: Ein neues Amt in der pfarrlichen Seelsorge. Kanonistisch-pastorale Reflexionen zum Salzburger Modell. (Article)

Canon 517 §2 allows the diocesan bishop to appoint deacons and laity to take part in the pastoral work of a parish, when the parish priest's role cannot be filled because of a shortage of priests. The Austrian Bishops' Conference has issued directives for the practical implementation of this provision. In Salzburg, as in several other Austrian dioceses, the new position of parish assistant has been introduced, in which deacons and laity collaborate in the parish priest's work of pastoral care. In accordance with the relevant diocesan canonical regulations, pastoral assistants' areas of competence are agreed and recorded in writing at the beginning of their period of service.

517

CLSN 158/09, 38-43: John Jukes: The Response of a Diocese to the Challenge Presented by a Shortage of Priests. (Article)

See above, canon 515.

518

IE XXII 2/10, 325-342: Marco Dino Brogi: Obblighi dei Vescovi Latini verso i fedeli di una Chiesa orientale cattolica inseriti nella loro diocesi. (Article)

See above, canon 383.

526

CLSN 158/09, 38-43: John Jukes: The Response of a Diocese to the Challenge Presented by a Shortage of Priests. (Article)

See above, canon 515.

528

Per 99 (2010), 201-249: Marcelo Gidi: La referencialidad ministerial del Párroco en su misión de servicio en el anuncio del Evangelio en la Parroquia. Segunda parte. (Article)

In the first part of this study (see *Canon Law Abstracts*, no. 105, p. 70), G. focused primarily on the parish in the light of the Church's self-understanding and of the Word of God. In this second part, he turns his attention to the person and the role of the parish priest. This part of the study, in fact, can be seen as an attempt to answer the question: why does the legislator set out in detail not only the essential elements of the juridical authority of the parish priest, but also the most suitable means of fulfilling his pastoral responsibilities? He concludes that the figure of the parish priest in the Code of Canon Law is rich and multifaceted, something that is due in no small measure to his function to be above all at the service of the Word of God in the community.

564

AC 49 (2007), 97-106: Philippe Greiner: Office ecclésiastique et responsabilité d'aumônerie. (Article)

G. applies the provisions of canon 517 §2 to chaplaincies: when a priest is asked to act as moderator of a chaplaincy, particular law should clarify his duties and the duties of the lay persons who share his ministry.

BOOK II, PART III: INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

573

Comm 40 (2008), 91-112: Congregatio pro Institutis vitae consecratae et Societatibus vitae apostolicae: Excerptum ex Instructione *Faciem tuam, Domine, requiram*. (Document)

Excerpts are printed from the Instruction *Faciem tuam, Domine, requiram* on the service of authority and obedience in the consecrated life. Consecration is a search for the will of God. This involves obedience to God mediated through a human being. Authority is at the service of this journey. The second part of the Instruction considers authority and obedience in the fraternal life; the third looks at authority and mission.

575

BV 70 (2010), 301-308: Heinz-Meinolf Stamm: Das Gelübde der Keuschheit in den Generalkonstitutionen des Minderbrüderordens. (Article)

See below, canon 599.

587

BV 70 (2010), 289-299: Franc Card. Rodé: Les constitutions dans la vie religieuse aujourd'hui. (Lecture)

The Constitutions are a book to accompany the daily life of any religious. They do not just contain known history, but are a project of life, a divine call that is renewed every morning and can only be completely carried out by following the path of being faithful to God and to the people. By observing their Constitutions, religious remain in communion with the Church and bear witness of evangelical life in the world.

595

BV 70 (2010), 289-299: Franc Card. Rodé: Les constitutions dans la vie religieuse aujourd'hui. (Lecture)

See above, canon 587.

598

BV 70 (2010), 289-299: Franc Card. Rodé: Les constitutions dans la vie religieuse aujourd'hui. (Lecture)

See above, canon 587.

599

BV 70 (2010), 301-308: Heinz-Meinolf Stamm: Das Gelübde der Keuschheit in den Generalkonstitutionen des Minderbrüderordens. (Article)

After the Second Vatican Council and the promulgation of the CIC/83, the Order of Friars Minor Conventual also renewed its general constitutions. S. looks into the meaning and content of the vow of celibate chastity. The regulations of the general constitutions are based on the statements of the Bible, Church Fathers, the tradition of the Order, the Second Vatican Council and the CIC/83. The most important of these texts are presented. They represent the basis of how the life of the Friars Minor Conventual will be formed in celibate chastity in the future.

662

BV 70 (2010), 289-299: Franc Card. Rodé: Les constitutions dans la vie religieuse aujourd'hui. (Lecture)

See above, canon 587.

667

BV 70 (2010), 309-319: Viktor Papež: Klavzura kot temeljna razsežnost Bogu posvečenega življenja (= Enclosure as a basic dimension of consecrated life). (Article)

The constitutions of institutes of consecrated life, as well as representing each institute's "basic rule" and its special way of *imitatio Christi*, also determine the nature and the scope of enclosure in accordance with the charism of the institute. Whereas in the past enclosure meant fleeing worldly dangers to the vow of chastity, it has now acquired theological and spiritual dimensions. If enclosure means a "separation from the world", it enables religious to lead a deeper spiritual life in contemplation, prayer, silence and composure, protects the privacy of religious, and furthers fraternal life within the community. For these basic reasons the Second Vatican Council highly valued enclosure and retained it – suitably adapted to times and needs – despite some resistance.

Canon law determines that in every religious house a part of the premises has to be set aside for the exclusive use of the members of the religious community, which should enable them to preserve the deepest possible connection with God and the genuineness of their charism. The correct evaluation and understanding of enclosure become the criteria for evaluating the quality of the contemplative dimension of consecrated life.

695

PS XLV 135 (2010), 585-609: Mayong Andreas Acin – Isaias Tiongco: The Nature of Delict in Canon 1321: Its Implications on the Dismissal Process of Religious in Cases of Sexual Misconduct. Part I. (Article)

See below, canon 1321.

696-702

CLSN 160/09, 51-61: Disciplinary Action against Fr Tomislav Vlašić. (Documents and commentary)

There have been reports in the press about a Fr Tomislav Vlašić OFM (now referred to as Mr Vlašić) who some time ago was associated with Medjugorje. Action was taken to dismiss him from the clerical state and from the Order of Friars Minor. Several documents setting out the background and the specific details of this process are presented here, together with a commentary by Gordon Read. See also below, canon 1231.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

CLSN 157/09, 22-31: Peter Smith: Engaging with the State for the Common Good: Some Reflections on the Role of the Church. (Lecture)

See above, General Subjects (*Relations between Church and State*).

786

SC 44 (2010), 497-509: Jean Marie Signié: Et si on révisait le canon 786? (Article)

More than 25 years after the promulgation of the Code of Canon Law, it is reasonable to ask whether the application of certain norms in the Code still correspond to its content. Indeed, if they are studied closely, several canons, which were answering a specific question or confirming a practice already established at the time of their promulgation, are now out of touch with today's reality. For S., canon 786, which deals with missionary activity properly so-called, is one of them. This article shows that the scope of the Church's missionary activity properly so-called today is much broader than is perceived in this canon. Therefore, it may be wise to rephrase it and highlight the difference between "mission territories" and "young Churches" or "Churches that are not fully constituted."

807-821

AkK 178 (2009), 144-162: Heribert Hallermann: Zugangsvoraussetzungen zum wissenschaftlichen Theologiestudium. Erwägungen anlässlich des gesetzlich eröffneten Hochschulzugangs für qualifizierte Berufstätige. (Article)

The provisions of German Concordats and subordinate law both assert the Church's competence to regulate the study of theology, including the setting of entry qualifications for studying theology at university. The relevant ecclesiastical regulations are not limited to professional training, but encompass a more comprehensive vision for the study of theology in general. Entry requirements are the relevant preparatory study at school level, as well as a general school certificate for university entrance. More recently, the State has unilaterally opened university entry to qualified mature students; this does not apply to the study of theology.

821

Comm 40 (2008), 307-321: Congregatio de Institutione Catholica: Instructio de Institutis Superioribus Scientiarum Religiosarum. (Document)

This Instruction revises the norms set out in the *Nota illustrativa* of 10 April 1986 and the *Normativa per L'Istituto Superiore di Scienze Religiose* of 12 May 1987. It is dated 28 June 2008 and comprises 48 articles covering: the shape of the Higher Institutes of Religious Sciences; procedure for the erection of an Institute; concluding norms.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

834

CLSN 158/09, 17-20: Gordon Read: Pope Benedict XVI, Liturgy and the “Hermeneutic of Continuity”. (Article)

R. comments on various aspects of the liturgy as celebrated by Pope Benedict, which he interprets as manifesting a clear intention to emphasize continuity with previous customs.

834

CLSN 160/09, 66-68: John Hadley – Gordon Read: More on the “Hermeneutic of Continuity”. (Article)

H. expands on the article referred to in the preceding entry, suggesting that a more appropriate phrase would be “hermeneutic of reform”. R. offers a brief reply.

835

Markus Graulich – Jesu Pudumai Doss (eds.): La missione del prete nella missione della Chiesa. (Book)

This book aims to present the identity and ministry of priests, called to be the Face and Voice of Christ. After a short preface from Cardinal Cláudio Hummes OFM, the then Prefect of the Congregation for the Clergy, there are the following contributions: Fortunata Frezza on the priest and the *presbyterium*: identity and communion in the *doctrina Apostolorum* (pp. 7-31); Jesu Pudumai Doss on canonical considerations concerning the role of the presbyter-pastor in the Church (pp. 33-53); Markus Graulich on the mission of the religious priest (pp. 55-73); Aimable Musoni on the priest as disciple and teacher of communion (pp. 75-93); Mario Sensi on the priest’s learning and piety (pp. 95-120); Carlo Nanni on the priest as educator and guide of the People of God (pp. 121-135); Ubaldo Montisci on the priest and catechesis (pp. 137-158); Sagayaraj Joseph Devadoss on the priest as a privileged communicator of the Word of God (pp. 159-183); Manlio Sodi on the role of formation in worship (pp. 185-209); Gianfranco Ravasi on art in the priest’s mission (pp. 211-224); Anthony J. Figueiredo on charity in the priest’s mission (pp. 225-240); Fabio Attard on young people in the priest’s mission (pp. 241-252); Enrica Rodanna – Nicla Spezzati on priests and consecrated women (pp. 253-276). (For bibliographical details see below, Books Received.)

838

Comm 40 (2008), 301-302: Congregatio de Cultu Divino et Disciplina Sacramentorum: Decretum de variationibus in editionem typicam tertiam Missalis Romani introducendis. (Document)

This decree makes three small changes in the Roman Missal: the way in which the prayer for the bishop is to be worded with a bishop celebrant, and how auxiliaries are to be mentioned; the omission of the Eucharistic Prayers for children, which in future are to be printed separately; alternative formulae for the dismissal.

838

Comm 40 (2008), 303-306: Congregatio de Cultu Divino et Disciplina Sacramentorum: Epistula ad Conferentias Episcoporum quoad “Nomen Dei” missa. (Document)

This circular letter clarifies that, in accordance with the ancient tradition of the Church, the tetragram YHWH is not to be pronounced in liturgical texts, songs and prayers, but substituted by “Lord”.

838

CLSN 159/09, 7-11: Congregation for Divine Worship and the Discipline of the Sacraments: Use of “The Name of God” in Liturgical Context. (Document and commentary)

See preceding entry. The document is accompanied by a comment from Gordon Read.

838

CLSN 158/09, 21-24: Congregation for Divine Worship and the Discipline of the Sacraments: Revised English Translation of the Order of Mass. (Document and commentary)

On 23 June 2008 the Congregation for Divine Worship and the Discipline of the Sacraments wrote to the US Conference of Catholic Bishops approving the new Order of the Mass. This was the first part of the revised translation of the Missal to receive the *recognitio* of the Holy See. There were still eleven sections of the Missal waiting to receive the Holy See’s *recognitio*. Gordon Read provides a commentary on the document.

838

N XLVII 1-2/10, 53-64: Michael Magee: From the Bible to the Lectionary of the Holy Mass: Norms and Principles. (Article)

The publication of *Liturgiam Authenticam* led to many enquiries from non-Catholics about the nature of a Lectionary and orderly exposition of readings throughout the year. M. sets out the history of such lectionaries and the Church's concern for the use of accurate versions of the Scriptures. By the time of the 25th anniversary of *Sacrosanctum Concilium* in 1988 it was apparent that closer scrutiny was needed of vernacular versions of the Scriptures approved for use in the liturgy. M. explores the two principal criteria: suitability for liturgical use (something not guaranteed by accurate rendering); and integral transmission of the sacred text. In the former case there needs to be awareness of Scriptural resonances in the liturgical texts, typological allusions, etc., that may affect the choice of pronoun. Failure to refer to the New Vulgate text of the Latin typical edition may result in the omission of part of the text. Equally, some translations "sanitize" texts for irenic reasons; or they attempt to produce gender-inclusive language by shifting from the singular to the plural. There are also broader questions such as the use of what is perceived by scholars as the "earliest form" of a text and the canonical or received version. This is why reference must be made to the typical edition of the Lectionary which uses the New Vulgate.

BOOK IV, PART I: THE SACRAMENTS

844

Ap LXXXII 3-4 (2009), 597-646: Carlo Fabris: La condivisione di vita sacramentale tra cattolici e cristiani acattolici: profili giuridico-canonistici. (Article)

F. sets out the discipline of the Church indicated by the phrase “*communicatio in sacris*” in the light of the post-Council ecumenical initiatives. He then pays detailed attention to the challenge offered to the quest for Christian unity by the “mixed marriage” element in the life of the Church. He explores in some detail how the Holy See has responded in a number of individual cases that have been encountered in mixed marriages and some related matters.

844

DPM 15/16 (2008/2009), 385-397: Heribert Heinemann: „Kommunion trotz Trennung“. Ammerkungen zu einer Veröffentlichung von Christian Schmitt. (Article)

Taking as his starting point a 2007 publication by Christian Schmitt entitled *Kommunion trotz Trennung* (“Communion despite separation”), H. comments on the concession in canon 844 to non-Catholic Christians to receive the Eucharist. He suggests in particular that diocesan bishops and episcopal conferences clarify the meaning of *gravis necessitas*.

BOOK IV, PART I, TITLE I: BAPTISM

850

Comm 40 (2008), 86: Congregatio pro Doctrina Fidei: Responsa ad proposita dubia de validitate baptismatis (die 1 mensis februarii 2008). (Reply)

The formula “I baptize you in the name of the Creator and of the Redeemer, and of the Sanctifier” or “of the Liberator and the Sustainer” is declared invalid, and those baptized with such formula must be baptized again absolutely.

850

Comm 40 (2008), 115-119: Urbano Navarrete: Articulus explanans “Responsa” a Congregatione pro Doctrina Fidei die 1 mensis februarii 2008 data. (Article)

Cardinal Navarrete explains the significance of the reply of the Congregation for the Doctrine of the Faith concerning baptisms where the formula used does not sufficiently clearly refer to the Trinity. He discusses the consequences not only for initiation into the Church but also for marriage and possible dissolution of the bond. He also refers to disciplinary consequences for those using such a formula.

877

REDC 67 (2010), 151-220: Vicente Benedito Morant: La prueba de la filiación en el Derecho Canónico. (Article)

See below, canons 1137-1138.

BOOK IV, PART I, TITLE III: THE BLESSED EUCHARIST

897

SC 44 (2010), 293-342: Chad J. Glendinning: The Significance of the Liturgical Reforms Prior to the Second Vatican Council in Light of *Summorum Pontificum*. (Article)

In the light of *Summorum Pontificum*, permitting broader use of the pre-conciliar liturgical books, G. provides a brief chronological overview of the more significant liturgical reforms antecedent to the Second Vatican Council. These legislative initiatives of the Holy See – the revision of liturgical books, the restoration of liturgical rites, the promotion of sacred music and the active participation of the faithful – served as important precursors to a more intentional and pervasive reform following Vatican II. G. concludes by presenting a number of principles, gleaned from these pre-conciliar sources, to illustrate that many of the alleged innovations of *Sacrosanctum Concilium* possess, in fact, a solid historical and legislative precedent. These principles, he says, should be observed in all celebrations of the *forma extraordinaria*.

915

CLSN 157/09, 47-64: John Boyle: Does There Exist an “Internal Forum” Solution for the Divorced and Remarried? (Article)

In the late 1970s there was a flurry of activity in connection with assisting people who had been divorced and were remarried. This assistance related to their reception of the sacraments. Sometimes this was referred to as the internal forum solution, in which a confessor, having heard what the penitent had to say, indicated that the penitent might decide to receive Holy Communion because of a flaw in, or perhaps the invalidity of, the former union. There are other situations in which priests indicated that people were not bound by former marriages which had broken down as a result of the fault of the other party. A whole variety of solutions was proposed to assist people with their very real pastoral problems. This continued throughout the 1980s until the beginning of the 1990s. At that stage the Congregation for the Doctrine of the Faith produced a document which indicated very clearly that such solutions were not appropriate: and indeed were not allowed. The whole matter of the internal forum solution went quiet during the 1990s and in the first part of the new millennium. B., noting that this is now an increasingly common phenomenon, provides a paper on the background of the whole matter.

915

CLSN 157/09, 65-72: Gordon Read: Prohibition of an Individual from Receiving Holy Communion. (Article)

Abortion within statute law creates serious difficulties for the Church, bishops, the local priest and the individual. An example of the complexity of the issue was demonstrated in 2008 in the United States, when the Archbishop of Kansas City made a public statement about the Governor of Kansas having to refrain from the reception of Holy Communion because of her support for abortion. R. puts this statement into context with reference to the US Bishops' Statement on the matter in 2006; the arguments put forward by Archbishop Raymond Burke in *Periodica* in 2007 (see *Canon Law Abstracts*, no. 99, p. 65); as well as the Declaration of the Pontifical Council for Legislative Texts in 2000 (see *Canon Law Abstracts*, nos. 87, p. 60; 90, p. 61; and 103, p. 94).

915

CLSN 161/10, 45-54: Derek Vidler: Irregular Marriages and Admission to Holy Communion. (Article)

V. examines the development of penance and the penitential rite in the Church's history; he considers the rights of persons; and follows this with a section on law, considering William of Occam and Aquinas. He then analyzes the whole concept of informed conscience. With this background he looks at "hard cases" in the light of the *salus animarum* of canon 1752.

915

CLSN 161/10, 55-57: John Hadley: Comment on Fr Vidler's Paper. (Article)

See preceding entry. H. considers V.'s paper under the headings of conscience, *epikeia* and equity, and then divorce and remarriage. He also stresses the use of the canon penitentiary in difficult cases.

915-916

ACR LXXXVII 3/10, 307-322: Brendan Daly: Any Possibility of Communion for the Divorced and Remarried without Annulments or Dissolutions? (Article)

D. gives a comprehensive survey of the doctrine regulating access to Holy Communion in the Gospels, St Paul's epistles, the Church Fathers, ecumenical

councils and directives of the Holy See. He then examines more recent initiatives, proposals and reactions including those from the United States and the Upper Rhine Province; the Apostolic Exhortation *Familiaris Consortio*; the 1983 Code; the Council for the Interpretation of Legislative Texts; and the writings and statements of Pope Benedict XVI prior to and subsequent to his assuming the papacy. After noting some misconceptions about the processing of marriage nullity cases, D. observes that the Church teaching is hard and challenging. At the same time, he notes that there needs to be more study and explanation of the Church's teaching – as Pope Benedict XVI has indicated – and that the Church needs to provide greater pastoral care before and during marriage, and a greater outreach to the divorced.

915-916

AnC 4/2008, 83-97: Piotr Steczkowski: Dopuszczenie rozwiedzionych i żyjących w nowych związkach do komunii świętej. *Forum externum czy forum internum?* (= Admission to Holy Communion of faithful who are divorced and remarried. *Forum externum or forum internum?*). (Conference presentation)

The central issue addressed by S. is whether and in what way the faithful who live in irregular matrimonial situations can be admitted to Holy Communion. Must they commit themselves to living as brother and sister before the parish priest, i.e. in the external forum, or is it sufficient to do so before the confessor, i.e. in the internal forum? S. gives a historical summary of the situation and analyzes the Church's current law and practice.

915-916

DPM 15/16 (2008/2009), 555-571: Karl-Heinz Selge: „Nach Scheidung im Recht“. Beitrag zu einer Veröffentlichung gleichen Titels. (Article)

The topic of the juridical condition of divorced and remarried Catholics was studied at a conference organized in 2001 by Dr Richard Puza. S. examines the results of that conference which reflected on the possible canonical solutions proposed so far, suggestions of a dogmatic nature, disciplinary aspects, sociological data, as well as a special canonical juridical order worked out on this basis. With reference to the Pope's directives in this matter, S. considers that a "hermeneutic of renewal in continuity" in the area of matrimonial processes is not merely possible, but essential.

934-944

CLSN 161/10, 26-29: Gordon Read: Worship of the Eucharist Outside Mass. (Article)

In the light of the provisions of the General Instruction of the Roman Missal (2005) and the Instruction *Redemptionis Sacramentum* (25 March 2004) R. looks at the place for the reservation of the Most Holy Eucharist, private and public Eucharistic devotion, and some practical issues.

945

Vid 74 7/10, 538-542: Thomas Punnapadam: “Father, what is a stipend?” (Article)

P. considers the custom and practice of accepting an offering for Mass to be celebrated for a particular intention. He considers its Biblical roots and relates the practice to the relationship between the Eucharist and the community, and the poor.

948

CLSN 157/09, 73-74: Gordon Read: Pluri-Intentional Masses: How Many Intentions? (Article)

Addressing the question of how many intentions can be combined in a single Mass, R. refers to the Decree of the Congregation for the Clergy *Mos Iugiter* of 22 February 1991, approved by Pope John Paul II *in forma specifica* a month earlier, which states that, in accordance with canon 948, individual Masses must be applied for each intention for which an offering has been accepted. Combining several intentions into one Mass without the knowledge or consent of the person making the offering is unlawful. The Decree sets out rules for when it is permissible to combine several intentions, in situations where the person making the offering has been advised explicitly and in advance, but it does not specify how many intentions may be combined. R. concludes that there is no strict limit and no easy answer to the question. Each case must be studied on its merits, but in the light of the established principles.

BOOK IV, PART I, TITLE IV: THE SACRAMENT OF PENANCE

983-984

EE 85 (2010), 769-786: Juan José Etxeberría Sagastume: Deontología del Ministro de la Penitencia. Sigilo sacramental y secreto penitencial. (Article)

The sacramental seal and the secret of confession are two key issues concerning the deontology of the ministry of penance. Its nature, subject-matter, foundation and relation to other canons make clear why the Church, through her laws, tries to conserve them and defend them with maximum commitment. From the canons analyzed, it is clear that the sacramental seal is inviolable, as well as being permanent and everlasting. E.S. asserts that nobody except the penitent can authorize a priest to reveal what he has heard in confession under sacramental absolution. For this reason, the maximum protection of the confidential relationship between the priest and the faithful is defended under confessional laws – and not only by the Catholic Church. Moreover, the violation of both the seal and the secret are crimes carrying a canonical sanction, which will be imposed according to the seriousness of the crime committed.

992

Comm 40 (2008), 113-114: Paenitentiaria Apostolica: Decretum: Saeculo XX expleto postquam Sanctus Apostolus Paulus in terris ortus est, speciales conceduntur Indulgentiae. (Document)

This decree sets out the terms under which the faithful were able to gain special indulgences for the Year of St Paul.

BOOK IV, PART I, TITLE VI: ORDERS

1008

Comm 42 (2010), 19-23: Pope Benedict XVI: Allocutio Summi Pontifici de munere regendi, Audientiae Generalis occasione, die 26 mensis maii 2010 habita. (Address)

See above, canon 375.

1008-1009

AnC 4/2008, 181-205: Pawel Malek: Sprawowanie urzędu diakona według odnowionej struktury władzy świętej (= Exercising the office of deacon according to the renewed structure of sacred authority). (Article)

M. considers the role of deacon within the sacrament of order; the deacon's relationship with the bishop and priests; the specific character and sacramental grace of the diaconate; and his call to act in conformity with Christ the Servant. Vatican II referred to the ministry of the deacon in relation to the liturgy, the Word and charity, thus expressing the deacon's participation in the one and triple *munus* of Christ in the ordained ministry. The deacon's principal function is to collaborate with the bishop and priests in the exercise of their ministry.

1008-1009

Comm 42 (2010), 63-66: Paul Josef Cordes: Articulus explanans identitatem sacerdotii ministerialis ab Em.mo D. Paulo Iosepho Cordes, Praesidente Pontificii Consilii "Cor Unum" conscriptus. (Article)

This article originally appeared in *L'Osservatore Romano* on 25 March 2010 with the title *I perché del sacerdozio ministeriale. L'identità viene prima della funzione*. It is a response to Hans Kung's book *Wozu Priester? (Eine Hilfe)* of 1971. C. argues that K.'s approach was fundamentally utilitarian, defining priesthood in functional terms. It implied that there was no reason why lay people should not be appointed to carry out functions such as the leadership of the community. It also obscured the nature of the priesthood by presenting it in terms of a profession. This approach also interprets God in a functionalist way, something which is at odds with the nature of God. C. favours the approach taken by the philosopher Robert Spaemann in *Die Frage nach der Bedeutung des Wortes "Gott"* and by Emile Durkheim, and focuses on the priority of the ontological understanding of priesthood.

1008-1009

CLSN 161/10, 13-25: Benedict XVI: Motu Proprio *Omnium in Mentem*, 26 October 2009. (Documents and commentary)

See following entries. The Latin text of the document is given together with an English translation and commentary by Gordon Read.

1008-1009

EE 85 (2010), 845-870: Teodoro Bahillo Ruiz – Rufino Callejo de Paz – Carmen Peña García: Recientes reformas del Código de Derecho Canónico: reformas introducidas por el m.p. *Omnium in Mentem*. (Roundtable discussion)

The *Motu proprio Omnium in Mentem*, announced in December 2009, modifies five canons of the CIC/83. Three members of the Faculty of Canon Law of the Comillas Pontifical University, Madrid, held a roundtable discussion in March 2010, analyzing the new legislation and reflecting on its advantages and disadvantages. Professor Teodoro Bahillo, dealing with the ministry of priesthood and diaconate, looks at the changes introduced by *Omnium in Mentem* concerning the sacrament of Order (canons 1008 and 1009) in order to bring the legal text into line with conciliar and post-conciliar Magisterium; he highlights the flexible understanding of the ministry of deacons. Professor Carmen Peña asks whether the matrimonial reform introduced by the *motu proprio* (canons 1086, 1117 and 1124) represents a forward or backward step; she points out certain dangers relating fundamentally to the *ius connubii* of those who abandon the Church by a formal act. Professor Rufino Callejo, in his contribution on the advantages of the matrimonial reform introduced by the *motu proprio*, explains the reasons behind these modifications, and raises certain questions concerning the undertakings in canon 1125.

1008-1009

N XLVI 11-12/09, 577-580: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae *Omnium in Mentem*, Quaedam in Codice Iuris Canonici immutantur. (Document)

The text is given of the *motu proprio* dated 26 October 2009 whereby a) the role of deacons in serving the People of God in the ministries of the liturgy, the Word and charity is clarified; and b) exemptions from canon law for those who have “formally defected from the Church” are revoked, and those concerned are bound by these new provisions from the date of their coming into force following promulgation in *Acta Apostolicae Sedis*. These concern the

impediment of disparity of cult and permission for mixed marriage, and the obligation to the canonical form of marriage. The wording in canons 1008, 1009, 1086 §1, 1117 and 1124 is amended in order to reflect these changes.

1008-1009

REDC 67 (2010), 437-445: Carta Apostólica del Sumo Pontífice *Omnium in Mentem* con la cual son modificadas algunas normas del Código de Derecho Canónico. Texto en castellano y comentario de José San José Prisco. (Document and commentary)

S.J.P. comments briefly on the changes made to canons 1008-1009 which clarify their possible ambiguity regarding the ministry of deacons. Previously they could be interpreted to mean that deacons share in the *tria munera* of teaching, sanctifying and governing, but the additions and changes make clear that only bishops and priests share in the triple ministry and that deacons are ordained for the ministry of service to the People of God in the Liturgy of the Word and charity.

1029

Comm 40 (2008), 322-355: Congregatio de Institutione Catholica: Directoriae respicientes usum competentiarum psychologiarum in admittendis et formandis candidatis ad sacerdotium. (Document)

This Directory, dated 29 June 2008, sets out guidance on the use of psychological expertise in assessing candidates for admission to seminary and during the process of formation. There are five headings: the Church and the discernment of vocations; preparation of those involved in formation; the contribution of psychology to discernment and formation; a request for specialist assessment and respect for the private life of the candidate; the relationship between those responsible for formation and the expert. The Directory was approved *in forma communi*.

1041

CLSN 163/10, 36-42: James A. Coriden: Does a Vasectomy Constitute an Irregularity to the Sacrament of Orders? Another Answer to the Question. (Article)

This article is reproduced from *Studia Canonica* 43 (2009), pp. 81-87 (see *Canon Law Abstracts*, no. 104, p. 106).

1041

CLSN 163/10, 43-48: Brian J. Dunn: Does a Vasectomy Constitute an Irregularity to the Sacrament of Orders? A Response to James A. Coriden's Critique. (Article)

This article is reproduced from *Studia Canonica* 43 (2009), pp. 89-95 (see *Canon Law Abstracts*, no. 104, p. 106).

1050-1051

CLSN 158/09, 28-33: Secretariat of State: Discerning Vocations among Persons with Homosexual Tendencies. (Document and commentary)

See above, canon 241.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AnC 4/2008, 5-20: Remigiusz Sobański: Wpływ mentalności wolnych związków na ważność zgody małżeńskiej (= The influence of free unions on validity of matrimonial consent). (Conference presentation)

Nowadays marriage as an institution finds itself in serious crisis. In modern societies, there is a widespread mentality supporting “free unions”. Such a mentality has both theoretical and practical consequences. S. analyzes the phenomenon of free unions and investigates its possible repercussions in canon law. The key question is whether a person who perceives “free union” as an acceptable form of life can enter into a valid marriage, which between baptized persons is necessarily a sacrament. The problem could be further reduced to the question of how lack of faith influences the validity of sacramental marriage. In tribunal practice this question tends to be dealt with by reference to canons 1099 (error concerning the unity or indissolubility or sacramental dignity of marriage) or 1101 (simulation). S. presents the pros and cons of this approach. Although much has been said by the Magisterium as well as canonical and theological experts, S. argues that the matter is still not adequately resolved.

1055

CLSN 158/09, 34-37: Bishops of the Archdiocese of Los Angeles: Same-Sex Marriages. (Document and commentary)

On 16 June 2008 the bishops of the Archdiocese of Los Angeles issued a statement on the matter of so-called same-sex marriages. This statement followed a ruling of the California Supreme Court of 15 May 2008 that any law that discriminated on the basis of sexual orientation would be constitutionally suspect in California. The bishops, while condemning discrimination, still reiterated the Church’s teaching about marriage, explaining why it is not unjust to limit the bond of marriage to the union of a woman and a man. The document is accompanied by a commentary by Gordon Read.

1055

CLSN 163/10, 51-62: Apostolic Tribunal of the Roman Rota: Exclusion of the *Bonum Coniugum* and Incapacity to Assume the Essential Obligations of Marriage: Decision *coram* Monier, 27 October 2006. (Sentence)

See below, canon 1101.

1055

CLSN 164/10, 48-82: John A. Alesandro: The Formation of the Indissoluble Marriage Bond. (Article)

A. argues that in trying to understand marriage one is dealing with revealed truth, the natural law and cultural practices. After Christ, indissolubility has reigned supreme for nearly two millennia, but the recent phenomenon of divorce in the context of a wholesale sexual revolution has strained the Church's appeal to this central ecclesial truth. He feels that the preparation of couples for marriage and tribunal practices for marriages that have ended in divorce are based on a canonical construct essentially settled in the 12th century, part of this construct being the assertion that a non-sacramental or natural marriage differs from a sacramental marriage solely insofar as both parties are validly baptized, which in his opinion short-changes the sacramental meaning of marriage and leads to questionable conclusions about the interaction of faith and valid consent. Tribunals "sacramentalize" marriage by treating all of them, natural and sacramental, the same. A. says that the use of a single, sexual act as the completion of the absolutely indissoluble marriage bond is a culturally-conditioned juridical element, and that this inherited canonical construct is insufficient for the juridical task. He argues that there needs to be a much deeper understanding of the role of personal faith in the exchange of marital consent; and that the Church should develop a more realistic identification of the way in which a sacramentally valid marriage is forged in stages into an indissoluble bond.

1055

DPM 15/16 (2008/2009), 141-171: Adrian Loretan: Braucht es zum Glück eine kirchliche Heirat? Theologische Argumente für eine kirchliche Eheschließung in säkularer Gesellschaft. (Article)

In present-day society there are many ways in which couples live together. Yet even if people's conception of marriage has changed and the number of religious weddings is greatly diminished, marriage retains its importance as an enduring way of life. The phenomenon of the "credo of love", by which love, life together, and self-fulfilment are taken to be signs of a hidden and indirect religiosity (fulfilment of desires on this earth, "divinization" of love), demonstrates the importance of the inclusion of the sacramental dimension in marriage.

1055

DPM 15/16 (2008/2009), 511-529: Matthias Pulte: Ehe und Familie in der Verkündigung Papst Benedikt XVI. angesichts postmoderner westlicher Lebens- und Gesellschaftsmodelle. (Article)

See above, General Subjects (*Family issues*).

1055

INT 16 1/10, 3-11: Stefan Gärtner: Ehevorbereitung als Aufgabe der Jugendpastoral? Lernen in Beziehung Person zu warden. (Article)

G. refers to the tension which exists between the Church's teaching on marriage and how this is received and understood by young adults today. An important goal of youth ministry is helping a young person to become an individual who can make reasonable choices. In this context the Christian commandment of love can give clear direction to pastoral care, in the face of some of today's other views of marriage. Taking youth ministry in Germany as an example, G. shows how youth ministry can build on this concept by the key principle of giving a credible example of others who are important in the life of the person.

1055

Per 99 (2010), 431-459: Carlos A. Cerezueta García: Il contenuto essenziale del *bonum prolis*. (Article)

Inspired by the poetic meditation by Pope John Paul II on the frescoes of the Sistine Chapel, published as *Roman Triptych*, C.G. focuses on what the Pope describes as the greatest responsibility entrusted to humankind, that of bringing new life into the world. This serves as an introduction to an enquiry into what constitutes the essence of the *bonum prolis*. C.G. examines the concept in canonical tradition, sketches out its essential elements as found in doctrine and jurisprudence, and looks at the issue of the good of children in the contexts of some very current questions raised by the phenomenon of AIDS and its relationship with marriage in canon law. He concludes that the *bonum prolis* is not simply about having children, but about raising them and educating them as Christians, and about many other matters that touch also on the *bonum coniugum*. (See also *Canon Law Abstracts*, no. 104, p. 110.)

1055-1057

DPM 15/16 (2008/2009), 573-578, 635-639: Peter Stockmann: Die Ansprache Papst Benedikts XVI. vom 27. Januar 2007 vor der Römischen Rota. (Address and commentary)

In his address to the Rota of 27 January 2007 Pope Benedict XVI finds the concept of the “truth of marriage” on the Bible and explains it from the point of view of the theology of creation and redemption. The action of the Church and the faithful must therefore have its own basis in the truth of marriage and in its juridical dimension. The German text of the address is given on pp. 635-639.

1057

DPM 15/16 (2008/2009), 83-103: Juan José García Failde: Der freie Akt des Ehekonsens aus personalistischer Sicht. (Article)

G.F. deals with matrimonial consent, as an *actus humanus* affecting a specific marriage, from a personalistic point of view, thus returning to the classical notion according to which the person is by nature rational, free and relational. He distinguishes between freedom in a psychological sense, and the act of choosing, and holds that psychic freedom finds its foundation in the intimate centre of the human person. Lack of sufficient freedom due to psychic disorders directly affecting the will, independent of the intellectual aspects, must necessarily be based on canon 1057, which defines matrimonial consent as an act of will. This situation needs to be distinguished from that of grave lack of discretion of judgement.

1057

REDC 67 (2010), 83-137: José María Muñoz de Juana: La falta de amor como causa de nulidad de matrimonio. (Article)

Love has always lacked any juridical significance in either the canonical doctrine of marriage or its jurisprudence. This might mean that in theory, and possibly also in practice, a valid marriage can be constituted as simply a contract based on certain minimal contractual obligations, regardless of its nature as a sharing of love. Basing himself on Vatican II’s personalist concept of marriage, its own anthropological and theological-liturgical nature, as well as on the teaching of recent Popes, M.J. proposes that any marriage consent based purely on utilitarian motives and bereft of love be considered as contradictory to the true nature of marriage as a union based on love. He maintains that this aspect of the marriage bond should be at the centre of the canonical understanding of marriage in order to overcome its present inadequate

contractual conception. Canonical norms should be the juridical expression of the underlying theological and anthropological reality of marriage rather than an extraneous element imposed upon it. The author is a judge in the Tribunal of the Archdiocese of Madrid and includes as an appendix the sentence of a marriage nullity case, in which he was the *ponens*, which deals with this issue.

1059

EE 85 (2010), 817-843: Santiago Panizo Orallo: ¿Cosas del poder, abusos de poder, neurosis del poder? Reflexiones. (Article)

The religious, ethical, political and social aspects of marriage and the family give rise to interventions on the part of political powers which do not always remain within the correct limits, in the light of the general theory of law. The civil regulation of marriage in force today in Spain arouses deep bewilderment among jurists. Too often the Church is accused of exceeding the limits of her religious competence. But the same question can in all fairness be asked about the State's activity concerning the regulation of marriage. Bearing in mind the agreements between the State and the Catholic Church for reasons of the common good and social peace, it is fair to ask whether the State, in its current legislation on civil divorce, is respecting the proper limits of its competence when it applies it to canonical marriages, with civil effects. It is not the State but the Church that has given canonical marriage its constitutive being; and for the State to declare such marriages to be dissolved represents a rupture of the proper relationship between juridical orders.

1059

FT 20 (2009), 215-228: Szabolcs Anzelm Szuromi: An Outline of the History of Canonical Prescriptions Regarding Marriage in the Church. (Article)

Since the 16th century, that is, since the appearance of civil marriage, which later became compulsory, ecclesiastical marriage gradually lost its relevance in civil law, and along with this, the concept of the characteristics of marriage has been gradually transformed. Since the second half of the 20th century, the traditionally familial characteristic of the celebration of a marriage apparently regains emphasis. Nevertheless, those consequences in civil law that originate from marriage – the civil rights and obligations of the parties – continue to make civil registration of marriage necessary. However, this does not justify any change in the content of the concept of marriage. Concordats signed between particular States and the Apostolic See accurately establish those conditions that are necessary for the civil registration of marriages contracted

before an ecclesiastical minister. Therefore, it would cause a fundamental tension if the meaning of the concept of marriage is essentially different in civil law from that which is expressed in the current canon law. Moreover, such modifications create serious dangers for the marital relationship and the social importance and value of the family, The Catholic Church continues to hold the conviction that only She is entitled to make laws regarding marriage as a sacrament, and to make judgements concerning it.

1060

Comm 42 (2010), 5-8: Pope Benedict XVI: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos 29 mensis ianuarii 2010. (Address)

In his Rotal address for 2010 Pope Benedict XVI takes as his theme the administration of justice as the exercise of a virtue concerned with giving to God and neighbour what is their due. It is devalued when seen as a technical exercise at the service of subjective interests. The process and sentence are bound fundamentally to this principle. This involves not only prudence but also courage when the way of injustice seems easier. Within this framework love is also important – a realization that those presenting themselves experience problems and suffering. Justice and love are not separable alternatives. Love without justice is self-contradictory. To see the nullity process as merely a way to facilitate reception of the sacraments without regard to the truth of the parties' canonical situation would be a grave lack of justice and of love. These concerns apply not only to the practical activity of judging but also to the theoretical framework for such judgements whereby the indissolubility of the bond can be undermined.

1060

CLSN 161/10, 12-22: Pope's Address to the Roman Rota 2010. (Address)

See preceding entry.

1060

IE XXII 2/10, 493-507: Discorso alla Rota Romana, 29 gennaio 2010 (con nota di Massimo del Pozzo, *Caritas in veritate, salva iustitia*). (Address and commentary)

See preceding entries. In his commentary on the Pope's address, del P. considers first the essential nucleus of justice as an "indissoluble bond", and

then the requirement of the human and Christian virtues in those who work in the field of law.

1063

AnC 4/2008, 129-148: Michał Józwick: Kryzys współczesnej rodziny a sens duszpasterski i osobisty zaręczyn (= The weakness of and threat to the contemporary family). (Article)

Marriage, which is the foundation of the family, with all the consequences resulting from this fact, is a serious decision in the life of youth. To make such a decision, a young person should be properly prepared. From the beginning the Church has shown special concern for marriage and the family, expressed in suitable norms and laws. The Church's care for families is also shown in her priestly activity, which includes preparing children and young people for marriage and family life, accompanying the Christian family on its way towards the fullness of the community of love, and providing help in crisis situations. J. sets out the present situation of the family in Poland, highlighting weaknesses and threats to which it is subject, and the role of the Church in overcoming these difficulties, particularly in preparing young people for marriage.

1066

AnC 4/2008, 39-62: Leszek Adamowicz: Stwierdzenie stanu wolnego nieochrzczonych i niekatolików przed zawarciem małżeństwa kanonicznego (= Establishment of freedom to marry of non-baptized and non-Catholics before a canonical marriage). (Conference presentation)

A. sets out the procedures necessary for investigating the validity or otherwise of a marriage contracted in the past between non-baptized or non-Catholic parties, before allowing them to proceed to the celebration of a new canonical marriage. This proof is necessary in order to confirm the non-existence of the diriment impediment of *ligamen*. A. analyzes the factors (divine law; religious law; civil law) which affect the creation of a valid matrimonial bond, before focusing on the procedures to be followed and the competences attributed in this process to the parish priest, the local Ordinary, the ecclesiastical tribunal, and the Holy See.

1066

CLSN 159/09, 12-22: Paul Robbins: The Approach to a Particular Situation of Multiple Marriages. (Article)

R. deals with the practical situation of multiple marriages and the defect of form and *ligamen*. When dealing with lack of form cases he makes reference to the fact that some canonists see the lack of form marriage as not even enjoying the *species matrimonii* and therefore as not subject to the usual nullity procedure. He does not hold this view himself, although he acknowledges that some Rotal judges do.

1071

AnC 4/2008, 63-82: Piotr Majer: Zawarcie małżeństwa kanonicznego a obowiązki naturalne wynikające z poprzedniego związku (= The contracting of canonical marriage and natural obligations resulting from a previous relationship). (Conference presentation)

The marriage of a Catholic who was previously in an irregular marital situation (a merely civil marriage, concubinage, or free union) as well as a marriage declared null or legally dissolved, even though involving a person who is canonically “free”, is not exempt from certain legal or ethical restrictions. The Church’s law recognizes that a relationship *more uxorio* gives rise to natural obligations regarding the other party and the children born of that union, the fulfilment of which should be taken into consideration when admitting to the celebration of canonical marriage. After showing how canon law formerly denied that any natural obligation arose from concubinage (with which civil marriage was equated), M. analyzes canon 1071 §1, 3° and poses certain ethical questions, looking in particular at the situation within the Polish context.

1084

RMDC 16 (2010), 221-243: Miguel López Dávalos: La consumación del matrimonio y la impotencia. (Article)

L.D. examines how the doctrine regarding impotence has developed over the centuries and how it has become linked to the aspect of non-consummation of marriage. He begins by providing a brief historical summary of the doctrine on consummation, and then studies in depth the principles determining the elements which constitute the structure of consummation. In the final section he points out the value and importance of impotence with respect to consummation which he describes as being the external structure of the matrimonial reality.

1085

AnC 4/2008, 39-62: Leszek Adamowicz: Stwierdzenie stanu wolnego nieochrzczonych i niekatolików przed zawarciem małżeństwa kanonicznego (= Establishment of freedom to marry of non-baptized and non-Catholics before a canonical marriage). (Conference presentation)

See above, canon 1066.

1086

AnC 4/2008, 21-37: Wojciech Góralski: Zawarcie małżeństwa przez osobę, która formalnym aktem odstąpiła od Kościoła katolickiego (= The contracting of marriage by a person who has left the Catholic Church by a formal act). (Conference presentation)

[In a paper given prior to the *motu proprio Omnium in Mentem* of 26 October 2009] R. examines the implications for the Church in Poland of the Circular Letter of the Pontifical Council of Legal Texts of 13 March 2006.

1086

CLSN 161/10, 13-25: Benedict XVI: Motu Proprio *Omnium in Mentem*, 26 October 2009. (Documents and commentary)

See above, canons 1008-1009.

1086

CLSN 163/10, 63-86: John Conneely: Catholic-Muslim Marriages: Difficulties and Opportunities. (Conference presentation)

M., focusing on marriages involving a Catholic (normally the female) and a Muslim, deals with the generalities of whom Muslims can marry, and examines the Catholic teaching concerning marriage with the unbaptized. He also looks at Muslim polygamy and divorce; the Muslim right to marry (for men and women); and the Muslim form of marriage. He stresses the importance of a pre-marriage contract. Concerning the Catholic's promise concerning the baptism and upbringing of children, he calls for a set of guidelines for such marriages.

1086

DPM 15/16 (2008/2009), 219-244: Stefan Rambacher: Zum *actus formalis* und die darauf Bezug nehmende Erklärung der deutschen Bischöfe zum Kirchenaustritt vom 24. April 2006. (Article)

[In an article written prior to the *motu proprio Omnium in Mentem* of 26 October 2009] R. deals with the question of whether a person who declares to the State authorities that he or she no longer belongs to the Catholic Church thereby abandons the Catholic Church by a “formal act”, in the light of Circular Letter of the Pontifical Council for Legislative Texts of 13 March 2006 and a subsequent Declaration by the German Bishops’ Conference of 24 April 2006.

1086

EE 85 (2010), 845-870: Teodoro Bahillo Ruiz – Rufino Callejo de Paz – Carmen Peña García: Recientes reformas del Código de Derecho Canónico: reformas introducidas por el m.p. *Omnium in Mentem*. (Roundtable discussion)

See above, canons 1008-1009.

1086

IC 50 (2010), 595-627: Javier Otaduy: Abandono de la Iglesia católica por acto formal. Comentario al «Motu Proprio» *Omnium in mentem*. (Document and commentary)

After providing parallel Latin and Spanish texts of the *motu proprio*, O. comments on the amendments it introduces as regards matrimonial law, and the reasons behind them, setting out the historical background to the document: the problem of clandestine marriages in the Middle Ages; the Decree *Tametsi* of the Council of Trent; the 1741 Declaration *Matrimonia quae in locis* and the 1859 Letter of the Holy Office; the Decrees *Provida sapientique cura* of 1906 and *Ne Temere* of 1907; canon 1099 §2 of the CIC/17; the *motu proprio Decretum Ne Temere* of 1948; the promotion of the dispensation from form in the period after Vatican II; the introduction of the phrase *nec actu formali ab ea defecerit* in the CIC/83; and the 2006 Circular Letter of the Pontifical Council for Legislative Texts. He then looks in detail at the concept of formal abandonment of the Church and at some of the juridical difficulties involved, before concluding that the recent legislation is aimed not so much at solving legal problems as at being faithful to the truth of marriage.

1086

IE XXII 2/10, 475-492: Miguel Ángel Ortiz: L'obbligatorietà della forma canonica matrimoniale dopo il m.p. *Omnium in mentem*. (Document and commentary)

The Latin text of the *motu proprio* is provided, and O. comments on the canonical aspect of the history of the change regarding canonical form, which is ultimately aiming at juridical certainty.

1086

N XLVI 11-12/09, 577-580: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae *Omnium in Mentem*, *Quaedam in Codice Iuris Canonici immutantur*. (Document)

See above, canons 1008-1009.

1086

REDC 67 (2010), 447-457: Federico R. Aznar Gil: La revocación de la cláusula “*actus formalis defectionis ab Ecclesia catholica*” de los cc. 1086 §1, 1117 y 1124. (Commentary)

See below, canon 1117.

1091

Ap LXXXII 3-4 (2009), 647-677: Juan Damián Gandia Barber: Anotaciones sobre la historia del impedimento de consanguinidad. (Article)

After an initial reminder of the elements in human nature from which arise the laws and practices that lie at the heart of the legislation both canonical and civil that establish the decrees of consanguinity as an impediment to marriage, G.B. gives a rather more detailed presentation of the canonical legislation. He reviews the two significant styles of computing grades of relation between couples, one based on Roman law, the other on the Germanic tradition, keeping in view the tradition inherited from the Old Testament. He reminds us of the discussions between the great Scholastics turning on opinions as to whether the grades of relation are rooted in the natural law or in positive legislation, thus leading to discussion on the legislation in this matter found in the two 20th century Codes of the Church.

1095

CLSN 157/09: Benedict XVI: Address to the Roman Rota 29 January 2009. (Address)

In this address Pope Benedict XVI stressed the need to be ever aware of the distinction between incapacity to give valid consent and difficulty in giving consent. He also spoke of the distinction between the maturity which is the goal of human development and the maturity which is the minimum required to establish a valid marriage; and also the distinction between mental incapacity and psychological incapacity. (See also *Canon Law Abstracts*, no. 105, pp. 95-96.)

1095

J 70 (2010), 327-367: Sean O. Sheridan: Incapacity and Simulation: Mutually Exclusive Grounds or Key Juridic Facts Underlying Conforming Sentences? (Article)

See below, canon 1641.

1095

QDE 23 (2010), 360-373: Paolo Bianchi: Disturbi di personalità e immaturità in relazione al can. 1095. Profili canonici. (Article)

See below, canons 1671-1691.

1095 2°

CLSN 157/09, 111-124: Metropolitan Tribunal of Malta: *coram* Said Pullicino, August 26, 2005: Lack of Discretion of Judgement. (Sentence)

Given here is the text of the sentence, an abstract of which appeared in *Canon Law Abstracts*, no. 98, p. 78.

1095 2°

J 70 (2010), 302-326: John P. Beal: From Theory to Practice: Finding Equivalent Conformity Between Sentences Decided on Force and Fear and Lack of Due Discretion or Simulation. (Article)

See below, canon 1641.

1095 2^o-3^o

CLSN 159/09, 30-31: Cyril Murtagh: The Inter-relation of Canon 1095 No. 2 and No. 3. (Article)

In this short comment on the relationship between nos. 2 and 3 of canon 1095, M. points out the difficulties involved in seeking watertight definitions of a very unique and personal relationship.

1095 2^o-3^o

CLSN 161/10, 76-87: Christopher Dawson: The Compatibility of Consensual Incapacity and Simulation. (Article)

D. explains how jurists have reached the conclusion that simulation and consensual incapacity are mutually exclusive grounds of nullity. This was based on the understanding that a person who falls under an incapacity defined in canon 1095 is incapable of a human act. This position has a long and venerable pedigree, even at the Rota. However, developments in jurisprudence regarding nos. 2 and 3 of canon 1095, allied with a refinement of the psychological sciences, have opened up the possibility that not all the circumstances that would lead to a finding of invalidity under these two headings would automatically render a person incapable of a human act. Bearing in mind that there are other ways of simulating, rather than by an actual, explicit and absolute positive act of the will that was relied on in earlier jurisprudence, some judges at the Rota are now admitting the possibility that consensual incapacity and simulation may be compatible. D. concludes by saying this is an open topic and the debate will go on.

1095 2^o-3^o

DPM 15/16 (2008/2009), 121-140: Sabine Heidl: Internetsucht als Ehenichtigkeitsgrund gem. c. 1095, 2^o und 3^o CIC. (Article)

The various psychological disorders involving dependence on the internet also raise questions in canon law, such as the effects of such dependence on a person's capacity to contract marriage. H. argues that internet dependence influences the person's interior freedom, and in the worst case can lead to his or her acting and deciding purely on the basis of unconscious impulses. This could result in a lack of the necessary interior decisional freedom and of the capacity to make a suitable judgement regarding matrimonial rights and duties, as well as the capacity to fulfil the essential obligations of marriage. There may also be incapacity to remain faithful, because of a dependence on on-line sex or a dependence in the field of communication.

1095 2º-3º

DPM 15/16 (2008/2009), 487-510: Martin Ötker: Die antisoziale Persönlichkeitsstörung als Ursache für mangelndes Urteilsvermögen und / oder Eheführungsunfähigkeit. (Article)

In the theoretical section of his article Ö deals with antisocial or dissocial personality disorders in psychology and psychiatry; while in the practical section he looks at the development of ecclesiastical jurisprudence, in particular that of the Roman Rota, regarding such personality disorders as causes of lack of due discretion and/or psychic incapacity. He sets out several sentences, on the basis of which he shows how the Rotal judges have reached their decisions.

1095 2º-3º

EE 85 (2010), 695-730: Jesús Rodríguez Torrente: Adicciones y matrimonio. Influencia de las nuevas tecnologías en la nulidad del matrimonio. (Article)

This article deals with a ground of nullity frequently considered in the tribunals yet still little studied: the phenomenon of internet addiction, as well as so-called cybersex, because of its closer connection with marriage. This has analogies with alcohol and drug addiction and the affective immaturity which these involve. Internet addictions can sometimes incapacitate a person from giving valid marriage consent.

1095 2º-3º

SC 44 (2010), 343-367: Mary Tarver: The Effects of Pornography Addiction on Marital Consent. (Article)

According to the research, pornography addiction has become a tremendous problem throughout the world, especially on account of the prevalence and ease of access to pornographic websites. Many researchers in the field are becoming quote vocal on the effects of pornography addiction on society at large through violent behaviour, as well as on the spouse and family. T. defines the term “pornography”; shows the differences in perception by men and women; and explains the neurophysiological effects of pornography addiction. She then demonstrates the relationship between this addiction and various grounds of nullity, concluding with possible restrictions on both the addict and the former spouse.

1095 3º

BV 69 (2009), 43-54: Stanislav Slatinek: (Ne)Sposobnost za sklenitev zakona in vzgojo otrok (= (In)capacity to contract marriage and educate children). (Article)

The intention of S.'s paper is to show the fatal spiral of incapacity to contract marriage, which increases in intensity and appears as "incapacity to educate children". These problems are dealt with by canon law (CIC/83, canon 1095) and modern sciences, especially psychology and psychiatry. By discussing "psychological (im)maturity for marriage" and "psychological (im)maturity for matrimonial obligations" with special emphasis on "psychological (im)maturity for educating children", S. wishes to draw attention to the fatal consequences that are transmitted from generation to generation, from parents to children. For modern man (Christian), only Christian anthropology and faith in God may be an alternative, giving hope that the Christian marriage partner will be able to break the vicious circle of "incapacity".

1095 3º

CLSN 163/10, 17-33: Philip E. Wilson: The Doctrine of Canonical Equity in the Rotal Decisions of Monsignor Charles Lefebvre. (Article)

See above, Historical Subjects (*1917 Code*).

1095 3º

CLSN 163/10, 51-62: Apostolic Tribunal of the Roman Rota: Exclusion of the *Bonum Coniugum* and Incapacity to Assume the Essential Obligations of Marriage: Decision *coram* Monier, 27 October 2006. (Sentence)

See below, canon 1101.

1097

CLSN 158/09, 47-105: Augustine Mendonça: A doctrinal and jurisprudential analysis of canon 1097 on error of fact. (Article)

Article reproduced from *Forum XVI*, 2 (2005), pp. 362-435 (see *Canon Law Abstracts*, no. 97, pp. 85-86).

1097

DPM 15/16 (2008/2009), 105-119: Martin Grichting: Der Eigenschaftsirrtum (c. 1097 §2 CIC). Ein problematischer Ehenichtigkeitsgrund. (Article)

G. describes error about a quality of the person according to canon 1097 §2 as a problematic ground of nullity. After a historical-juridical synthesis on error about a quality of the person, he sets out the position under the CIC/83 and present Rotal jurisprudence. Taking as his starting point the request from the Rotal judge Burke for the abolition of this ground of nullity, he argues for action on the part of the ecclesiastical legislator.

1097-1098

CLSN 161/10, 58-75: John Johnson: “...Into Something Rich and Strange”. Some Changes in Rotal Jurisprudence Inspired by the 1983 Code of Canon Law. (Seminar paper)

This is a paper reproduced from the Canon Law Society of America Proceedings of 2008 (see *Canon Law Abstracts*, no. 102, pp. 109-110).

1098

CLSN 162/10, 42-52: Metropolitan Tribunal of Cagayan de Oro, Philippines: Jurisprudence: Substantial Error by Deceit Perpetrated by the Woman-Respondent. (Sentence)

A simple and straightforward nullity decision was given in the first instance tribunal of Cagayan de Oro City in the Philippines. The parties initially met by texting each other, in July 2005. They met physically some weeks afterwards and were engaged in September 2005 and had intercourse on that occasion; they were married in October 2005. Although at the time of the wedding the petitioner knew that the respondent was pregnant, he assumed that this was as a result of their intercourse in September 2005; in fact the respondent concealed from him that the pregnancy had begun long before she ever met him, as was clear from the medical evidence. Following a Rotal decision *coram* Stankiewicz of 12 July 1993 the tribunal outlined the structure of proof in such cases as consisting of the following: a) consent must be elicited in a state of deception; b) there must be a deliberate intention to extract matrimonial consent; c) fraud must be perpetrated by the contracting party or by a third party; d) the deception may be positive or negative; e) the quality must be essential to conjugal life itself; f) the quality concerned is of the other spouse, and not of a third party (e.g. the quality of the family); g) the quality must be actual, certain, and present at the time of celebrating the marriage; h) the quality must be such that it can

seriously disturb the partnership of conjugal life; i) the quality must be objectively serious.

1098

DPM 15/16 (2008/2009), 469-486: Markus Müller: Die rechtshistorischen Grundlagen der Nichtberücksichtigung des Ehenichtigkeitsgrundes der „arglistigen Täuschung“ (cc. 1098 CIC; 821 CCEO) in den Normen des CIC/1917. (Article)

See above, Historical Subjects (*1917 Code*).

1099

AnC 4/2008, 5-20: Remigiusz Sobański: Wpływ mentalności wolnych związków na ważność zgody małżeńskiej (= The influence of free unions on validity of matrimonial consent). (Conference presentation)

See above, canon 1055.

1099

DPM 15/16 (2008/2009), 173-191: Klaus Lüdicke: Was nutzt c. 1099 CIC im Ehenichtigkeitsverfahren? (Article)

L. examines the usefulness of canon 1099 in matrimonial nullity processes on the basis of three sentences, set out in tabular form. Analyzing canon 1099 in more detail he concludes that it has the advantage of being able to resolve cases in which it can be shown that there is a matrimonial will which is not sufficiently in accordance with the Church's teaching on marriage, but which does not constitute a positive act of will to exclude. For L. this represents a step forward from the more restrictive approach of CIC/17, canon 1084.

1101

AnC 4/2008, 5-20: Remigiusz Sobański: Wpływ mentalności wolnych związków na ważność zgody małżeńskiej (= The influence of free unions on validity of matrimonial consent). (Conference presentation)

See above, canon 1055.

1101

CLSN 157/09, 91-93: Derek Vidler: More on the *Bonum Coniugum*. (Article)

V. offers some reflections on an article by Lynda Robitaille (see following entry) which quotes extensively from a decision *coram* Turnaturi, 13 May 2004 (see *Canon Law Abstracts*, nos. 98, pp. 85-86; 99, p. 84; 100, p. 111). He compares this to a decision *coram* Civili, 8 November 2000 (see *Canon Law Abstracts*, nos. 97, p. 90; 99, p. 83).

1101

CLSN 157/09, 94-110: Lynda Robitaille: Exclusion of the *Bonum Coniugum*: Interpreting and Assessing Evidence. (Article)

See preceding entry. R. examines the ways of recognizing and addressing cases of exclusion of the *bonum coniugum*, looking at recent Rotal jurisprudence, and at the intentionality required when expressing a consent that is ordered to the *bonum coniugum*. In the absence of evidence of a clear conscious choice against the *bonum coniugum* she considers other ways of envisioning such an intention.

1101

CLSN 161/10, 76-87: Christopher Dawson: The Compatibility of Consensual Incapacity and Simulation. (Article)

See above, canon 1095 2°-3°.

1101

CLSN 163/10, 51-62: Apostolic Tribunal of the Roman Rota: Exclusion of the *Bonum Coniugum* and Incapacity to Assume the Essential Obligations of Marriage: Decision *coram* Monier, 27 October 2006. (Sentence)

This case involves two Catholics who married on 4 January 1992 and separated in August 1994 on account of the male respondent's behaviour. The petitioner filed her case before the regional ecclesiastical tribunal a few months later; the grounds of nullity were total simulation (exclusion of the communion of the whole of life) on the part of the respondent and, subordinately, deceit perpetrated by the respondent. A negative decision was given on both grounds in the first instance; the appellate court gave an affirmative decision only on the respondent's simulation. At the Rota, the grounds were set to be: "Whether there is proof of nullity of marriage in the case due to total simulation on the

part of the man, and subordinately, due to exclusion of the good of the spouses on the part of the same man and, as if in first instance, due to the man's incapacity to assume conjugal duties." The law section addresses total and partial simulation, focusing on exclusion of the good of the spouses, and incapacity to assume essential marital obligations. The Rota rendered an affirmative decision on exclusion of the *bonum coniugum* and placed a *vetitum* on the respondent. The decision adds, "Because this sentence, which pronounced for the first time the declaration of nullity of marriage on the ground of exclusion of the good of the spouses on the part of the man respondent, must be transmitted to the *Turnus* of appeal (c. 1682 §1), it cannot be executed, that is, the parties do not have the right to enter into a new marriage (c. 1684 §1)."

1101

CLSN 164/10, 48-82: John A. Alesandro: The Formation of the Indissoluble Marriage Bond. (Article)

See above, canon 1055.

1101

J 70 (2010), 302-326: John P. Beal: From Theory to Practice: Finding Equivalent Conformity Between Sentences Decided on Force and Fear and Lack of Due Discretion or Simulation. (Article)

See below, canon 1641.

1101

J 70 (2010), 327-367: Sean O. Sheridan: Incapacity and Simulation: Mutually Exclusive Grounds or Key Juridic Facts Underlying Conforming Sentences? (Article)

See below, canon 1641.

1101

Per 99 (2010), 431-459: Carlos A. Cerezuela García: Il contenuto essenziale del *bonum prolis*. (Article)

See above, canon 1055.

1101

SC 44 (2010), 343-367: Mary Tarver: The Effects of Pornography Addiction on Marital Consent. (Article)

See above, canon 1095 2°-3°.

1101

REDC 67 (2010), 139-150: Ciro Tammaro: L'intentio simulatoria nella tradizione canonica: brevi cenni sulla fattispecie reale e condizionale nella formazione del *volitum* escludente. (Article)

T. gives an overview of the ways in which the canonical tradition has considered how the *intentio simulatoria* can be made manifest in marriage nullity cases. He first considers the canonical teaching of the medieval period with an examination of the decrees *Tua Nos* of Innocent III, *Si condiciones* of Gregory IX, *Habemus* of Innocent IV and Gratian's *Aliquando* canon. In more modern times he examines Cardinal Gasparri's ideas on the "positive act of the will" in his *Tractatus Canonicus de Matrimonio*. To conclude he quotes from a 1911 sentence *coram* Many and describes later developments and characteristics of this "positive act of the will".

1101

SC 44 (2010), 343-367: Mary Tarver: The Effects of Pornography Addiction on Marital Consent. (Article)

See above, canon 1095 2°-3°.

1101

SC 44 (2010), 259-269: Canadian Appeal Tribunal: Exclusion of the *Bonum coniugum*: Decision *coram* McCormack, 15 December 2009. (Sentence)

At the time of marriage, the male petitioner, aged 28 years, entered into marriage with the female respondent, aged 22 years. Their common life lasted eight years; no children were born to the marriage. The tribunal of first instance declared that this marriage was null on the ground of defective consent due to the exclusion of the good of the spouses (*bonum coniugum*) on the part of the respondent (canon 1055 §1). In the light of Rotal jurisprudence on this *caput nullitatis* and its required proofs, the tribunal concluded that there was no proof to indicate any cause which might have impelled the respondent to exclude the good of the spouses from her marriage. In the case of the *bonum coniugum*, the

object of consent is to be understood as the persons in their conjugal dimension. If the parties do not give and accept each other in their complementarity and equal dignity, the gift of self cannot achieve the good of the other and thus cannot constitute a truly interpersonal reality. This is what is at stake in questions of an intention against the good of the spouses. From the evidence presented in the acts, the tribunal judged that it was not proven that the respondent failed in any serious and *consistent* way to respect the fundamental rights of her spouse. It seemed instead that the respondent consented to marriage without qualification or question, but then slowly became concerned far less with excluding the rights of her spouse than with her own needs, and turned her back on the union. The appeal tribunal reversed the affirmative decision of the first instance tribunal.

1103

CLSN 161/10, 58-75: John Johnson: “...Into Something Rich and Strange”. Some Changes in Rotal Jurisprudence Inspired by the 1983 Code of Canon Law. (Seminar paper)

See above, canons 1097-1098.

1103

J 70 (2010), 302-326: John P. Beal: From Theory to Practice: Finding Equivalent Conformity Between Sentences Decided on Force and Fear and Lack of Due Discretion or Simulation. (Article)

See below, canon 1641.

1103

RMDC 16 (2010), 269-280: Decisio R.P.D. Jair Ferreira Pena: Sentencia definitiva del 8 de junio de 2001. (Sentence)

The male petitioner and female respondent met in 1985. During their courtship they had sexual relations; when the respondent was thought to be pregnant they decided to marry. In fact two months before marrying they discovered that the respondent was not pregnant, but since everything was prepared for the wedding they decided to go ahead with it as planned. At that time (1987) the petitioner was 23, the respondent 22. After the birth of the first child serious difficulties arose between them, chiefly on the part of the petitioner who felt he had been deceived into marrying by the false pregnancy. After the second child was born, in 1992, the parties separated; and in 1995 the petitioner requested a declaration

of nullity on the grounds of fear inflicted on him (canon 1103) and lack of due discretion in both parties (canon 1095 2°). An affirmative decision on the ground of fear was given at first instance, but was overturned at second instance. The Rotal decision sets out the objective and subjective requirements for fear as an invalidating cause, and the proofs required. In this particular case the Rota held that there was no proof of grave fear inflicted on the petitioner from outside such as to force him into accepting marriage as the only way out. Even if he had doubts at the time of the marriage, he nevertheless contracted freely; he could have chosen to back out of the wedding, but chose the opposite.

1108-1117

CLSN 160/09, 69-92: Gordon Read: Declaration of Nullity of Marriage in Cases of Defect of Canonical Form. (Conference presentation)

R. distinguishes between the invalidity of marriage by reason of absence of canonical form, and invalidity by reason of defect of canonical form. Many of the cases dealt with at the present day are based on the absence of canonical form, where a person bound to the form of marriage marries in a registry office or some non-Catholic church. R. sets out the documentation required in this kind of case and gives background information about the Decrees *Tametsi* (from the Council of Trent) and *Ne Temere* of August 1907. He then goes into a number of cases which have reached the Rota on the ground of *defect* of canonical form, giving examples of such cases when a) a bishop has celebrated the marriage on the presumption that because he is a bishop he is automatically enabled to celebrate the marriage without the necessary delegation; b) a priest relative of the spouse celebrates without delegation; c) the one delegating has no authority to do so. R. also goes into the question of common error. He analyzes the decisions *coram* Defilippi, 9 November 2000 (see *Canon Law Abstracts*, no. 93, pp. 82-83), *coram* Caberletti, 12 June 2003 (see no. 93, p. 81), *coram* Monier, 23 November 2000 (see no. 96, p. 90), *coram* Stankiewicz, 15 December 1992 (see no. 76, pp. 89-90), *coram* De Angelis, 3 June 2005 (see no. 98, p. 88).

1116

DPM 15/16 (2008/2009), 19-36: Pier V. Aimone: Bemerkungen zur kanonischen Eheschließungsform und zur Möglichkeit der Dispens. (Article)

The ordinary form of marriage prescribed by canon 1108 has been in force, in different ways, from the time of the Council of Trent, and in principle applies to all Catholics. In certain circumstances however it can be dispensed from. In

case of danger of death, or in the absence of qualified witnesses for a period of over a month, it is possible, according to canon 1116, to do without it, but not to do without the canonical form of marriage entirely. In such cases the extraordinary form can be used, whereby consent is exchanged before two witnesses. A marriage between persons of different religious confessions or religions (canon 1127 §2) can be a reason for total dispensation from canonical form. The Ordinary could possibly agree a dispensation *praeter legem*, taking into account specific historical, cultural, social and religious aspects (the example is given of the indigenous Tzeltal ethnic group in Chiapas, Mexico). In any case a public celebration of the wedding (community feast or similar) is always necessary.

1117

AnC 4/2008, 21-37: Wojciech Góralski: Zawarcie małżeństwa przez osobę, która formalnym aktem odstąpiła od Kościoła katolickiego (= The contracting of marriage by a person who has left the Catholic Church by a formal act). (Conference presentation)

See above, canon 1086.

1117

CLSN 161/10, 13-25: Benedict XVI: Motu Proprio *Omnium in Mentem*, 26 October 2009. (Documents and commentary)

See above, canons 1008-1009.

1117

DPM 15/16 (2008/2009), 219-244: Stefan Rambacher: Zum *actus formalis* und die darauf Bezug nehmende Erklärung der deutschen Bischöfe zum Kirchenaustritt vom 24. April 2006. (Article)

See above, canon 1086.

1117

DPM 15/16 (2008/2009), 245-291: Wilhelm Rees: „Die Beurteilung der kirchenrechtlichen Folgen bezüglich Ehesakrament (Can. 1117) obliegt dem Diözesengericht.“ Kirchenbeitrag, Kirchenaustritt, *Actus formalis* und

die diesbezüglichen Regelungen der Österreichischen Bischofskonferenz und der jeweiligen österreichischen Diözesanbischöfe. (Article)

[In an article written prior to the *motu proprio Omnium in Mentem* of 26 October 2009] R. deals with the canonical consequences in relation to marriage and the requirement of canonical form for a person who formally abandons the Church, in the context of the laws in force in Austria.

1117

EE 85 (2010), 845-870: Teodoro Bahillo Ruiz – Rufino Callejo de Paz – Carmen Peña García: Recientes reformas del Código de Derecho Canónico: reformas introducidas por el m.p. *Omnium in Mentem*. (Roundtable discussion)

See above, canons 1008-1009.

1117

IC 50 (2010), 595-627: Javier Otaduy: Abandono de la Iglesia católica por acto formal. Comentario al «Motu Proprio» *Omnium in mentem*. (Document and commentary)

See above, canon 1086.

1117

IE XXII 2/10, 475-492: Miguel Ángel Ortiz: L'obbligatorietà della forma canonica matrimoniale dopo il m.p. *Omnium in mentem*. (Document and commentary)

See above, canon 1086.

1117

N XLVI 11-12/09, 577-580: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae *Omnium in Mentem*, Quaedam in Codice Iuris Canonici immutantur. (Document)

See above, canons 1008-1009.

1117

REDC 67 (2010), 447-457: Federico R. Aznar Gil: La revocación de la cláusula “*actus formalis defectionis ab Ecclesia catholica*” de los cc. 1086 §1, 1117 y 1124. (Commentary)

A.G. comments on those paragraphs of *Omnium in Mentem* concerning the removal of any reference to a formal act of defection from the Catholic Church. He compares the norms of the CIC/83, which permit the recognition of such a formal act of defection, with the not dissimilar dispensation permitted in the CIC/17 for those once baptized Catholics who had been brought up as non-Catholics, allowing them to marry without canonical form. That possibility, however, was withdrawn in 1948 since it had been judged as “not beneficial for the good of souls”. The present revocation of the possibility of a formal act of defection and the corresponding nullity of the marriages of all those baptized Catholics, regardless of their present religious adherence or convictions, who marry outwith the Church’s canonical norms, is a return to that earlier state of affairs. A.G. also comments on various interventions of the Pontifical Council for Legislative Texts in answer to queries about how a formal act of defection was to be defined and recorded. This latest document renders such indications obsolete.

1124

AnC 4/2008, 21-37: Wojciech Góralski: Zawarcie małżeństwa przez osobę, która formalnym aktem odstąpiła od Kościoła katolickiego (= The contracting of marriage by a person who has left the Catholic Church by a formal act). (Conference presentation)

See above, canon 1086.

1124

CLSN 161/10, 13-25: Benedict XVI: Motu Proprio *Omnium in Mentem*, 26 October 2009. (Documents and commentary)

See above, canons 1008-1009.

1124

DPM 15/16 (2008/2009), 219-244: Stefan Rambacher: Zum *actus formalis* und die darauf Bezug nehmende Erklärung der deutschen Bischöfe zum Kirchenaustritt vom 24. April 2006. (Article)

See above, canon 1086.

1124

EE 85 (2010), 845-870: Teodoro Bahillo Ruiz – Rufino Callejo de Paz – Carmen Peña García: Recientes reformas del Código de Derecho Canónico: reformas introducidas por el m.p. *Omnium in Mentem*. (Roundtable discussion)

See above, canons 1008-1009.

1124

IC 50 (2010), 595-627: Javier Otaduy: Abandono de la Iglesia católica por acto formal. Comentario al «Motu Proprio» *Omnium in mentem*. (Document and commentary)

See above, canon 1086.

1124

IE XXII 2/10, 475-492: Miguel Ángel Ortiz: L'obbligatorietà della forma canonica matrimoniale dopo il m.p. *Omnium in mentem*. (Document and commentary)

See above, canon 1086.

1124

N XLVI 11-12/09, 577-580: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae *Omnium in Mentem*, Quaedam in Codice Iuris Canonici immutantur. (Document)

See above, canons 1008-1009.

1124

REDC 67 (2010), 447-457: Federico R. Aznar Gil: La revocación de la cláusula “*actus formalis defectionis ab Ecclesia catholica*” de los cc. 1086 §1, 1117 y 1124. (Commentary)

See above, canon 1117.

1124-1129

Ap LXXXII 3-4 (2009), 597-646: Carlo Fabris: La condivisione di vita sacramentale tra cattolici e cristiani acattolici: profili giuridico-canonistici. (Article)

See above, canon 844.

1137-1138

REDC 67 (2010), 151-220: Vicente Benedito Morant: La prueba de la filiación en el Derecho Canónico. (Article)

Although the principle of filiation/paternity can have important juridical consequences it is nowhere defined in the canon law of the Church, which simply considers certain proofs of filiation and its juridical effects, and views parenthood as both a natural and spiritual reality. This is especially true with regard to marriage, where the Code still makes the distinction between legitimate and illegitimate offspring (canons 1137-1138). No such distinction exists in the CCEO. M. considers the canonical proofs of filiation/paternity in the context of marriage. The first of these is simply the presumption *iuris tantum* of paternity unless the contrary is proven by clear arguments. The clearest contrary proof available in recent years is a DNA test. The other presumption of paternity, namely a child's birth within 180 days of the marriage or 300 days of its dissolution, can also be overturned by such proofs. Some level of confirmation may be gained from baptismal or birth certificates but these can hardly be considered as definite proofs. The issue of paternity/filiation will only arise in canon law as a possible consequence of some marriage cases or as a challenge to an entry in a baptismal register. Nevertheless a more accessible and effective means of establishing it should be considered.

1141-1149

AnC 4/2008, 207-229: Tomasz Rakoczy: Rozwiązanie węzła małżeńskiego w rozumieniu *Norm Kongregacji Nauki Wiary z 30 kwietnia 2001 roku* (=

The dissolving of a ratified marriage according to the *Norms of the Congregation for the Doctrine of the Faith of 2001*. (Article)

In 2001 the Congregation for the Doctrine of the Faith issued Norms dealing with the possibility of dissolving marriages. The Congregation looked at the problem from a historical perspective. The first possibility in Church history was the Pauline privilege which allowed the dissolution of a marriage between two non-baptized people, after one of them received baptism. During the age of exploration, Catholic missionaries in Asia, South and Central America and the Caribbean encountered natives who were favourably disposed towards the Christian faith but who were impeded from receiving baptism because of polygamy or because of separation due to captivity or persecution. 16th century Popes such as Paul III, Pius V and Gregory XIII issued constitutions allowing the dissolution of non-sacramental marriages in situations differing from those envisaged by St Paul. Four basic possibilities have arisen: the Pauline privilege, dissolution in favour of the faith, dissolution because of polygamy, and dissolution because of separation due to captivity or persecution. The CIC/17 extended these rules to the universal Church. The 2001 Norms confirmed the original teaching of the Church and focused on dissolving marriages in favour of the faith. R. looks in particular at the Pauline privilege and favour of the faith. The Pauline privilege requires three conditions to be fulfilled: the marriage was between unbaptized persons; one (and only one) of them received baptism; the unbaptized party departed. There are also three essential conditions for dissolution in favour of the faith: at least one of the parties was unbaptized; the marriage was not ratified after reception of baptism; if dissolution is requested to permit the marriage of a Catholic to an unbaptized person or a baptized non-Catholic, the promises about safeguarding the faith and bringing up the children in the faith are to be made. Similar rules are to be followed in the case of dissolution because of polygamy, and dissolution because of separation due to captivity or persecution.

1142

BEF LXXVI 6/10, 649-654: Hermogenes E. Bacareza: A Case of *Ratum Non Consummatum*. (Consultation)

A brief sentence of a tribunal providing advice to the bishop regarding the *votum* he would send to the Holy Father in such a case.

1160

CLSN 162/10, 53-97: Augustine Mendonça: Defective Convalidation. (Article)

See *Canon Law Abstracts*, no. 105, pp. 108-111.

1161

Per 99 (2010), 461-501: John A. Renken: Extraordinary Convalidation: the radical sanatio of an invalid marriage. (Article)

Taking the text of canon 1161 as his starting point, R. examines in turn the fundamental elements of a *sanatio in radice*: a dispensation from the factors that render the marriage invalid – either a diriment impediment or defect of form; the non-necessity of a renewal of the enduring consent of the parties for the convalidation of the same marriage; the agent of the *sanatio* – the role of the Holy See or the bishop, the role of the parties themselves, and the probability of the continuity of married life; and the retroactivity of the canonical effects of the convalidation. R. makes it clear that a *sanatio in radice* is understood to be an extraordinary means of convalidating a marriage, and indicates the reasons why in some circumstances it is the appropriate line of action.

BOOK IV, PART II: THE OTHER ACTS OF DIVINE WORSHIP

1166

INT 16 1/10, 13-26: Henk Sanders: Parental Blessing at a “Marriage-in-Becoming”: A Pastoral Proposal. (Essay)

Cohabitation without marriage has become increasingly common in the Western world, even among young believers. Many of the latter are in prenuptial relationships, in spite of the unequivocal teachings of the Church; the situation may also cause concern for parents who can see the disadvantages of temporary relationships. S. discusses the theological and sociological implications of the situation, and the pastoral challenges it presents for the Church today. In the light of this, with reference to the Constitution *Sacrosanctum Concilium* and canon 1166, a new sacramental is proposed, that of “Parental Blessing at a ‘Marriage-In-Becoming’” in which a couple would receive the blessing of their parents when they leave the home; this would remind them of their faith, and of the need to grow in love, and ease any division with the parents. S. sets out a ritual which could be used for such a blessing.

1169-1171

FT 20 (2009), 271-293: Lóránd Ujházi: Il ruolo e la collocazione delle benedizioni nella Chiesa e nell’ordinamento canonico. (Article)

The CIC/83 deals with blessings in Book IV, which is concerned with the Church’s sanctifying mission. Blessings are included among the sacramentals, which follow on immediately after the sacraments. Their place in the Code thus reflects the importance of blessings within the sanctifying mission of the Church, even though, like the other sacramentals, their sanctifying role is different from that of the sacraments. This difference should be made clear to those receiving them. U. argues that the practice of giving a blessing to non-Catholics and babies at the time of distributing Communion carries with it a certain danger and the possibility of confusion. Regarding reserved blessings, today there are few of these compared with the former law. Sometimes the law delegates the Papal blessing to the bishop or to others with episcopal powers. In danger of death, all priests can give the Papal blessing with a plenary indulgence. Solemn dedications and consecrations of persons and places are reserved to the bishop, but there are some blessings that can be delegated to priests. Priests can administer all blessings not reserved to the Pope and bishops, but deacons can give only those blessings expressly permitted by law. Cardinals have certain privileges not referred to in the CIC/83. Lay people can also give a number of blessings, including some in virtue of a mandate from the

ecclesiastical authority. But nowadays the Holy See stresses that the ecclesiastical authority authorizes the laity to perform this role only in cases of true necessity. Catholics are understood as the primary recipients of blessings, but non-Catholics and even non-Christians can also receive them: in such cases, it is important that they believe in the mission and significance of the blessing. Places and objects permanently consecrated and dedicated to sacred use by means of a blessing cannot be used for profane purposes. Consecrated and dedicated places and objects lose their sacred character only in those cases determined by the law (gravely injurious and scandalous acts, serious damage, etc.); they need to be reconsecrated or rededicated before they can be used once more for liturgical purposes.

1172

SC 44 (2010), 149-188: Jeffrey Grob: The Canon Law on the Rite of Major Exorcism. (Article)

The Rite of Major Exorcism from the Roman Ritual of 1614 was significantly revised and promulgated in 1998, published in 1999, and reissued with corrections in 2004. The introductory norms (*praenotanda*) of this ritual book comprise the principal source of canon law governing exorcism. The first part of G.'s study provides the canonical background on major exorcism from the CIC/17 to the CIC/83. G. also considers the involvement of mental health professionals in determining whether to proceed to an exorcism. The second part of the study surveys and analyzes the *praenotanda* of the revised rite of exorcism. G. also treats two documents of the Congregation for the Doctrine of the Faith dealing with certain abuses connected with prayer services for healing, notably the use by lay persons of the formulas of exorcism which may only be said by a priest assigned for this function by the local Ordinary.

BOOK IV, PART III: SACRED PLACES AND TIMES

1211-1212

FT 20 (2009), 271-293: Lóránd Ujházi: Il ruolo e la collocazione delle benedizioni nella Chiesa e nell'ordinamento canonico. (Article)

See above, canons 1169-1171.

1222

CLSN 161/10, 30-34: John Jukes: Canonical Reflections on the Closure of a Church. (Article)

A large church had been built in 1935 to replace the previous one dating from 1879. However, by the end of the century numbers had dropped, and the need for repairs indicated prohibitive costs, well beyond the means of the parish. Consequently after serious consideration and the required consultation, the bishop decreed the closure of the church. A group of parishioners who were unhappy with the decision referred the matter to the Congregation for the Clergy. Eventually after some faltering steps the Congregation backed the bishop's decision. J. offers some considerations on the role of the diocese and the parish in this matter.

1231

CLSN 162/10, 31-38: Gordon Read: Medjugorje Study Commission. (Documents and commentary)

On 17 March 2010 the Holy See announced the formation of an international investigative commission under the auspices of the Congregation for the Doctrine of the Faith (CDF) to look into the phenomenon of Medjugorje. Before commenting on the commission itself, R. examines the appropriate legislation concerning the process of discernment with regard to visions and apparitions, which is contained in the *Norms for Judging Alleged Apparitions and Revelations* issued by the CDF in 1978. He goes on to explain that there had been three previous commissions of enquiry (1982-1984, 1984-1987, and 1987-1990) leading to a declaration by the Bishops' Conference of Yugoslavia in 1991 accepting Medjugorje as a holy place but stating that it could not yet be affirmed that these matters concerned supernatural apparitions or revelations. The place of the Yugoslav Conference of Bishops was later taken by the Conference of Bishops of Bosnia and Herzegovina, which requested the CDF to take the matter into its hands. On 26 April 2010 the Vatican Press Office

announced that the new commission had held its first meeting, and listed the membership of the commission. See also above, canons 696-702.

1246

CLSN 158/09, 25-27: Holy Days in Extraordinary Rite. (Documents)

In a letter dated 20 October 2008 from the President of the Commission *Ecclesia Dei*, in response to a *dubium* submitted by the Latin Mass Society, it was clarified that although in accordance with canon 1246 the episcopal conference with the approval of the Holy See legitimately transfers holy days of obligation or suppresses the obligation, it is legitimate to celebrate the Mass and Office of those feasts on the days prescribed in the calendar of the liturgical books in use in 1962, even though there is no obligation to attend Mass on those days.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1273-1289

AkK 178 (2009), 68-89: Stephan Haering: Genehmigung von Handlungen lokaler kirchlicher Rechtsträger. Kirchenrechtsgeschichtliche Streiflichter. (Article)

Legal prescriptions concerning the administration of the Church's patrimony have taken different forms in the course of its history. Legal norms and stipulations were themselves influenced by contemporary legal culture: they arose in response to the needs of the time. H. summarizes legal-historical conditions at a local level, addressing in particular the question of whether and to what extent local laws require approval.

1286

Anne Bamberg: Le renvoi du législateur à la loi civile et la responsabilité sociale de l'Église catholique: réflexion autour de l'interprétation du canon 1286 du code de droit canonique, in Jeanne-Marie Tuffery-Andrieu (dir.), *La responsabilité sociale de l'entreprise en Alsace et en Lorraine du XIXe au XXIe siècle*, Presses universitaires de Rennes, 2011, pp. 99-105. (Conference presentation)

Canon 1286 provides that, in making contracts of employment, administrators of temporal goods are to observe civil labour laws, according to the principles taught by the Church; and that they are to pay those who work for them under contract a just and honest wage. B. sets out a series of considerations to help ensure the correct interpretation both of this canon and of canon 231 – dealing with lay people pledged to the special service of the Church, who have the right to a worthy remuneration – in the light of the Church's social teaching.

BOOK VI: SANCTIONS IN THE CHURCH

1311

Ap LXXXII 3-4 (2009), 779-795: João Carlos Orsi: Alguns aspectos do Direito penal canônico. (Article)

O. reminds us that penal law has a long history in the life of the Church. He reviews some of the main features of criminal law of the Church and insists that the Church has the power of coercion.

1312

Per 99 (2010), 251-304: Damián G. Astigueta: Medicinalità della pena canonica. (Article)

In this lengthy study, A. undertakes an examination of the medicinal quality of the penal system within canon law. Beginning with a synopsis of a sound Christian anthropology in which the human being, while created in the God's image and likeness, is always confronted with the reality and possibility of sin, he underlines the fundamental goal of all life, i.e. communion with God and with others. Every crime, therefore, since it is also a grave sin, results in a separation from God and others. The penal provisions of the law are shown to be medicinal insofar as they seek to prevent such a rupture in the first place and, when a crime has been committed, they seek to bring the individual concerned to an awareness of the situation in which he or she is now placed. Ultimately, the goal of penal law is to help bring the individual back to those means of grace by which the image of God might once again be made to shine out in that individual's life.

1321

PS XLV 135 (2010), 585-609: Mayong Andreas Acin – Isaias Tiongco: The Nature of Delict in Canon 1321: Its Implications on the Dismissal Process of Religious in Cases of Sexual Misconduct. Part I. (Article)

This paper investigates the delicts of religious involving sexual conduct – the nature of the delict, its relationship to the sixth commandment, and dismissal procedures. It makes clear that the issue of dismissal of religious in such cases is complicated, and must be carefully examined, bearing in mind the duties and rights of various key people; it must be approached with the utmost sensitivity, integrity and fairness.

1323

RMDC 16 (2010), 207-219: Luis de Jesús Hernández M.: Las causas eximentes de la pena de excomunión correspondiente al aborto. (Article)

After setting out what is involved in the crime of abortion in canon 1398, stressing its objective imputability and hence the application of the penalty of excommunication *latae sententiae*, H. goes on to examine each of the excusing or exempting circumstances given in canon 1323, to clarify whether all or only some of them can be invoked objectively in relation to procured abortion. (He does not deal here with extenuating circumstances as listed in canon 1324.) His conclusion is that of the seven exempting causes in canon 1323, only three would excuse those who had procured an abortion: namely, if they had not completed the 16th year of age (no. 1); if they were acting under physical force or under the impetus of a chance occurrence which could not be foreseen, or if foreseen could not be avoided (no. 3); or if they lacked the use of reason (no. 6). In relation to inculpable ignorance of violating a law or precept (no. 2), he considers it highly unlikely, given the constant proclamation by the Church of the sanctity of human life from conception to natural death, that a person would be unaware of committing a crime, or that they had erroneous information concerning so obvious a fact as that of getting rid of the child in the womb. Ignorance which is gravely culpable does not excuse from the penalty. Nor are the other causes in canon 1323 (nos. 4, 5 and 7), which concern grave fear and self-defence, applicable to abortion.

1364

CLSN 157/09, 13-21: Congregation for Bishops: Decree lifting the excommunication on the Bishops of the Society of St Pius X. (Documents and commentary)

The text is given of the Congregation for Bishops' decree of 21 January 2009 lifting the excommunication on four bishops of the Society of St Pius X declared on 1 July 1988. Gordon Read comments on the background and immediate reaction to this Decree, and on the subsequent Note which the Secretariat of State issued in the light of the controversy over remarks by one of the bishops concerned, Richard Williamson, denying the death of six million Jews in the Holocaust.

1364

CLSN 158/09, 7-16: Benedict XVI: Letter concerning the remission of the excommunication of the four Bishops consecrated by Archbishop Lefebvre. (Document and commentary)

See preceding entry. In view of the controversy which the ill-explained document of 21 January 2009 provoked, on 10 March 2009 Pope Benedict XVI issued a letter of apology and clarification to the Catholic Bishops. A commentary on the letter is provided by Gordon Read.

1378

Comm 40 (2008), 87-88: Congregatio pro Doctrina Fidei: Decretum generale de delicto attentatae sacrae ordinationis mulieris. (Document)

This decree, printed in both Latin and Italian, imposes *latae sententiae* excommunication reserved to the Holy See on anyone attempting to confer holy orders on a woman and on the woman attempting to receive orders. It was decreed on 19 December 2007 and effective immediately.

1382

CLSN 157/09, 13-21: Congregation for Bishops: Decree lifting the excommunication on the Bishops of the Society of St Pius X. (Documents and commentary)

See above, canon 1364.

1382

CLSN 158/09, 7-16: Benedict XVI: Letter concerning the remission of the excommunication of the four Bishops consecrated by Archbishop Lefebvre. (Document and commentary)

See above, canon 1364.

1388

EE 85 (2010), 769-786: Juan José Etxebarria Sagastume: Deontología del Ministro de la Penitencia. Sigilo sacramental y secreto penitencial. (Article)

See above, canons 983-984.

1389

Comm 40 (2008), 115-119: Urbano Navarrete: Articulus explanans “Responsa” a Congregatione pro Doctrina Fidei die 1 mensis februarii 2008 data. (Article)

See above, canon 850.

1390

Ang 87 (2010), 923-941: Piotr Skonieczny: La tutela della buona fama del chierico accusato degli abusi sessuali su minori: un modo di procedere nel caso concreto in base al can. 220 CIC/83. (Article)

See above, canon 220.

1394-1395

CLSN 160/09, 36-50: Congregation for the Clergy: Special Faculties: Dismissal from the Clerical State. (Document and commentaries)

See above, canon 290.

1394-1395

CLSN 162/10, 9-15: Congregation for the Clergy: Application of Special Faculties. (Document)

See above, canon 290.

1394-1395

REDC 67 (2010), 391-400: Carta circular de la Congregación para el Clero de 18 de abril de 2009, por la que se comunican las facultades especiales concedidas a los Ordinarios por el Romano Pontífice el 30 de enero de 2009 en relación a la expulsión del estado clerical. Texto en castellano. (Document)

Spanish translation of the letter from the Congregation for the Clergy concerning the special faculties granted by the Roman Pontiff to Ordinaries regarding the expulsion from the clerical state. (See following entry.)

1394-1395

REDC 67 (2010), 255-294: Federico R. Aznar Gil: La expulsión del estado clerical por procedimiento administrativo. (Article)

During the 1990s, as an exceptional measure, the Congregation for the Doctrine of the Faith introduced an administrative procedure to enable the expulsion from the clerical state of clerics who had committed grave sexual abuse of minors. Later this same procedure was extended to clerics who had committed other kinds of very serious crimes, even though the Code determines that such expulsions can only be imposed after a judicial process. Benedict XVI has extended this faculty to the Congregation for the Clergy (see preceding entry). These faculties allow a penal administrative procedure to be used to request from the Holy See the expulsion of those clerics who have committed certain crimes (canons 1394 §1; 1395 §§ 1-2; 1399) and of those who have abandoned their ministry freely and illegally for more than five consecutive years. In his article A.G. examines first what the Code has to say about the expulsion of clerics from the clerical state both in judicial and extrajudicial or administrative processes, before going on to look at the special faculties which have extended the availability of administrative procedures to the Congregation by facilitating the use of canon 1399. He concludes by emphasizing that these measures are to be used only for truly exceptional and notorious cases which cannot be resolved by the normal pastoral and canonical means provided by the Code.

1395

BV 67 (2007), 491-505: Andrej Saje: Spolne zlorabe v Cerkvi in vprašanje odškodninske odgovornosti (= Sexual abuse in the Church and the issue of liability for compensation). (Article)

In view of the increased number of reports of sexual violence by clergy, in 2001 the Catholic Church tightened up the criteria for assessing this act, which is also a criminal offence according to canon law, and defined the criminal procedure against the perpetrators in more detail. Sexual abuse is any non-verbal, verbal or physical act that, with the intention of sexual gratification or inflicting violence, offends the dignity or violates the limits of another person of any age or gender. Abuse is a sign of crisis concerning the whole of society, but its consequences are worse if it is carried out by a cleric because it is an abuse of power and trust. Although the perpetrator is personally liable for his act, his bishop is obliged, after the suspicion of a criminal offence has been confirmed, to start an immediate investigation and criminal prosecution; otherwise he becomes implicated as well. The reason for the priest's personal liability lies in the autonomy of his mission, which issues from the sacrament of Holy Orders and from the hierarchical relationship between himself and his bishop. Although this

relationship involves a certain dependence on his superior, it cannot be compared to any contractual or similar dependent relationship. The cleric does not have a contract of employment; he carries out his mission in accordance with canon law under his bishop's leadership, but does not work for the bishop or on his account.

1395

CLSN 162/10, 22-26: Gordon Read: The Holy See and the Handling of Child Abuse Cases. (Article)

The Holy See has compiled a list of documents relating to issues and procedures connected with the abuse of minors, and made them available on its website. R. selects some important points which emerge from the documentation. One concerns the reporting of offences to the civil authorities. Another relates to the changes which the Congregation for the Doctrine of the Faith (CDF) is preparing to the *motu proprio Sacramentorum Sanctitatis Tutela*. Concerning the 1962 Instruction *Crimen Sollicitationis* R. points to an interview with Mgr Charles Scicluna of the CDF which gives the reasons for the confusion surrounding this document.

1395

Comm 42 (2010), 9-18: Pope Benedict XVI: Litterae Pastorales ad catholicos Hiberniae in festivitate Sancti Ioseph die 19 mensis martii 2010 missae. (Document)

See above, canon 384.

1395

Comm 42 (2010), 58-61: Congregatio pro Doctrina Fidei: Directorium quoad abusos sexuales in minores patratos (lingua anglica una cum versione italica). (Document)

The text of this document describes it as an introductory guide (rather than a directory) intended for lay persons and non-canonists, and summarizes the procedures in cases of clerical sexual abuse. There are three sections: the preliminary investigation; the procedure before the Congregation for the Doctrine of the Faith; and a short section stating that the proposed revisions to *Sacramentorum Sanctitatis Tutela* will not change the aforementioned. The English text is followed by an Italian translation.

1395

EE 85 (2010), 731-767: José Luis Sánchez-Girón Renedo: Delitos contemplados en las normas *De Gravioribus Delictis* del año 2010. (Article)

The new 2010 norms on the more serious delicts reserved to the Congregation for the Doctrine of the Faith (CDF) supplement the delicts included in the 2001 norms by adding a number of offences already contemplated in the CIC/83 or elsewhere, as well as certain others which are simultaneously specified by and reserved to the CDF. The total number of such delicts is thus more than doubled. Furthermore, the drafting of the new norms presents several aspects which are worth commenting on, either because their meaning is not entirely clear or because they are of interest for other reasons.

1395

IC 50 (2010), 629-658: Davide Cito: Las nuevas normas sobre los «delicta graviora». (Document and commentary)

After providing parallel Latin and Spanish texts of the revised norms issued by the Congregation for the Doctrine of the Faith on 21 May 2010, C. highlights the decisive role played by Pope Benedict XVI both as Prefect of the Congregation and subsequently as Pontiff, before commenting on the substantive and procedural norms as set out in the document.

1395

RMDC 16 (2010), 283-286: Congregación para la Doctrina de la Fe, sobre las modificaciones al m. pr. *Sacramentorum sanctitatis tutela*, del 21 de mayo de 2010; Normas sobre los delitos más graves, del 15 de julio de 2010 (Documents)

Spanish text of documents referred to in preceding entries.

1395

PS XLV 135 (2010), 585-609: Mayong Andreas Acin – Isaias Tiongco: The Nature of Delict in Canon 1321: Its Implications on the Dismissal Process of Religious in Cases of Sexual Misconduct. Part I. (Article)

See above, canon 1321.

1398

RMDC 16 (2010), 175-205: Mario Medina Balam: El aborto procurado en el Derecho penal canónico. (Article)

This article deals with the question of abortion from various angles: as a social phenomenon; its doctrinal and disciplinary foundations; the concept of abortion itself; its morality; the canonical penalties attached to it; and the manner in which the confessor should proceed when faced with someone who confesses to having committed an abortion.

1398

RMDC 16 (2010), 207-219: Luis de Jesús Hernández M.: Las causas eximentes de la pena de excomuni3n correspondiente al aborto. (Article)

See above, canon 1323.

1399

CLSN 160/09, 36-50: Congregation for the Clergy: Special Faculties: Dismissal from the Clerical State. (Document and commentaries)

See above, canon 290.

1399

CLSN 162/10, 9-15: Congregation for the Clergy: Application of Special Faculties. (Document)

See above, canon 290.

1399

REDC 67 (2010), 391-400: Carta circular de la Congregaci3n para el Clero de 18 de abril de 2009, por la que se comunican las facultades especiales concedidas a los Ordinarios por el Romano Pont3fice el 30 de enero de 2009 en relaci3n a la expuls3n del estado clerical. Texto en castellano. (Document)

See above, canons 1394-1395.

BOOK VII: PROCESSES

1400

Comm 42 (2010), 69-70: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio I die 13 mensis ianuarii 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1400

Comm 42 (2010), 71-77: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio II diebus 22-24 mensis octobris 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1400

Comm 42 (2010), 78-80: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio III diebus 2-6 mensis martii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1400

Comm 42 (2010), 80-123: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio I diebus 1-5 mensis iulii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1400

Comm 42 (2010), 124-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio II diebus 4-6 mensis novembris 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1432

Per 99 (2010), 503-525: Philippe Hallein: Nuove facoltà per il difensore del vincolo nello svolgimento di un processo di nullità matrimoniale? Uno studio sinottico tra il Codice e l'Istruzione *Dignitas Connubii*. (Article)

The presence of the defender of the bond in the process for marriage nullity is essential, since to that office is entrusted in a particular way the safeguarding of the indissolubility of marriage. H. reflects on the role and function of the defender in the Instruction *Dignitas Connubii*. The office is dealt with in 80 articles and is mentioned explicitly in 58 of them. H. examines some of the faculties granted to the defender of the bond by the Instruction and stresses the value of the proper intervention of the defender at certain key moments of the process. Before concluding, H. highlights some of the flaws in the official translations of *Dignitas Connubii* which tend to alter a correct understanding of the role of the defender.

1436

SC 44 (2010), 427-443: Philippe Hallein: L'interdiction du cumul de l'office du défenseur du lien avec d'autres offices et charges dans le tribunal ecclésiastique. Étude comparative entre le Code et l'Instruction *Dignitas connubii*. (Article)

See below, canon 1447.

1444

DPM 15/16 (2008/2009), 579-586, 640-643: Peter Stockmann: Die Ansprache Papst Benedikts XVI. vom 26. Januar 2008 vor der Römischen Rota. (Address and commentary)

On 29 June 2008 the Roman Rota was reconstituted by Pope Pius X. Pope Benedict took this anniversary as the starting point for his address to the Rota of

26 January 2008, in which he spoke of the value of Rotal jurisprudence in the administration of ecclesiastical justice. He stressed in particular the exemplary function of Rotal sentences, as well as the Rota's contribution to the unity of the whole of ecclesiastical jurisprudence. The German text of the address is given on pp. 640-643.

1445

Comm 40 (2008), 223-246: Pope Benedict XVI: Litterae Apostolicae Motu Proprio datae quibus Supremi Tribunalis Signaturae Apostolicae Lex Propria promulgatur. (Document)

This is the text of the revised proper law governing the Apostolic Signatura, which replaces that enacted by St Pius X in 1912 and the Special Norms issued by Paul VI in 1968.

1445

Comm 40 (2008), 336-341: Frans Daneels: Articulus explanans "Legem Propriam" Supremi Tribunalis Signaturae Apostolicae a Summo Pontifice die 21 mensis iunii 2008 datam. (Article)

The Secretary of the Signatura sets out the history of the preparation of the new proper law of the Signatura issued on 21 June 2008, the general criteria employed in the revision process, and the structure of the new law.

1445

Comm 42 (2010), 69-70: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum "De Procedura Administrativa": Parvus Coetus de Processu Administrativo Sessio I die 13 mensis ianuarii 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1445

Comm 42 (2010), 71-77: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio II diebus 22-24 mensis octobris 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1445

Comm 42 (2010), 78-80: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio III diebus 2-6 mensis martii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1445

Comm 42 (2010), 80-123: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio I diebus 1-5 mensis iulii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1445

Comm 42 (2010), 124-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio II diebus 4-6 mensis novembris 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1445

DPM 15/16 (2008/2009), 531-553: Nikolaus Schöch: Vorstellung der *Lex propria*, der neuen Verfahrensordnung des Höchstgerichts der Apostolischen Signatur. (Article)

On 21 June 2008 Pope Benedict XVI issued the *lex propria* of the Apostolic Signatura, replacing the so-called *Normae Speciales* issued *ad experimentum* in 1968, which for forty years have governed the composition, competences and procedure of the Signatura. Through the history of the drafting and the juridical sources, S. shows to what degree changes in ecclesiastical legislation as well as the practice of the Signatura have contributed to the new procedural regulations. To this end he lists the main provisions and explains the innovations in each title. It thus becomes clear that the *lex propria* is more than a merely internal regulation of the Apostolic Signatura.

1445

REDC 67 (2010), 221-253: Raúl Ramón Sánchez: Notas fundamentales de la nueva ley de la Signatura Apostólica. (Article)

Since 2008 the activity of the Supreme Tribunal of the Apostolic Signatura has been regulated by the new *lex propria* contained in the *motu proprio Antiqua Ordinatione* (21 June 2008). As this is indeed a new law it will provide the opportunity for ongoing study and an investigation of the effects of the many juridical norms it contains. S. points out that the present law is the result of a long period of development in canonical doctrine and jurisprudence, and he looks over its main antecedents in order to better understand the present norms, their content and application. He comments on both its formal and substantive aspects, including the Signatura's composition, officials, competences, its judicial processes, the contentious-administrative process, and its function of vigilance over the correct administration of justice in the Church.

1445

REDC 67 (2010), 367-390: La *Lex Propria* del Tribunal Supremo de la Signatura Apostólica de 21 de junio de 2008. Texto en castellano. (Document)

The Spanish text is given of Benedict XVI's *motu proprio Antiqua Ordinatione*, promulgating the *lex propria* of the Apostolic Signatura.

1447

SC 44 (2010), 427-443: Philippe Hallein: L'interdiction du cumul de l'office du défenseur du lien avec d'autres offices et charges dans le tribunal ecclésiastique. Étude comparative entre le Code et l'Instruction *Dignitas connubii*. (Article)

This article focuses on the prohibition of cumulation of the office of defender of the bond with other offices and functions in the organization of an ecclesiastical tribunal. H. asks whether the Instruction *Dignitas Connubii* (2005) has modified the prohibition found in the 1983 Code or merely specified it. The articles from *Dignitas Connubii* on impossible cumulation of offices explain much better than the Code where the problems occur when the same person is cumulating offices and functions. *Dignitas Connubii* especially wants to prevent abuse, misinterpretation and partiality. H. shows that the Instruction does not exceed the legal limits of an instruction and it ensures a fairer administration in the Church.

1448

SC 44 (2010), 5-30: Michael-Andreas Nobel: The Validity of the Acts of a Suspect Judge. (Article)

The current law prescribes that a suspect judge is not to undertake the adjudication of a case in which he or she has a personal interest arising from consanguinity, affinity, great animosity, etc., according to the norm of canon 1448. The same principle applies to the promoter of justice, the defender of the bond, the assessor, and the auditor. If they fail to abstain from their office according to the motives outlined in canon 1448 the party can lodge an objection against the judge or other officials of the tribunal. If the objection is accepted, other non-suspect persons are to be appointed. The case still remains at the same tribunal, and the grade of trial remains the same. All acts placed by a judge before the objection was lodged are valid; those acts placed after the objection has been lodged must be rescinded according to canon 1451 §2, if a party requests it within ten days from the acceptance of the objection. Acts placed by a judge between the lodging and the acceptance of such an objection are considered to be valid.

1481

Ap LXXXII 3-4 (2009), 507-561: Paola Buselli Mondin: Il litisconsorzio nel Processo di nullità matrimoniale e la responsabilità del Patrono. (Article)

B.M. opens her article by quoting from *Dignitas Connubii*, art. 102, which provides that if the parties join in seeking a declaration of nullity of marriage, then the action may proceed on the basis of a single procurator or advocate. She traces the jurisprudential development from the provisions of the CIC/17, noting the need to balance the proper administration of justice with the advantages to be gained from reducing costs and delays by the joining of interest between the parties. She notes the provisions of the law that should be understood as designed to help the parties gain a better understanding of what is involved in seeking a decision from the Church about the validity of their union.

1501-1506

CLSN 159/09, 32-37: Gordon Read: Non-acceptance and Transfer of a Marriage Nullity Case. (Article)

In view of a recent discussion on the internet of a scenario where a petitioner approached a tribunal seeking to open a nullity case, having been turned away by another tribunal; and bearing in mind also that it is not unknown for one tribunal to receive papers from another which would appear to have been competent to handle the case, R. sets out the correct procedure in the light of *Dignitas Connubii*, arts. 114-125.

1511

DPM 15/16 (2008/2009), 421-427: Klaus Lüdicke: Das Verteidigungsrecht im Ehenichtigkeitsprozess und die Instruktion *Dignitas Connubii*. (Article)

See below, canon 1620.

1514

QDE 23 (2010), 327-340: Eugenio Zanetti: Individuazione, definizione, modifiche e decisioni sui capi di nullità di una causa matrimoniale. (Article)

Z. presents a study of the process set out in the Code as illuminated by *Dignitas Connubii*, by which the matrimonial nullity procedure flows from the Church's theological understanding of marriage especially in the determining of the headings of nullity.

1535-1538

DPM 15/16 (2008/2009), 335-351: Markus Walser: Die Parteierklärungen gem. Artt. 177-182 *Dignitas Connubii*, insbesondere die Präzisierungen zum gerichtlichen Geständnis in Art. 179 §2 *Dignitas Connubii*. (Article)

W. analyzes the norms in *Dignitas Connubii* regarding the declarations of the parties. The new legal definition of a judicial confession in art. 179 §2 seems a little problematic, since all declarations of the parties, whether confessions or other declarations, are to be assessed by the judge regarding their probative value. W. also wonders whether it would be more logical to place art. 180 §2 after art. 182, since it would also be applicable to extrajudicial confessions and other extrajudicial confessions.

1536

CLSN 161/10, 58-75: John Johnson: “...Into Something Rich and Strange”. Some Changes in Rotal Jurisprudence Inspired by the 1983 Code of Canon Law. (Seminar paper)

See above, canons 1097-1098.

1574-1581

DPM 15/16 (2008/2009), 353-383: Gerald Gruber: *Iudex est iudex peritorum*. (Article)

In principle, experts from all sectors may be consulted in matrimonial nullity causes with a view to finding elements of proof. The expert should be qualified or specialized in the field in question. His approach to marriage and morality should accord with that of the Church. Art. 205 of *Dignitas Connubii* prescribes that the expert should have a good reputation and adhere to the principles of Christian anthropology. Art. 203 §1 requires an expert to be consulted in canon 1095 cases, and art. 209 indicates the specific questions to be asked (and to be checked by the defender of the bond: art. 56 §4). The expert's function should be clearly defined in relation to that of the competent witness and judge. The expert's opinion should be treated as an aid to the evaluation of the probative material. Such aid can be presented as a *peritia* (an opinion derived from personal examination) or a *votum* (an opinion derived from the acts). In the assessment of expert opinion the judge should take into account the expert's precision and the methods used.

1598

DPM 15/16 (2008/2009), 421-427: Klaus Lüdicke: Das Verteidigungsrecht im Ehenichtigkeitsprozess und die Instruktion *Dignitas Connubii*. (Article)

See below, canon 1620.

1608

DPM 15/16 (2008/2009), 193-217: Richard Puza: Die Wahrheitsfindung im kanonischen Prozess. Moralische Gewissheit und diakonisches Kirchenrecht. (Article)

P.'s subject is the search for truth in canon law. He looks at the concepts of truth and justice and their significance for canon law, before dealing with the concept of moral certainty in matrimonial nullity causes, above all as a pastoral canon law concept. The last part of the article is dedicated to moral certainty in a system of what P. terms "diaconal" canon law.

1608

SC 44 (2010), 189-209: William L. Daniel: The Dissenting Conclusion of the Judge. (Article)

The current judicial system of the Church establishes for the ecclesiastical judge both an obligation to reach moral certitude on the basis of the acts and the evidence, and a right to insist on the conviction of his mind for or against such certitude by means of the institute of judicial dissent. The right to dissent and to demand that one's dissent be manifested to the superior tribunal is an exception to the secrecy which shrouds the discussion of the college of judges. D. explores the proximate history, current legislation, and implications of the institute of judicial dissent and presents three formulaic examples of dissenting conclusions.

1620

CLSN 159/09, 23-29: Augustine Mendonça: Irremediable Nullity of a Decree of an Appeal Tribunal. (Reply)

See below, canon 1622.

1620

DPM 15/16 (2008/2009), 421-427: Klaus Lüdicke: Das Verteidigungsrecht im Ehenichtigkeitsprozess und die Instruktion *Dignitas Connubii*. (Article)

L. asks whether the Instruction *Dignitas Connubii* brings greater clarity to the right of defence in matrimonial nullity processes. The Instruction stresses a more objective assessment of the right of defence, no longer treating the trial as a *processus contentiosus*. On that basis L. argues for a priority of the right to clarification of one's juridical status as a central question within the process of declaration of nullity.

1622

CLSN 159/09, 23-29: Augustine Mendonça: Irremediable Nullity of a Decree of an Appeal Tribunal. (Reply)

An appeal court treated an appeal based on allegations of bias and lack of proper examination of evidence as a plaint of nullity, and went on to declare the sentence null without informing the parties or the defender of the bond. The validity of this decree has now been questioned. M. considers what should have happened in the light of canons 1620 and 1622 and arts. 270 and 272 of *Dignitas Connubii*. A plaint of nullity can be brought forward in three ways: as a principal action before the judge who produced the sentence; as subordinate to an appeal before the appeal court; or incidentally when a question arises during the course of an appeal. *Dignitas Connubii* provides clear guidance on the handling of incidental questions. The scenario suggested is an implicit complaint raised incidentally. The appeal court should inform the respondent and defender of the bond at second instance of the allegation, and then consider whether to admit the incidental question. The interlocutory decision should be communicated as laid down in canons 1614-1615. In the scenario described the appeal court was not wrong to accept an implicit allegation of nullity, but its manner of proceeding led to irremediable nullity. It should now proceed in the manner prescribed.

1624

CLSN 161/10, 41-44: Paul Gargaro: Judges as Witnesses in *Querelae Nullitatis* Cases? (Article)

G. asks whether, in cases where the original judge does not hear the *querela nullitatis*, he can nevertheless be called upon as a witness. He does not believe that this possibility is ruled out by canon 1550 §2, 1°.

1624

CLSN 163/10, 49-50: John Jukes: Further Comment on a *Querela Nullitatis* in Matrimonial Cases. (Article)

Commenting on the article referred to in the preceding entry, J. is of the mind that a *querela nullitatis* is a new case and hence no restriction is placed by the Code on the original judge giving evidence if called by the newly-appointed judges, if that is how the *querela nullitatis* is dealt with.

1631

Per 99 (2010), 305-343: G. Paolo Montini: Alcune questioni in merito al can. 1631. (Article)

The norm contained in canon 1631 has to do with what happens when one calls into question the right of a party to appeal against a decision of an ecclesiastical tribunal. In this study, M. teases out some of the less frequent interpretations of this canon and their application in some concrete cases. Quoting from the jurisprudence of the Apostolic Tribunal of the Roman Rota and of the Supreme Tribunal of the Apostolic Signatura, he points out the dangers of transforming a legitimate consideration of the right to appeal – which is to be resolved *expeditissime*, and thus without the possibility of appeal (in accordance with canon 1629 5°) – into an abbreviated consideration of the merits of the actual case. Such a practice constitutes an unjust restriction of the rights of the faithful.

1641

CLSN 157/09, 75-90: David Price: Conformity of Sentences in a Marriage Nullity Case. (Article)

Addressing the question of conformity of sentences, P. looks first at the relevant canons in the CIC/17 and subsequent legislation, before examining art. 291 §2 of *Dignitas Connubii*, which expresses the fact that the principle of substantial or equivalent conformity of sentences – where the grounds of nullity are formulated differently but the juridical facts are identical in both the sentence of the first instance tribunal and the decree or sentence of the appeal tribunal – is now accepted in doctrine and jurisprudence.

1641

J 70 (2010), 270-301: John J.M. Foster: Conformity of Sentences: Something Old Yet Something New. (Article)

F. begins by considering the procedural context for conformity of sentences, and then its historical development. *Dignitas Connubii* now provides for two types of conformity: formal and substantial, both of which are explained by F., who then notes that Stankiewicz had identified two trends in Rotal jurisprudence, a restrictive one and an expansive one. F. concludes by calling on judges at first and second instance tribunals to share an understanding of jurisprudence so that their sentences can be more conforming.

1641

J 70 (2010), 302-326: John P. Beal: From Theory to Practice: Finding Equivalent Conformity Between Sentences Decided on Force and Fear and Lack of Due Discretion or Simulation. (Article)

B. notes that equivalent conformity can only be declared where the two sentences are based on the “same juridical facts”. However even at Rotal level there is still disagreement about what constitutes these facts and how “same” they have to be. B. tries to clarify matters by examining various Rotal sentences. Firstly he considers the grounds of force and fear and lack of due discretion, and presents two cases. In one the first instance tribunal found lack of due discretion, which the Rota overturned but found force and fear and declared it to be conforming; in the other the first instance tribunal found force and fear, and the case was eventually decided at the Rota (after various procedural issues) as lack of due discretion. Secondly B. considers the grounds of force and fear and simulation, and again presents two cases. In one the first instance tribunal found total simulation but the Rota found force and fear; in the other the first instance tribunal found force and fear and the Rota (in sixth instance!) found partial simulation *contra bonum prolis*. B. concludes by highlighting that the most fundamental truth in marriage cases is the validity or invalidity of the marriage, and if two tribunals agree on this fact, equivalent conformity allows this truth to set the parties free.

1641

J 70 (2010), 327-367: Sean O. Sheridan: Incapacity and Simulation: Mutually Exclusive Grounds or Key Juridic Facts Underlying Conforming Sentences? (Article)

S. begins by considering the concepts of equivalent conformity, incapacity, and simulation. He then presents seven cases (six Rotal and a declaration of the Apostolic Signatura) that declare (or not) equivalent conformity when the ground at one instance is inability and at another is simulation. S. concludes by suggesting an approach to dealing with this issue. He emphasizes, as did the Rota, the importance of the equivalence of juridical facts, and how different judges might apply different labels to the same facts. He also emphasizes that if the second instance court considers a new ground, it must submit it to an ordinary examination and not just summarily decide it.

1641

J 70 (2010), 368-395: John P. Beal: What is an Appellate Court to do? Procedural Considerations when Declaring Equivalent Conformity of Sentences. (Article)

B. begins by highlighting that although the Rota has been declaring equivalent conformity for 50 years, North American appellate tribunals have not really adopted the practice. However, after *Dignitas Connubii*, art. 291, this reluctance is no longer justified. B. looks at how the Rota has handled these matters so as to find guidance for local tribunals. He presents the procedural development from the CIC/17 to *Provida Mater* and thereafter, and shows two fundamental approaches at the Rota: either the *turnus* that has issued the second conforming sentence itself declares conformity in that very same sentence or, after the sentence is issued, the conformity is declared by a separate process, sometimes by the same *turnus*, sometimes by a higher one. B. highlights five principles to be followed: 1. only affirmative sentences have been declared conforming; 2. the abbreviated process cannot be used; 3. the appellate court must proceed in accordance with *Dignitas Connubii*, art. 136; 4. the right of defence must be protected; 5. there must be agreement on the same juridical facts. B. concludes by offering practical procedural advice on how local tribunals should approach declaring equivalent conformity.

1671

DPM 15/16 (2008/2009), 37-81: Burkhard Josef Berkmann: Die Annullierung von Ehen mit einem oder zwei nichtkatholischen Partner gemäß *Dignitas Connubii*. (Article)

Ecclesiastical tribunals, faced with an ever-growing number of trials involving interconfessional and interreligious marriages as well as marriages between two non-Catholics, are finding themselves having to deal more and more with problems of conflict of laws. Arts. 2-4 of the Instruction *Dignitas Connubii* are the first ecclesiastical juridical norms to respond to this problem in a complete way. The tribunal has competence if one of the spouses is Catholic, or if proof of the free status of one of the partners needs to be brought before the Church. In general terms, the ecclesiastical judge needs to judge such marriages on the basis of the law to which the parties were subject at the moment of the celebration of the wedding. This could be the law of another Christian Church (e.g. Orthodox law), another religious community (e.g. Islamic law) or State law (e.g. the German civil code). If the parties are subject to different laws, because for example they belong to different religions, both need to be taken into consideration. Divine law, as interpreted by the Church, is valid for every person and therefore also for marriages involving only one Catholic or no Catholics at all. That means on the one hand that there could be other grounds of nullity, stemming from divine law, which the interested party is unaware of; and on the other that certain grounds of nullity admitted by a particular legal order may not be admissible by divine law and hence cannot be used by the ecclesiastical judge. It is also necessary to examine whether the action in the legal order in question was truly concerned with nullity of marriage, as opposed to annulment or divorce. While *Dignitas Connubii* has now taken steps to address these issues, it may be that equivalent norms are lacking in other religious communities; this could also lead to problems, which may be best dealt with by means of agreements with the communities concerned. Where such agreements encounter difficulties, the unilateral provisions of *Dignitas Connubii* are to be adhered to.

1671

QDE 23 (2010), 259-274: Paolo Bianchi: Il giudice ecclesiastico e il matrimonio dei protestanti: quale diritto sostanziale deve applicare nella verifica della sua validità. (Article)

B. explores the various elements that must be kept in mind when the question of the validity of the marriage of Protestants is an issue, as for example when proof of freedom to marry a Catholic is required.

1671

QDE 23 (2010), 275-284: Alessandro Giraudi; La forma del matrimonio dei protestanti. (Article)

Dignitas Connubii, art. 4 §1, 2°, provides that attention is to be given to the legislation of the ecclesial bodies stipulated for the celebration of marriage in the non-Catholic ecclesial communities. He notes however that for the majority of these bodies the use of the form is not required for validity. What is generally required is some element of official recognition that a marriage has been celebrated.

1671

QDE 23 (2010), 285-298: G. Paolo Montini: Un protestante puo chiedere la nullità del suo matrimonio ad un tribunale ecclesiastico? Note sull'art. 3 §2 dell'istruzione *Dignitas connubii*. (Article)

M. employs the response of the Apostolic Signatura, 28 May 1993 (a copy is attached to the article as an appendix), to explore the matters raised by the circumstances when a non-Catholic seeks a declaration of nullity from a Catholic tribunal of a matrimonial union contracted in a non-Catholic ecclesial body.

1671

QDE 23 (2010), 299-310: Anna Sammassimo: L'esclusione della indissolubilità del vincolo da parte di un protestante nella giurisprudenza rotale. (Article)

S., after examining the relationship between the headings of nullity "simulation" and "error iuris", gives detailed attention to the jurisprudence obtaining in some cases submitted to the Rota from the start of the codification of Church law in 1917 to our own times.

1671-1688

Comm 40 (2008), 120-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum "De Processibus" (Sessio X). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1671-1691

QDE 23 (2010), 341-359: Davide Salvatori: La deontologia professionale per chi opera nell'ambito ecclesiale delle cause matrimoniali: punti fermi del recente Magistero. (Article)

This is part of the course arranged by *Quaderni di Diritto Ecclesiale* for students who frequent the formation courses for those working in the field of the practical application of the Code to cases that are presented to the Church with special application to matrimony.

1671-1691

QDE 23 (2010), 360-373: Paolo Bianchi: Disturbi di personalità e immaturità in relazione al can. 1095. Profili canonici. (Article)

This is also part of the publication of a section of the formation course arranged by *Quaderni di Diritto Ecclesiale* for those working in the marriage tribunals.

1671-1691

Peter O. Akpoghiran: Proofs in Marriage Nullity Process. (Book)

This book addresses the norms governing the instruction of marriage nullity cases and the evaluation of canonical proofs as stipulated in the CIC/83 and *Dignitas Connubii*. The ten chapters of the book deal with the sources of law; proofs in general; the declarations of the parties; documentary proof; the admissibility of witnesses; the examination of witnesses; the evaluation of witness testimony; experts, judicial inspection and presumptions; moral certitude; general conclusion. (For bibliographical details see below, Books Received.)

1671-1707

CLSN 160/09, 93-99: Peter Kravos: British and Irish Tribunal Statistics 2008. (Statistics)

Tables showing the numbers of 1. ordinary trials in first instance; 2. documentary trials in first instance; 3. ordinary trials in second instance; 4. separation of spouses, "ratified and non-consummated" and "presumed death of spouse" cases; 5. costs of cases; in tribunals in Britain and Ireland in 2008.

1671-1707

CLSN 164/10, 99-105: Peter Kravos: British and Irish Tribunal Statistics 2009. (Statistics)

Tables showing the numbers of 1. ordinary trials in first instance; 2. documentary trials in first instance; 3. ordinary trials in second instance; 4. separation of spouses, “ratified and non-consummated” and “presumed death of spouse” cases; 5. costs of cases; in tribunals in Britain and Ireland in 2009.

1674

CLSN 159/09, 12-22: Paul Robbins: The Approach to a Particular Situation of Multiple Marriages. (Article)

See above, canon 1066.

1679

DPM 15/16 (2008/2009), 335-351: Markus Walser: Die Parteierklärungen gem. Artt. 177-182 *Dignitas Connubii*, insbesondere die Präzisierungen zum gerichtlichen Geständnis in Art. 179 §2 *Dignitas Connubii*. (Article)

See above, canons 1535-1538.

1682

Ap LXXXII 3-4 (2009), 563-596: Elena di Bernardo: Conformità delle Sentenze quale “responsabilità” condivisa. Il Giudizio *di conferma* ed il Giudizio sulla *conformità* nelle Cause matrimoniali. (Article)

This is the text of a paper presented at the 4th Canonical Interdisciplinary Day at the Lateran University, Rome, March 2001. Di B. briefly surveys the history of conforming sentences in the law of the Church from the time of Pope Benedict XIV, noting the moral obligation that the legislation places on the various agents in the tribunal procedure. She draws attention to the capacity under the *pro sua conscientia* clause and the duty laid on the defender of the bond in the CIC/17 and the subsequent Instruction *Provida Mater*, issued in 1936. B. continues the study by reviewing the post-Vatican II developments in the *motu proprio Causas Matrimoniales* (1971), leading on to the dispositions of the CIC/83. The provisions of *Dignitas Connubii*, arts. 290-294, are examined, with particular attention to the sharing of responsibility between the judges and the defender of the bond.

1682

LJ 165/10, 117-123: Helen Costigane – James B. Hurley: Why Have a Tribunal of Second Instance? (Article)

Canon 1682 §1 provides for a mandatory review of all sentences which first declare the nullity of marriage. This requirement is quite apart from any appeal that may be lodged by the parties or the defender of the bond. The question is, given the often-cited shortage of tribunal personnel or resources, why is a second tribunal necessary? The authors look at the marriage nullity process itself and potential problems arising from first instance procedures; and consider how the second instance process is fair, just and reasonable.

1683

J 70 (2010), 368-395: John P. Beal: What is an Appellate Court to do? Procedural Considerations when Declaring Equivalent Conformity of Sentences. (Article)

See above, canon 1641.

1686-1688

Comm 40 (2008), 348-376: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XII). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1689

CLSN 162/10, 39-41: John Jukes: Obligations Following Nullity Decree. The Implementation of CIC 1689. (Article)

J. reminds tribunals of the moral obligations which exist in nullity cases, especially in respect of the financial support and religious upbringing of children. He highlights the “international” nature of many marriages: hence the different cultural backgrounds of the parties to marriages and nullity cases, and to the obligations involved. Where there are specific moral and/or financial obligations, these should be mentioned in the sentence; but where there are no specific obligations, “general references” to these obligations should be avoided lest such *monita* be regarded merely as *pro forma*.

1692-1706

Comm 40 (2008), 143-165: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XI). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1697-1706

CLSN 159/09, 44-46: Congregation for Divine Worship and the Discipline of the Sacraments: On instructing a case for the dispensation of a marriage *super rato et non consummato*. (Document)

Given here is an unofficial English translation of a *pro memoria* which was sent by the Congregation for Divine Worship and the Discipline of the Sacraments when it reissued a 1986 document setting out the requirements of the *super rato* process. The *pro memoria* itself is an abbreviated summary of the whole process.

1717-1731

Comm 40 (2008), 348-376: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XII). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1717-1731

Comm 42 (2010), 58-61: Congregatio pro Doctrina Fidei: Directorium quoad abusos sexuales in minores patratos (lingua anglica una cum versione italica). (Document)

See above, canon 1395.

1720

CLSN 164/10, 5-34: Congregation for the Doctrine of the Faith: Revised Norms for the Processing of *Graviora Delicta*. (Documents and commentary)

The text is given of: 1. a letter from the Cardinal Prefect of the Congregation for the Doctrine of the Faith (CDF) (25 May 2010); 2. the revised text of the norms – substantive and procedural – for the processing of *graviora delicta*; 3. a note from the CDF on the historical background to the text; 4. an introduction from the CDF to the modifications introduced into the 2001 text; 5. a note from the Vatican Press Secretary, Fr Federico Lombardi. There is also a commentary on these documents by Gordon Read.

1722

CLSN 164/10, 5-34: Congregation for the Doctrine of the Faith: Revised Norms for the Processing of *Graviora Delicta*. (Documents and commentary)

See above, canon 1720.

1732-1752

Comm 42 (2010), 69-70: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio I die 13 mensis ianuarii 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1732-1752

Comm 42 (2010), 71-77: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio II diebus 22-24 mensis octobris 1970 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1732-1752

Comm 42 (2010), 78-80: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Procedura Administrativa”: Parvus Coetus de Processu Administrativo Sessio III diebus 2-6 mensis martii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1732-1752

Comm 42 (2010), 80-123: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio I diebus 1-5 mensis iulii 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1732-1752

Comm 42 (2010), 124-142: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Specialis Commissio Pontificia Coetus de Procedura Administrativa Sessio II diebus 4-6 mensis novembris 1971 habita. (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

1740-1752

Comm 40 (2008), 377-399: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Processibus” (Sessio XIII). (Report)

See above, Historical Subjects (*Second Vatican Council and revision of the CIC*).

EXCHANGE PERIODICALS

- African Ecclesial Review
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletín Eclesiástico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- Communicationes
- De Processibus Matrimonialibus
- Ephrem's Theological Journal
- Estudio Agustiniiano
- Estudios Eclesiásticos
- Folia Canonica
- Folia Theologica
- Forum
- Forum Canonicum
- Forum Iuridicum
- Idee
- Il Diritto Ecclesiastico
- Immaculate Conception School of Theology Journal
- Indian Theological Studies
- Intams
- Irish Theological Quarterly
- Ius Canonicum
- Ius Ecclesiae
- Iustitia: Dharmaram Journal of Canon Law
- Journal of Sacred Scriptures
- The Jurist
- Laurentianum
- Law and Justice
- Louvain Studies
- Periodica
- Philippine Canonical Forum
- Philippiniana Sacra
- Praxis Juridique et Religion
- Proceedings of the Canon Law Society of America
- Quaderni di Diritto Ecclesiale
- Quaderni dello Studio Rotale
- Review for Religion
- Revista Española de Derecho Canónico
- Revista Mexicana de Derecho Canónico
- Revue Théologique de Louvain
- Revue de Droit Canonique
- Salesianum
- Studia Canonica
- Studies in Church Law
- Studium Generale Marcianum
- Studium Ovetense
- Teología y Vida
- Theologische-praktische Quartalschrift
- Theologica Xaveriana
- Vida Religiosa
- Vidyajyoti

LIST OF ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

ACR	Australasian Catholic Record, New South Wales – V. Rev. Ian B. Waters, Melbourne.
AkK	Archiv für katholisches Kirchenrecht, Paderborn – Abstracts supplied by publisher.
AC	L'Année Canonique, Paris – Bishop John McAreavey, Dromore.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
Ang	Angelicum, Rome – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – Bishop John Jukes OFM Conv, Huntly, Aberdeenshire.
BEF	Boletin Eclesiastico de Filipinas, Manila – Rev. Mgr. John Hadley, Leicester.
BV	Bogoslovni vestnik, Ljubljana – Fr Andrej Saje, Ljubljana.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
DPM	De Processibus Matrimonialibus, Frankfurt am Main – Abstracts supplied by publisher.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
ETJ	Ephrem's Theological Journal, Satna, India – Editor.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
FT	Folia Theologica, Budapest – Editor.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Rev. Joseph D. Gabiola, London.
INT	Intams, Belgium – Mrs Margaret Foster, Lancaster.
ITS	Indian Theological Studies, Bangalore – Editor.
J	The Jurist, Washington – Rev. Paul Gargaro, Clydebank, Glasgow.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
N	Notitiae, Rome – Rev. Mgr. Gordon Read, Colchester.
Per	Periodica, Rome – Rev. Aidan McGrath OFM, Rome.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Bishop John Jukes OFM Conv, Huntly, Aberdeenshire.
RDC	Revue de Droit Canonique, Strasbourg – Editor.
REDC	Revista Española de Derecho Canónico, Salamanca – V. Rev. John McGee, Girvan, Ayrshire.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Editor.
SC	Studia Canonica, Ottawa – Rev. Mgr. John Renken, Ottawa.
Vid	Vidyajyoti, Delhi – Rev. Mgr. John Hadley, Leicester.

BOOKS RECEIVED

- Peter O. AKPOGHIRAN: *Proofs in Marriage Nullity Process*, Ugbugbu Heritage, Richmond, Virginia, 2011, xiv + 200pp., ISBN-10 1453824057; ISBN-13 978-1453824054 [see above, canons 1671-1691]
- Patricia M. DUGAN (ed.): *The Canon Law Directory 2011, English Edition*, Canon Law Books, Philadelphia, 2011, x + 200pp., ISBN 978-0-9842126-0-6 [see above, General Subjects (*Compilations*)]
- Markus GRAULICH – Jesu Pudumai DOSS (eds.): *La missione del prete nella missione della Chiesa*, Libreria Editrice Vaticana, 2010, 282pp., ISBN 978-88-209-8441-8 [see above, canon 835]
- Dominique LE TOURNEAU: *Droits et devoirs fondamentaux des fidèles et des laïcs dans l'Église*, Wilson & Lafleur (Gratianus series), Montreal, 2011, xxviii + 396pp., ISBN 978-2-89127-982-6 [see above, canons 204-231]
- G J. WOODALL: *A Passion for Justice. An Introductory Guide to the Code of Canon Law*, Gracewing, Leominster, 2011, xx + 594pp., ISBN 978-085244-478-8 [see above, General Subjects (*General introductions to canon law*)]