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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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GENERAL SUBJECTS

Comparative law

Ius II 2/2011, 365-384: Davis Panadan: "Medicinal Character" in the Penal Process of CCEO and "Fair Trial" in the Criminal Procedure Code of India: A Comparative Study. (Article)

See below, CCEO canons 1468-1485.

IusM V/2011, 201-219: José Omar Larios Valencia: Il matrimonio nell'intesa tra Chiesa Valdese e Stato italiano. (Article)

L.V. examines the conclusions reached between the Italian State and the Churches represented by the "Waldensian Synod", and the content of the Accord resulting from this meeting. This encounter chose to make use of the legislation of the permitted rites for marriage, in order to render a service both to their own faithful and to those intending to enter into a mixed marriage, by avoiding the need for two celebrations. In connection with the discussion of art. 8, third paragraph, of the Italian Constitution, the Waldensian Church, taking into account the climate of mutual recognition and trust, requested not only that this possibility of having only one celebration be maintained, but also that the significant juridical aspects be re-examined. It is thus possible to enter into a marriage by means of a religious ceremony governed in all respects by the norms of the Waldensian Church in which the exchange of consent given in the presence of the Waldensian minister is viewed as valid in the eyes of the State. A further consideration is that in the Waldensian legislation, a marriage is only considered to be valid if it is also civilly valid.

Compilations

IC 51 (2011), 703-764: José Ignacio Rubio López: Crónica anual de Derecho Eclesiástico en los Estados Unidos. Parte I. (Report)

In the first of a series of reports, R.L. sets out the basic features of the ecclesiastical law of the United States, before providing details of the 2010-2011 judicial year in terms of numbers of cases, Federal and State decisions on "free exercise" (marriage and the family, schools, religious manifestations in the workplace, the Religious Land Use Institutionalized Persons Act 2000, conscientious objection, and cases of "free exercise" heard by the Supreme Court); Federal and State decisions on "non-establishment" (internal ecclesiastical disputes, public manifestations and regulation of religion, prayers in public spaces, "establishment" in the school, religious symbolism, the controversy over the "Ministerial Exception" in the world of work, and cases of "non-establishment" heard by the Supreme Court); balance of the 2010-2011 year.

IE XXIII 1/11, 149-153: Ernest Caparros: A Presentation of the *Gratianus* Series. (Presentation)

C. recalls the origins of the *Gratianus* Series of canonical publications which started 20 years ago with the *Code de droit canonique, bilingue et annoté*, published by Wilson & Lafleur, Montreal. It was Jean Thorn (Dean of the Faculty of Canon Law at Saint Paul University), Professor Michael Thériault (Editor of *Studia Canonica* and Secretary of the same Faculty), and C. himself who took responsibility as co-editors for preparing the French translation of the annotated Code. They later completed the *Code of Canon Law Annotated* in English, and were highly encouraged with the results of both translations. Subsequently the idea of launching a series of canon law books was accepted without hesitation by Mr Claude Wilson, CEO of Wilson & Lafleur. The series was just starting when the group became involved in the great project of publishing the English version of the *Exegetical Commentary on the Code of Canon Law.* This appeared in 2004, after the sustained work of a team of translators picked by Fr James Socias and a team of canonists under the guidance of Fr Patrick Lagges. A list of all the publications in the series to date and those who have contributed to it is added to the presentation.

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

This book contains a bilingual collection (official Latin original, with translation by William L. Daniel) of jurisprudence of the Supreme Tribunal of the Apostolic Signatura. Some of the longer documents are preceded by summaries prepared by the translator. The documents included in the collection, and the principal canons to which they refer, are:

1. pp. 11-34: Definitive Decree of the College of Judges *coram* Sabattani, Plaint of Nullity and Petition for *Restitutio in integrum* against Rotal Decrees in a Cause of Marriage Nullity, 1 June 1985, prot. no. 15475/83 CG (canon 1445);

2. pp. 35-78: Definitive Sentence of the College of Judges *coram* Sabattani, Plaint of Nullity Against a Sentence of the Tribunal of the Roman Rota, 17 January 1987, prot. no. 15301/83 CG (canon 1445);

3. pp. 79-84: Decree of the Prefect Vallini in *Congresso*, Grant of a New Proposition of a Cause, 23 November 2005, prot. no. 34622/03 CG (canons 1445, 1644);

4. pp. 87-91: Decree of the Prefect Sabattani in *Congresso*, Extraordinary Dismissal of a Religious Presbyter, 17 March 1983, prot. no. 14220/82 CA (canon 703);

5. pp. 91-106: Definitive Decree of the College of Judges *coram* Sabattani, Extraordinary Dismissal of a Religious Presbyter, 13 April 1987, prot. no.

14220/82 CA (canon 703);

6. pp. 107-110: Decree of the Prefect Sabattani in *Congresso*, Dismissal of a Religious, 14 June 1983, prot. no. 13557/81 CA (canon 696);

7. pp. 111-136: Definitive Sentence of the College of Judges *coram* Sabattani, Extraordinary Dismissal of a Religious, 20 January 1986, prot. no. 17156/85 CA (canon 703);

8. pp. 137-140: Decree of the Prefect Sabattani in *Congresso*, Dismissal of a Religious for Violations against the Vow of Obedience, 20 November 1985, prot. no. 17083/83 CA (canon 696);

9. pp. 140-157: Definitive Decree of the College of Judges *coram* Sabattani, Dismissal of a Religious for Violations against the Vow of Obedience, 26 April 1986, prot. no. 17083/85 CA (canon 696);

10. pp. 159-164: Decree of the Prefect Sabattani in *Congresso*, Dismissal of a Religious Presbyter for Violations against the Vow of Obedience, 30 April 1985, prot. no. 15573/83 CA (canon 696);

11. pp. 165-186: Definitive Decree of the College of Judges *coram* Sabattani, Dismissal of a Religious Presbyter for Violations against the Vow of Obedience, 7 June 1986, prot. no. 15573/83 CA (canon 696);

12. pp. 187-202: Definitive Sentence of the College of Judges *coram* Stickler, The Right of Ownership of Movable Goods Deposited by a Later Extinct Religious Community in Diocesan Archives, 13 June 1987, prot. no. 12230/80 CA (canon 1259);

13. pp. 203-230: Definitive Sentence of the College of Judges *coram* Palazzini, Dismissal of a Religious Presbyter for Violations against the Vow of Obedience, 23 January 1988, prot. no. 15721/83 CA (canon 696);

14. pp. 230-236: Decree of the Secretary Grocholewski in *Congresso*, Dismissal of a Religious Presbyter for Violations against the Vow of Obedience, 12 September 1991, prot. no. 21191/89 CA (canon 696);

15. pp. 236-253: Definitive Decree of the College of Judges *coram* Herranz, Dismissal of a Religious Presbyter for Violations against the Vow of Obedience, 9 May 1992, prot. no. 21191/89 CA (canon 696);

16. pp. 255-260: Decree of the Prefect Sabattani in *Congresso*, Exclaustration Imposed on a Religious, 11 December 1986, prot. no. 18061/86 CA (canon 686);

17. pp. 260-274: Definitive Decree of the College of Judges *coram* Silvestrini, Exclaustration Imposed on a Religious, 5 May 1990, prot. no. 18061/86 CA (canon 686);

18. pp. 275-287: Decree of the Prefect Agustoni in *Congresso*, The Extinctive

Union of Provinces of a Religious Institute, 13 May 1997, prot. no. 27013/96 CA (canons 581, 585);

19. pp. 287-298: Definitive Decree of the College of Judges *coram* Agustoni, The Extinctive Union of Provinces of a Religious Institute, 8 November 1997, prot. no. 27013/96 CA (canons 581, 585);

20. pp. 299-325: Definitive Sentence of the College of Judges *coram* Coccopalmerio, Dismissal of a Religious Presbyter for Delicts against the Sixth Commandment of the Decalogue, 22 June 2002, prot. no. 31290/00 CA (canon 696);

21. pp. 327-340: Decree of the Prefect Pompedda in *Congresso*, Removal, Incardination, Defamation, Financial Rights and Damages of a Religious Presbyter, 28 February 2002, prot. no. 31547/00 CA (canons 270, 281, 1740);

22. pp. 340-355: Definitive Decree of the College of Judges *coram* Schotte, Removal, Incardination, Defamation, Financial Rights and Damages of a Religious Presbyter, 30 November 2002, prot. no. 31547/00 CA (canons 270, 281, 1740);

23. pp. 357-376: Definitive Sentence of the College of Judges *coram* Agustoni, The Transfer of Three Parish Priests, 24 June 1995, prot. no. 23443-5/92 CA (canons 538, 1748);

24. pp. 377-382: Decree of the Prefect Agustoni in *Congresso*, The Exercise of the Priestly Ministry, 28 March 1996, prot. no. 24693/93 CA (canons 1446, 1722);

25. pp. 383-387: Definitive Sentence of the College of Judges *coram* Davino, Impediment for the Exercise of Holy Orders, 4 May 1996, prot. no. 23737/92 CA (canon 1044);

26. pp. 389-413: Definitive Sentence of the College of Judges *coram* Cacciavillan, Removal of a Parish Priest, 28 June 2003, prot. no. 29531/98 CA (canons 538, 1740);

27. pp. 415-439: Definitive Sentence of the College of Judges *coram* Grocholewski, The Revocation of Ministerial Faculties, 28 April 2007, prot. no. 37937/05 CA (canons 223, 1336);

28. pp. 441-446: Decree of the Prefect Sabattani in *Congresso*, Active Legitimation for Making Hierarchical Recourse in a Cause Regarding the Demolition of a Church, 22 August 1987, prot. no. 17447/85 CA (canons 299, 1222, 1737);

29. pp. 447-460: Definitive Decree of the College of Judges *coram* Castillo Lara, Active Legitimation for Making Hierarchical Recourse in a Cause Regarding the Demolition of a Church, 21 November 1987, prot. no. 17447/85 CA (canons 299, 1222, 1737);

30. pp. 461-466: Decree of the Prefect Silvestrini in *Congresso*, Renovation of a Church, 26 January 1990, prot. no. 21024/89 CA (canon 1216);

31. pp. 467-475: Decree of the Prefect Agustoni in *Congresso*, The Suppression of a Parish, 6 December 1993, prot. no. 24048/93 CA (canon 515);

32. pp. 476-481: Definitive Decree of the College of Judges *coram* Fagiolo, The Suppression of a Parish, 25 June 1994, prot. no. 24048/93 CA (canon 515);

33. pp. 483-488: Supreme Tribunal of the Apostolic Signatura, Decree of the Prefect Agustoni in *Congresso*, The Suppression of a Parish and the Reduction of its Church to Profane, Non-Sordid Use, 12 October 1995, prot. no. 25500/94 CA (canons 515, 1222);

34. pp. 488-501: Definitive Decree of the College of Judges *coram* Agustoni, The Suppression of a Parish and the Reduction of its Church to Profane, Non-Sordid Use, 4 May 1996, prot. no. 25500/94 CA (canons 515, 1222);

35. pp. 503-513: Decree of the Prefect Agustoni in *Congresso*, The Reduction of a Church to Profane, Non-Sordid Use, 3 May 1995, prot. no. 24388/93 CA (canon 1222);

36. pp. 514-528: Definitive Decree of the College of Judges *coram* Agustoni, The Reduction of a Church to Profane, Non-Sordid Use, 4 May 1996, prot. no. 24388/93 CA (canon 1222);

37. pp. 529-534: Definitive Decree of the College of Judges *coram* Felici, Conflict of Competence between Two Dicasteries of the Roman Curia, 20 February 1982, prot. no. 13782/81 CC (canon 1445);

38. pp. 535-567: Definitive Sentence of the College of Judges *coram* Ratzinger, Dismissal from a Teaching Position, 27 October 1984, prot. no. 10977/79 CA (canon 818);

39. pp. 569-602: Definitive Sentence of the College of Judges *coram* Stickler, Conflict of a Bishop's Decree with a Pontifical Privilege, 29 September 1989, prot. no. 16617/84 CA (canons 38, 76);

40. pp. 603-606: Decree of the Prefect Silvestrini in *Congresso*, Concerning a Penalty Imposed upon a Lay Member of the Faithful, 30 October 1990, prot. no. 18881/87 CA (canons 1336, 1720);

41. pp. 607-615: Definitive Decree of the College of Judges *coram* Agustoni, Concerning a Penalty Imposed upon a Lay Member of the Faithful, 8 May 1993, prot. no. 18881/87 CA (canons 1336, 1720);

42. pp. 617-637: Definitive Decree of the College of Judges *coram* Gantin, The Suppression of an Association of Christ's Faithful, 20 April 1991, prot. no. 20012/88 CA (canons 320, 326);

43. pp. 641-642: Decree of the Secretary Grocholewski, Denial of a Pontifical Commission to a Local Tribunal, 27 August 1988, prot. no. 17031/85 CP (canon 1445);

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47. pp. 651-652: Decree of the Prefect Silvestrini, Grant of a Pontifical Commission to a Local Tribunal, 19 April 1989, prot. no. 20906/89 CP (canon 1445);

48. pp. 653-658: Decree of the Prefect Silvestrini in *Congresso*, Declaration on the Forum of the Majority of the Proofs, 27 April 1989, prot. no. 20681/89 VT (canon 1673);

49. pp. 659-661: Decree of the Prefect Silvestrini, Denial of First Instance Competence Requested by a Local Tribunal for Eight Causes of Nullity, 22 May 1989, prot. no. 20936-43/89 CP (canon 1445);

50. pp. 663-667: Decree of the Prefect Silvestrini in *Congresso*, Declaration on the Competent Forum in Causes of Marriage Nullity After a Negative Sentence has been Issued in First Instance, 3 June 1989, prot. no. 20598/88 VT (canon 1673);

51. pp. 669-671: Decree of the Prefect Silvestrini in *Congresso*, Grant of a Pontifical Commission to a Local Tribunal, 22 June 1989, prot. no. 20561/88 CP (canon 1445);

52. pp. 673-675: Decree of the Prefect Silvestrini in *Congresso*, Denial of First Instance Competence Requested by a Local Tribunal for a Single Case and in General, 22 June 1989, prot. no. 20919/89 CP (canon 1445);

53. pp. 677-678: Decree of the Prefect Silvestrini, Grant of a Pontifical Commission to a Local Tribunal, 1 July 1989, prot. no. 21092/89 CP (canon 1445);

54. pp. 679-683: Decree of the Prefect Silvestrini in *Congresso*, Grant of a Pontifical Commission to the Roman Rota to Adjudicate a Documentary Cause in Second Instance and an Ordinary Process in First Instance, 7 July 1989, prot. no. 20689/89 VT (canon 1445);

55. pp. 685-688: Decree of the Secretary Grocholewski, Grant of a Pontifical Commission to a Local Tribunal, 21 August 1989, prot. no. 20395/88 CP (canon

1445);

56. pp. 689-691: Decree of the Secretary Grocholewski, Grant of a Pontifical Commission to a Local Tribunal, 24 August 1989, prot. no. 21179/89 CP (canon 1445);

57. pp. 693-695: Decree of the Prefect Silvestrini in *Congresso*, Response to a Question concerning the Free State of Persons Intending to Marry, 1 February 1990, prot. no. 21256/89 VT (canon 1682);

58. pp. 697-700: General Decree concerning the Application of Canon 1673, 3º, 6 May 1993, prot. no. 23192/92 VT (canon 1673);

59. pp. 701-703: Decree of the Prefect Agustoni in *Congresso*, Declaration on the Competence of the Church over the Marriages of Non-Catholics, 28 May 1993, prot. no. 23805/92 VT (canon 1671);

60. pp. 705-707: Decree of the Prefect Agustoni in *Congresso*, Response concerning Persons in Irregular Unions Functioning as Advocates, 12 July 1993, prot. no. 24339/93 VT (canon 1483);

61. pp. 709-715: Decree of the Prefect Agustoni, Adjudication of a New Ground of Marriage Nullity in Second Instance and the Competent Appellate Tribunal, 17 May 1995, prot. no. 25670/94 VT (canon 1683);

62. pp. 717-722: Decree of the Prefect Agustoni in *Congresso*, "Presumptions" of Fact in Causes of Marriage Nullity, 13 December 1995, prot. no. 25651/94 VT (canon 1586);

63. pp. 723-724: Decree of the Prefect Agustoni, Approval of the Appellate Tribunal of the Vicariate of Rome as the Second Instance Tribunal of the Prelature of the Holy Cross and Opus Dei, 15 January 1996, prot. no. 44191/96 SAT (canons 295, 1438);

64. pp. 725-730: Decree of the Prefect Agustoni in *Congresso*, Defective Application of Canons 1608, §4 and 1150, 23 January 1996, prot. no. 26689/96 VAR (canons 1150, 1608);

65. pp. 731-735: Decree of the Prefect Agustoni, Response to a Question concerning a Decree by Which a First Instance Affirmative Sentence is Confirmed on Only One Among Many Alleged Grounds, 16 April 1997, prot. no. 27804/97 VT (canon 1682);

66. pp. 737-741: Decree of the Prefect Agustoni, Response to a Question concerning a Decree by Which a First Instance Affirmative Sentence is Confirmed with an "Equivalently Conforming" Decision, 30 October 1997, prot. no. 26882/96 VT (canon 1682);

67. pp. 743-748: Decree of the Prefect Agustoni in *Congresso*, Response to a Question concerning the Use of an Expert in Causes of Marriage Nullity, 16 June

1998, prot. no. 28252/97 VT (canon 1680);

68. pp. 749-754: Circular Letter on the Right of Defence to the Judicial Vicars of the Italian Regional Tribunals, 14 November 2002, prot. no. 33840/02 VT (canons 221, 1682);

69. pp. 755-757: Decree of the Prefect Vallini in *Congresso*, *Restitutiones in integrum* in Causes of Marriage Nullity, 22 June 2006, prot. no. 38517/06 VAR (canons 1643, 1645);

70. pp. 759-761: Decree of the Prefect Vallini in *Congresso*, Declaration on Declarations of Marriage Nullity by the Orthodox Church in Romania, 20 October 2006, prot. no. 37577/05 VAR (canon 1671);

71. pp. 763-765: Decree of the Prefect Vallini, Concerning a Mixed Marriage between a Catholic and Orthodox Party without a Sacred Rite, 3 January 2007, prot. no. 38964/06 VT (canon 1127; CCEO canon 781).

(For bibliographical details see below, Books Received.)

Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB. (Book)

This collection of articles in honour of Sabino Ardito, SDB, who was for almost thirty years Professor and Dean at the Faculty of Canon Law of the Pontifical Salesian University, contains contributions from Pierluigi Paoletti on the sacrament of marriage in the teaching of Pope Adrian VI (see below, Historical Subjects (*Classical period*)); Michaela Pitterová on the equality of the spouses (see below, canon 1135); Luigi Sabbarese on lay persons acting as qualified witnesses at marriage (see below, canon 1112); Jesu Pudumai Doss on freedom from coercion (see below, canon 219); Stefano Ridella on the pastoral importance of the advocate in marriage nullity causes (see below, canon 1481); David Albornoz Pavišić on the procedural consequences of the silence of the defender of the bond at the discussion phase of the case (see below, canon 1603); María Victoria Hernández Rodríguez on natural law as the foundation of the declarations of matrimonial nullity *coram* Ardito (see below, canons 1055-1057); Markus Graulich on declarations and promises in the context of mixed marriages and of the dissolution of marriage *in favorem fidei* (see below, canons 1125-1126); Carlo Gullo on the inspiring principles of the *Lex propria* of the Apostolic Signatura and the rejection *e limine* of a recourse to the Second Section of the Signatura (see below, canon 1445); and a final article from Andrea Farina on the civil responsibility of educators, in the light of Italian law. (For bibliographical details see below, Books Received.)

Ecclesiology

REDC 68 (2011), 783-800: Nicolás Álvarez de las Asturias: La enseñanza e investigación sobre la Historia del Derecho Canónico a la luz del Misterio de la Iglesia. (Article)

The author believes that the wish of Vatican II that canon law be taught in the light of the Mystery of the Church has had little effect in practice as far as the teaching of the history of canon law is concerned. He deals first with the evolution of the science of the history of canon law and its teaching in ecclesiastical faculties of learning before considering its relationship to the Mystery of the Church. He concludes with some pointers and suggestions for teaching and research in this field.

Ecumenism and interreligious dialogue

Ang 88 (2011), 741-750: Bernard O'Connor: Implications of Catholic-Orthodox Engagement. (Article)

O'C. examines documentation arising from the broad Catholic-Orthodox encounter, focusing on five areas: restoration of full communion; recognition of misunderstandings; necessity of structure dialogue; collaboration, not dilution; and the world's unbelief countered by inter-ecclesial witness. The examples chosen reinforce that we have reason to be optimistic.

EE 86 (2011), 547-613: Carlos Martínez Oliveras: La autoridad en la Iglesia: clave original para la comprensión actual de las relaciones anglicano-católicas. (Article)

The unilateral decisions taken by certain sectors of the Anglican Communion, which have led Anglicanism to a very difficult situation, are a symptom of a deeper question: how to understand the theological meaning of authority in the Church and its exercise. In the bilateral theological dialogue between Anglicans and Roman Catholics, authority has always been a central question. The different understanding is rooted in the moment of the separation. This article studies the historical events which led to the rupture of communion between Canterbury and Rome, approaching the topic from the point of view of the perception of authority in the Church. Over and above temporal factors, the new understanding which emerged in the 16th century, together with its ecclesiological consequences, caused a schism that has marked the life of the Church until now. The future of the relationship between the Catholic Church and the Anglican Communion depends on the capacity to reach an agreement on this matter.

IE XXIII 2/11, 361-378: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Seconda parte: funzione petrina, modernità, era

globale. (Lecture)

See below, canon 331.

REDC 68 (2011), 917-922: Congregación para la Doctrina de la Fe: Carta del Prefecto a todas las Conferencias Episcopales del mundo sobre los Centros de espiritualidad católicos que recurren a terapias alternativas, 5 de noviembre de 2010. (Document and commentary)

This is a Spanish translation of a letter from the Congregation for the Doctrine of the Faith concerning the use in Catholic centres of spirituality of certain prayer techniques and so-called alternative therapies which are not in conformity with the teaching of the Church. There follows a commentary by José San José Prisco.

Family issues

AnC 6/2010, 57-65: Krzysztof Warchałowski: Prawo rodziców do wychowania dzieci zgodnie z własnymi przekonaniami (= The right of parents to educate children according to parents' convictions). (Article)

W. presents the right of parents to educate their children according to their views and ideas. The right is firmly established in both international law and Polish State law. Sentences and opinions of the European Court of Human Rights and the Supreme Court of the Republic of Poland are also cited. W. analyses the scope of the right in question and the position of both parents and children as holders of the right.

AnC 6/2010, 173-200: Michał Jóźwik: Problemy rodziny wielopokoleniowej a rola dialogu wewnątrzrodzinnego w jej integracji (= The problems of the multigenerational family and the role of internal dialogue for its integration). (Article)

J. focuses on the community aspect of the family, which protects its members from loneliness, ensures their mutual assistance, and provides them with security. The elderly members need contact with their children and grandchildren so as to participate in life, experience psychological support and have a sense of security. Nowadays the life of individuals is mostly poor from the point of view of interpersonal relations. Meanwhile, man continues to be the essence of society. In view of the changes taking place in society, marriage and family ought to be treated as the most important institutions for providing a lonely person with a sense of stability, togetherness and participation.

INT 16 2/10, 164-172: Stephanie Klein: Kirche und Familien auf Distanz. Wie kann die Kirche eine Kirche der Familien sein? (Paper)

People live out their faith within their family grouping. In society today such groupings take many different forms. K. argues that the basis of Church's teaching on the sacrament of marriage is the biological family unit; other units are seen as irregular and lacking and a matter for pastoral care, not for the teaching office of the Church, and in consequence are seen only negatively. The exclusion of groups such as the divorced and remarried and family members who are not Catholic from Eucharistic communion, distances them from their faith and from the congregation. K. suggests that the sacrament of baptism might provide a theological basis for recognizing the many different family groups and the way in which their faith is lived.

INT 16 2/10, 194-206: Basilio Petrà: The Divorced and Remarried: A New State within the Church? (Article)

P. discusses the position of those in the Church who are divorced and remarried. He outlines the situation of those who are living in a union which is irregular but which can earn widespread acceptance. They are excluded from Communion but are called to a life of grace. Do they now form a new state of life within the Church? Some theologians have suggested ways of readmitting the divorced and remarried based on the *ordo paenitentium* and Orthodox practice. But P. believes this would lead to more problems doctrinally than it solves. He suggests a more radical solution, arising out of an examination of the relationship between death and marriage, and refers to his previous published work on this.

INT 16 2/10, 208-214; Machteld Reynaert: Somewhere in Between – Children with Divorced Parents as a Challenge for Pastoral-Theological Thinking. (Article)

As more people get divorced, then more children are affected by the consequences of parental separation. R. says that in Belgium about one in five children under the age of 17 is living with a separated parent. He briefly discusses the research of Elizabeth Marquardt which concludes that there is no "good divorce" as far as the consequences for the children are concerned. Divorce, R. says, always affects the child and can alter the child's view of relationships, the world and religion. Pastoral care, focused on the child and his or her individual needs, before and after the divorce, can be of help and there is consideration of what this involves.

Human rights

IusM V/2011, 257-268: Velasio De Paolis: La Dichiarazione universale dei dirittti dell'uomo: origine, valutazione, fondamenti. (Article)

De P. looks at the Universal Declaration of Human Rights in its historical and cultural context. Whereas previous charters had been developed within a framework of moral, religious and rational values which they expressed and protected, the breeding ground of the Universal Declaration of Human Rights was a context of extreme moral decay. After setting out the background to the Declaration, De P. presents the fundamental pillars on which human rights are based: the rights of the person, the rights of the individual vis-à-vis social groups, political rights, and rights in the social and economic spheres. Following an evaluation of the positive and negative aspects of the Declaration, De P. focuses on the foundations of human rights, which can be properly understood only in the context of the dignity of the person. It was because of the lack of such foundation that the Declaration fell short of expectations, owing to the prevalence of a positivist approach not centred on human dignity.

Legal theory

AC 50 (2008), 11-30: Patrick Valdrini: La reception de la loi en droit canonique: pertinence et signification. (Article)

In a 1972 article Congar presents "reception" as reflecting a theology of communion, which involves local Churches, the Holy Spirit, Tradition and the conciliar nature of the Church. The famous dictum of Gratian, *leges instituuntur cum promulgantur, firmantur cum moribus approbantur* is a key text. The question arises: is law an act of will whose force comes from its promulgation by a legislator or an act of reason whose force arises from its content? V. holds that these two poles, represented by St Thomas and Suárez, are complementary. While the 1917 and 1983 Codes use "reasonable" only when dealing with custom, the broader ecclesial and moral context requires that law should always be so. Law loses its force when it ceases to be reasonable or if its implementation would cause harm, e.g. when the *sanior pars* of a community ceases to observe it. Dealing with the concept of *remonstratio* for a just and reasonable cause, which is rooted in canonical tradition, V. cites the medieval bishop of Ravenna who judged that the implementation of a law would cause harm in his diocese.

EE 86 (2011), 749-767: Jesús Rodríguez Torrente: El Derecho Administrativo, un reto canónico para el siglo XXI. (Article)

This study of administrative law in the Church consists of five parts: the relationship between crisis of identity, individuality and law; the importance of

Vatican II for administrative law; the reasons for the administrative function in the Church; administrative law at the heart of the Church; and the future challenges for a better understanding of administrative law.

IE XXIII 2/11, 413-434: Henryk M. Jagodziński: Il Diritto amministrativo della Chiesa nella letteratura canonistica polacca ed i suoi più recenti sviluppi. (Article)

J. provides a summary of the contributions of Polish authors on the subject of the administrative law of the Church, up till 2001. After that date there have not been many articles on this topic in Poland. Nonetheless, J. considers the individual contributions of a number of Polish canonists who have written on the matter to a greater or lesser extent.

Ius II 1/2011, 39-82: George Nedungatt: Dimensions of Law in the Church. (Article)

This article contains the slightly revised text of the last of a series of lectures on the theology of law given at the Institute of Oriental Canon Law, Dharmaram Vidya Kshetram, Bangalore, in June-July 2011. The lectures were entitled: 1. Theology of Law: Point of Departure; 2. Law in the Old Testament; 3. The Covenant: Biblical Foundation of Law; 4. Law in the New Testament; 5. Survival of the Old Testament Law in the Church; 6. *Ius divinum*; 7. Dimensions of Law in the Church. The latter is a synthesis of the previous ones on a different key. It tries to identify the characteristics of law in the Church as situated at the cross-section of anthropology, Christology, pneumatology, ecclesiology, sociology, and history. Law in the Church must be viewed as set on a value scale. Hence it is proper to speak of the hierarchy of laws in the Church on the model of the hierarchy of truths, to which theologians should be attentive. Similarly canonists must be attentive to the hierarchy of laws or the hierarchical dimension of laws in the Church.

Ius II 1/2011, 83-107: Maria Ionella Cristescu: *Théotokos* and Religious Life in CCEO. (Article)

C. attempts to explain the place and role of the Blessed Virgin Mary in the canons of the CCEO. She treats: 1. the Marian note of the canonical legislation; 2. the *status quaestionis* of the canonical legislation on Marian cult; 3. the *Christifideles* and the Marian cult in CCEO, canon 884; 4. *Théotokos* and religious life according to the CCEO under the following subtitles: *Théotokos, Regina monachorum* and *Mater religiosorum*; *Théotokos* and consecrated life: specific and non-specific reference; the "marianity" of CCEO, canon 410; *Théotokos* and the liturgical norms.

IusM V/2011, 103-155: Andrea D'Auria: Il diritto canonico come strumento di dialogo e di evangelizzazione. (Article)

D'A. starts with a survey of the anthropological and philosophical foundations of canon law, with special focus on the human person's fundamental rights. He then deals with the theological foundations of canon law and highlights the contribution of juridical-canonical speculation to modern culture as well as the risk which the Church runs in uncritically assimilating certain modern juridical and philosophical principles (particularly with reference to the idea of a Code, custom, and the principle of legality). Finally D'A. underlines canon law's dynamic role and its evangelizing potential, with particular reference to the classification of fundamental human rights, the close link between education and government, the Enlightenment theory of separation of powers, and in the context of criminal law, the personalist idea of culpability.

Per 100 (2011), 409-423: Ottavio De Bertolis: La filosofia del diritto per lo studio del diritto canonico. (Article)

"What is the place given in a faculty of canon law to the study of the philosophy of law?" De B. opens his article with this question and proceeds to offer some guidelines towards a response. It is clear that his question is not just theoretical but that it has immense practical repercussions. In general, the philosophy of law is viewed as belonging among those subjects that are complementary or subsidiary to the work of the faculty; but he believes that the philosophy of law occupies a more central and more essential position. He takes the view that one does philosophy by teaching, by seeking to teach students how to reason juridically by starting from the people before them and not just from the written norm. It is essential to think clearly and honestly about what constitutes divine and natural law. By means of a clear philosophy of law, canonists can learn how to reason juridically about some of the big questions of today. Philosophy can become a bridge between canon law and contemporary juridical culture. At the end, he acknowledges that faculties of canon law exist in large part to produce those functionaries who operate the system; but he insists that in preparing these functionaries, it is essential to teach them not only the "what" of law, but also the "why".

QDE 24 (2011), 35-50: Matteo Visioli: La carità quale principio costitutivo del diritto ecclesiale. (Article)

V. argues that it has not been easy to achieve a true synthesis of the concepts of justice and charity. One prominent Italian philosophical writer, Norberto Bobbio, has suggested that charity might be seen as *complementary* to law when necessary. This study, rather, seeks to see charity as the *foundation* of law, based on Vatican II's vision of the Church as essentially *communion.* V. cites in particular the thesis of Gianfranco Ghirlanda, who sees the Church as both mystery of communion and as sacrament of salvation. V. traces post-conciliar development before treating of the Magisterium of Pope Benedict XVI, whom he sees as combining principles of

charity and juridical organization to form the basis of loving community service. In conclusion, V. notes that the Church's law does not limit itself to the same horizons as civil law, such as the fair distribution of goods and expectations. In addition, charity functions as a means of characterizing the Church as an icon of the Trinity.

SC 45 (2011), 5-25: Juan Ignacio Arrieta: Stabilité et dynamisme du système juridique canonique. (Article)

A. considers the stability and dynamism of the canonical juridical system. He treats five specific questions related to this theme: the substantive juridical system as the foundation and guide of the juridical order; the integration of the canonical norm in its historical evolution; the interrelation between the substantial elements and the formal norm; the priority of the substantial norm; and positivism, exegesis, and the quest for informing principles. He urges contemporary canonists to seek and elaborate the inspiring principles of the canonical system.

SC 45 (2011), 329-353: William L. Daniel: The Origin, Nature, and Purpose of Canon Law in the Recent Pontifical Magisterium. (Article)

When addressing the officials of the Tribunal of the Roman Rota, faculties of canon law, and the academic congresses of canonists, the Supreme Pontiffs have furnished the Church with eloquent teaching about the origins, nature, and purpose of canon law. In this study, D. provides a synthesis of all the pontifical teachings on this theme from the time of the promulgation of the CIC/17 to the present. According to the pontifical Magisterium, canon law is not something foreign to the mystery of the Church but is in fact inherent to her being, according to the constitutional will of Jesus Christ. The juridical and spiritual dimensions of the Church are in no way mutually opposed but both have their source in God. Canon law is thus intrinsically pastoral, and is endowed with many other unique qualities. Its immediate purposes are several (e.g. good order and the direction of the Christian life), and its ultimate purpose is the salvation of souls. For all these reasons, canon law must be obeyed. The origins, nature, and purpose of canon law have various implications for the ecclesial role of the canonist.

Relations between Church and State

AC 51 (2009), 17-31: Jean-Paul Durand: Pour une synthèse doctrinale de recherches théoriques et cliniques 1999-2011 sur la notion d'«Église nationale». (Article)

The concept of a "national Church" emerges from tensions between, on the one hand, religious freedom of individuals and the Church, and on the other, the

political-religious identity of the nation-State (cf. *Dignitatis Humanae*, no. 6).

AC 51 (2009), 41-60: Norman Doe: La notion d'«Église nationale» au Royaume-Uni: changement et continuité, 2000-2010. (Article)

From the perspective of civil law, the Roman Catholic Church is the antithesis of a national Church, being technically founded on a "foreign jurisdiction", whose law is a kind of "foreign" law. A Church is "national" if all citizens have access to its services. Historically, the concept of "national Church" served to remove it from the Papal claim of universal jurisdiction. D. outlines points of development that have occurred since 2000.

AC 51 (2009), 61-67: Grigorios Papathomas: Culturalisme ecclésiastique: l'aliénation de la culture et l'anéantissement de l'Église. (Article)

"Ecclesiastical culturalism" refers to the situation where the nature of a Church is based on non-theological elements. P. blames cultural and political factors for the failure to convene a pan-Orthodox council.

AC 51 (2009), 69-92: Brigitte Basdevant-Gaudemet: Des *Églises nationales* aux temps modernes? (Article)

B.-G. looks at the nature of a national Church. For Luther, Church and State are autonomous, the former being subject to the latter. *Cuius regio eius religio* emerged in the Peace of Augsburg (1555) to settle the post-Reformation wars of religion. Orthodox theology and canon law affirm the territorial dimension of the Church. Political factors led, for example, to the establishment of the Moscow patriarchate in 1589, which allowed Peter the Great to hand control of the Church over to lay, political advisers. In the Catholic Church B.-G. takes the Inquisition in Spain as one example; the role accorded by Rome to the Spanish throne in the nomination of bishops is another.

AC 51 (2009), 93-101: Patriciu Vlaicu: L'Église d'appartenance du baptisé dans et hors du territoire canonique. (Article)

In the 19th century the States of Europe became nation-States. In the Balkans, where new States developed around national Churches, public opinion saw the Churches as defenders of the nation. Zizioulas insists that the ecclesial character of the Eucharist is reflected in communion, not in independence (Afanasieff). Belonging to a local Eucharistic community in communion with the whole Church is the way in which a person can identify himself as a member of the Church in its fulness. Territory is a form of stability that the Church has used to organize its mission; ecclesial organization is always at the service of the Church's mission.

Romanian Orthodox theologians see cultural identity as an undeniable reality, blessed by God, which however should not be celebrated to the detriment of ecclesial communion or the universality of the Church.

AC 51 (2009), 121-130: Gill Daudé: Contrepoint d'un réformé français. (Article)

The reformed Church, a minority, shares in the national identity of France and the wider reformed tradition. The central pillars of the reformed tradition are the profession of faith, liturgy, synodality and a rule of life and form of ecclesiastical law separate from civil laws. In 1938 several reformed Churches formed a united "Reformed Church of France", partly inspired by the desire to express solidarity with France at a time when Nazism threatened. The formula did not include Christians in French colonial territories. The 1905 law on the separation of Church and State provided a legal basis for the autonomy of the reformed Church in France. The formation of the "Union of Lutheran Churches and Reformed Churches in France" – with corresponding relations at global level – opens a new phase.

AC 51 (2009), 253-265: Gilles Straehli: L'apprehénsion du statut du ministre du culte par le juge pénale étatique. (Article)

S., a judge in civil law, reflects on the pastoral demands of professional secrecy in the context of French law.

AkK 179 (2010), 380-411: Stephan Haering – Martin Rehak: Zur Abstimmung schulorganisatorischer Maßnahmen seitens des Freistaats Bayern mit der Kirche. (Article)

This article deals with the question of whether and how the Catholic Church might speak out in certain matters relating to educational administration, in the light of the Bavarian Concordat.

AnC 6/2010, 67-94: Piotr Majer: Uznanie małżeństwa kanonicznego w prawie państwowym (= Recognition of a canonical marriage by civil law). (Article)

M. reflects on the different ways in which canonical marriage is recognized by State law, focusing in particular on Italy and Poland.

CLSN 166/11, 22-25: Benedict XVI: Apostolic Letter in the Form of a *Motu Proprio* for the Prevention and Countering of Illegal Activities in the Area of

Monetary and Financial Dealings. (Document, with comment by Gordon Read)

This Apostolic Letter sets out measures to counteract the phenomenon of laundering money and the financing of terrorism, including the establishment of the *Autorità di Informazione Finanziaria* (AIF), an institution with public juridical personality and Vatican civil personality. R. mentions a communiqué of the Secretariat of State (30 December 2010) which accompanied the publication of the *motu proprio* in the English edition of *L'Osservatore Romano* on 5 January 2011, and which explains that the new legislation implements the Monetary Convention between the Vatican City State and the European Union agreed on 17 December 2009. He observes that the *motu proprio* adopts the same law, not only for the Vatican City State, but also for the Dicasteries of the Roman Curia and for every institution and entity dependent on the Holy See. See also the following entry.

IE XXIII 1/11, 109-116: Giuseppe Dalla Torre: La nuova normativa vaticana sulle attività illegali in campo finanziario e monetario. (Article)

See preceding entry. After the Monetary Convention signed with the Kingdom of Italy in 1930, the Vatican City State adopted the Italian lira as its own currency. When Italy joined the Euro a new Convention was signed in 2000. This has now been replaced by the Monetary Convention of 17 December 2009, agreed directly with the European Union, by which the Vatican City State, using the Euro as its official currency, undertook to put in place by December 2010 all necessary measures to bring its own regulations on banknotes and coinage into line with those of the European Union, and to prevent money laundering, fraud and counterfeit means of payment. The author lists the four laws which have been issued by the Vatican in this regard, and goes on to study the problems involved in adopting European law, and in the relationship between the Vatican City law and canon law. He also looks at the revision of Vatican penal law; the establishment of the AIF; and the penal jurisdiction of the Vatican.

EE 86 (2011), 803-814: José Luis Santos Díez: Montenegro se suma a la línea de acuerdos con la Santa Sede. Movimiento concordatorio de los últimos decenios. (Article)

Prior to commenting on the main features of the recently-signed concordat between Montenegro and the Holy See, S.D. gives a summary of developments in the area of concordats over the last five years, and the fundamental guiding principles.

FT 21 (2010), 7-20: Péter Erdö: Le rapport entre l'Église et l'État dans la théologie de l'Église Catholique. (Article)

According to Catholic teaching, the Church has not only a limited autonomy

within the State, but also sovereignty in her own domain. This is a consequence of her having been founded by Christ, and her nature as a People of God. It is also confirmed by the history of the Church during the first centuries. At that time, the Church was not at all a constitutive element of a public juridical State structure: she was completely disregarded, or even persecuted. After the secularization of the State in the modern era, it seems to be extremely dangerous for the freedom and identity of the Church to be treated as a structure of State public law. Peaceful separation from the State and cooperation on the basis of equality seem to correspond best to the Church's theological nature.

IC 51 (2011), 437-446: Ombretta Fumagalli Carulli: Concordats as Instruments for Implementing Freedom of Religion. (Speech)

F.C. provides a brief overview of the history of concordats, and explores the teaching of Vatican II regarding Church-State relations. In the light of a rhetorical discussion of whether Vatican II spelled the end of concordats as such, she analyses the texts of recent concordats, exploring the network of relationships between Church and State, setting out their advantages and disadvantages, and highlighting the model that affords the Catholic Church most sovereignty. She addresses the role of episcopal conferences in Church-State relations, also pointing out the risk of the re-emergence of national Churches.

IC 51 (2011), 479-506: Fernando Giménez Barriocanal – María del Rocío Flores Jimeno – Mónica Santos Cebrián: La economía de las diócesis españolas: un estudio empírico. (Article)

This article looks at the economic situation of dioceses in Spain in 2007, 2008 and 2009, and examines the level of dependence on different financial resources, and the uses to which such funding is put.

IC 51 (2011), 507-530: Francisco J. Contreras Peláez: ¿Por qué los tratados europeos evitan mencionar el cristianismo? (Article)

Noting the absence of any mention of Christianity in many of the official documents of the European Union, C.P. suggests that the root cause of this "Christophobia" is a rejection by Europe of its own cultural origins. Europe seeks to define its identity in terms of absolute universal values such as freedom and human rights. Nevertheless, the reason why such liberal-democratic values emerged in the West is that they are secularized versions of Christian values.

IC 51 (2011), 587-626: Alexandra Maria Rodrigues Araújo: Derechos fundamentales y estatuto jurídico de las iglesias tras el Tratado de Lisboa.

(Article)

This article examines the relationship between the juridical status of Churches and fundamental rights within the European Union, focusing on the more important questions which arose in the course of the drafting of the European Constitution, the failure of which led to the Lisbon Treaty.

IE XXIII 1/11, 135-146: Georg Gänswein: I rapporti tra Stato e Chiesa in Italia. La "libertas Ecclesiae" nel concordato del 1929 e nell'accordo del 1984. (Lecture)

In an address given on 13 February 1929, two days after the signing of the Lateran Pacts, Pope Pius XI summed up the aim of the Lateran Concordat: "To give God back to Italy and Italy to God". The Lateran Treaty, with the solution of the Roman Question and the recognition by Italy of the international personality of the Holy See, was inextricably linked to the Concordat. The Pope renounced temporal power, and the tiny Vatican City State was established with a view to guaranteeing the freedom and independence of the Holy See for the fulfilment of her mission in the world. In 1984, an Accord revising the Concordat was signed by the Cardinal Secretary of State, Agostino Casaroli, and the President of the Italian Republic, Bettino Craxi. G. first sets out the relevant historical developments in the 20th century, and then studies the *libertas Ecclesiae* in the Concordat and the Accord. He goes on to analyse individual and collective religious freedom in these documents, as well as the "sacred character of the Eternal City".

IE XXIII 2/11, 501-529: Benedetto XVI: Legislazione dello Stato della Città del Vaticano: Legge sulla cittadinanza, la residenza e l'accesso (con *nota* di Waldery Hilgeman). (Document and commentary)

The Italian text is given of the Law for the Vatican City State issued by Pope Benedict XVI on 22 February 2011, dealing with citizenship, residence and access. This law is a further stage in the process of bringing Vatican City law into line with the Fundamental Law of 26 November 2000 (see *Canon Law Abstracts*, nos. 88, p. 4; 89, pp. 3-5; 90, pp. 1, 5; 91, p. 9), and follows on from the law on the sources of law of 1 October 2008 (see *Canon Law Abstracts*, nos. 100, p. 12; 104, pp. 23-25; 106, p. 15; 107, p. 16). In his commentary C. gives a brief explanation of the origins of the Vatican City State and the Lateran Pacts of 1929 which brought an end to the Roman Question (see preceding entry); the reasons behind the revision of the 1929 law on citizenship and residence; and details of the Commission charged with carrying out the revision. He then offers observations on each of the 16 articles that make up the new law.

LJ 167/11, 11-19: Helen Hall: *Maga* and Direct Liability in Negligence.

(Article)

The civil case of *Maga* v *Trustees of the Archdiocese of Birmingham* (2010) arose in respect of sexual abuse in the 1970s by a young priest (A). The claimant was befriended by A., invited to church discos, and given various odd jobs to do in return for payment. The parish priest (B) received complaints about A., and although the court accepted that it was inappropriate to judge B.'s response by contemporary standards, it nevertheless found that the action which he took was woefully inadequate even by the standards of the time. After he was on notice of the potential risk he had a duty of care towards young boys who came into contact with A. In failing to do so he was in breach of that duty. Most of the academic commentary on the case has focused on its importance for the development and application of vicarious liability (see following entry). However the decision also has significant implications for the direct liability of clergy in negligence. When read in the light of other recent cases on an assumed duty of care, the dicta in *Maga* can be seen to confirm the generally restrictive approach of the UK courts in finding such duties. Although on the facts of the case B. was found to have assumed a duty of care, this and other judgements make it clear that this is likely to be a rare finding beyond the context of sexual abuse.

LJ 167/11, 20-26: Frank Cranmer: *Maga* and Vicarious Liability for Sexual Abuse. (Article)

See preceding entry. The judgement of the Court of Appeal in the *Maga* case may have provided some reassurance that direct actions in negligence against clergy performing their ministerial functions are likely to remain rare; but it also seems to underline the fact that the courts are inclined to side with victims of clerical sexual abuse who argue vicarious liability on the part of Church authorities.

LJ 167/11, 27-53: Peter Petkoff: Legal Protection of Sacred Places as a Medieval Gloss – Towards Working 'Soft Law' Guidelines under Public International Law. (Article)

P. explores the possible shape of a "soft law" (voluntary, quasi-legal agreements, which either lack binding force or involve only "weak" legal obligations) for the legal protection of sacred places under international law. He examines existing mechanisms which protect, in a fragmented way, certain aspects of what could be construed as sacred places, assesses the strengths and weaknesses of these mechanisms, and seeks to identify a broader common concept of a sacred place beyond, and at the same time incorporating, existing legal categories of places of worship, freedom of manifestation, heritage sites, etc. He proposes directions for working out a soft law which would facilitate multilayered legal approaches to reflect the sometimes multiple identity and complex nature of sacred places.

PCF XII (2010), 175-185: Hermogenes E. Bacareza: The Origin and Development of the *Kirchensteuer* of Germany and other European Countries. (Article)

Article 140 of the Basic Law (Constitution) of the Federal Republic of Germany (1949) together with article 137 of the Weimar Constitution for the German *Reich* provide the legal basis for the *Kirchensteuer* (Church tax) which the Churches levy on their affiliated members. This tax is compulsory in Germany for those professing membership of a particular religious denomination. It is deducted at source by the employer and can only be terminated when one officially leaves the Church by a formal act. Variations of the tax operate in other European countries. B. traces its origins and explains how it is administered. He notes that in recent years there have been occasional outcries in some sectors of the German media, questioning the levying of the tax. In at least ten judicial cases, the courts "without exception and unequivocally" supported the constitutionality of the Church tax law. It is noteworthy that the theological foundation of the Church's right to levy taxes has not been called into question. B. then examines the operation of similar taxes in Austria, Spain, Italy, Switzerland, Denmark, Sweden, Finland, Belgium, and Iceland, to ascertain how these compare and contrast with the German model. Based on interviews with clergymen, lawyers, ambassadors, and editors of various newspapers and magazines, B. concludes that the success of the Church tax system in the Federal Republic of Germany can be attributed to its systematic and transparent operation.

REDC 68 (2011), 525-573: Juan José Puerto González: Normativa matrimonial civil española. Últimas reformas legislativas. Consideración legal de nuevas formas matrimoniales en el Derecho español. (Conference presentation)

The constitutional principle of cooperation between the State and the Catholic Church was formalized in Spain through agreements between the State and the Holy See (4 December 1979), which were later extended to those religious denominations with deep and widespread adherence in society, namely, the Jewish, Muslim and Evangelical communities, and eventually to smaller groups such as Orthodox Christians, Jehovah's Witnesses, Mormons and Buddhists. These agreements recognize for civil effects the celebration of marriage according to the respective religious rites of these communities. This principle was further extended by a decision of the European Court of Human Rights in the *Díaz Muñoz* v. *Spain* case (8 December 2009), granting similar rights to traditional gypsy marriages. This article considers the ability of present Spanish law to accommodate itself to these different marriage rites, the problem of polygamy (tolerated by some religious groups) and the legal intricacies of the civil recognition of traditional gypsy marriage.

REDC 68 (2011), 891-916: Discurso del Santo Padre Benedicto XVI al Parlamento Federal alemán, Berlín, 22 de septiembre de 2011. (Address and commentary)

This is the Spanish translation of Pope Benedict XVI's address to the German Federal Parliament, 22 September 2011, with a commentary by Alejandro Cortés Diéguez.

RMDC 17 (2011), 9-32: Raúl González Schmal: Estudio histórico y sistemático del Derecho Eclesiástico del Estado Mexicano. (Lecture)

S. explains the notion of "ecclesiastical law" in the Mexican context and how it arose; he then enquires into its content and its fundamental principles (separation of Church and State; religious freedom; and "laicity"). The key moment in the development of Mexican ecclesiastical law came with a set of reforms brought about in 1992, inspired by the principle of freedom. In recent years however there has been a lessening of interest, and even a certain regression.

Religious freedom

AC 51 (2009), 33-39: Lars Friedner: Liberté de religion – Une perspective luthérienne et suédoise dans le cadre de la conférence «Églises nationales, Suède» (2006). (Article)

Sweden's adoption of the European Convention on Human Rights in 1995 broadened the provisions of religious freedom that were already in the Constitution. Recently, the trial of a Pentecostal minister who had condemned homosexuals failed on the basis that he was exercising his religious freedom.

AnC 6/2010, 37-55: Henryk Misztal – Piotr Stanisz: Wolność wyznania a symbole religijne w życiu publicznym „państwa świeckiego" (= Freedom of worship and religious symbols in the public life of the secular State). (Article)

This article discusses the place of religious symbols in the modern secular State in the light of recent decisions of the European Court of Human Rights. The background of the discussion is freedom of conscience and religious freedom, which are basic for modern democratic States. The conclusions are that 1. manifestations of faith must be guaranteed by State law; 2. the State is not justified in giving priority to "negative religious freedom" by prohibiting all religious symbols; 3. the secular State must not favour any particular religion but has the obligation to protect each religion's own identity which is expressed by religious symbols.

IE XXIII 1/11, 57-74: Rafael Palomino: El concepto de religión en el derecho eclesiástico del Estado. (Article)

For practical reasons, State law needs to establish the concept of religion, even in those cases in which the recognition of religious freedom seems to discourage this endeavour. P. discusses, theoretically and practically, the need for this concept, and points out some elements for defining religion in the law.

IusM V/2011, 157-200: Boutros Naaman: Il diritto alla libertà religiosa nella concezione giuridico-teologica dell'islâm. (Article)

N. sets out the Islamic understanding of religious freedom. As Vatican II's Declaration on Religious Freedom states: "A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man, and the demand is increasingly made that men should act on their own judgement, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty" (*Dignitatis Humanae*, no. 1). According to the Koran, every imposition in the area of faith is foreign to the divine project, since faith is a gift of God. Today, many Islamic States have to resolve the conflict between democracy and *sharia*, religious freedom and fundamentalism. It is important to know Islamic schools, their history, and how Islamic law has formed over the centuries.

LJ 167/11, 54-75: Caroline Harris: Witchcraft: From Crime to Civil Liberty. (Article)

The concepts of human liberty and religious freedom have resulted in a tacit acceptance of witchcraft, if not an absolute understanding. H. seeks to achieve an exploration of how this has come to be and how the law relating to witchcraft has developed, focusing mainly on the laws and trial processes in England compared to those of continental Europe, including historical differences in procedure between the ecclesiastical and secular courts.

Social issues

CLSN 166/11, 17-21: Congregation for the Doctrine of the Faith: Some Reflections on Papal Comments on the Morality of Condom Use and the Reactions to These. (Note, with comment by Gordon Read)

This document seeks to correct erroneous interpretations following the publication of Benedict XVI's *Light of the World* which have presented the Pope's words as a contradiction of the Church's traditional moral teaching. It refutes the idea that the Pope suggested that prostitution with the use of a condom can be chosen as a lesser evil, and clarifies his actual position, which is in full conformity with the

moral-theological tradition of the Church. Read comments that the controversy that arose over this issue raises questions of canonical interest, such as the status of different documents and the weight to be given to them.

HISTORICAL SUBJECTS

1st millennium

AnC 6/2010, 201-211: Robert Kantor: Posługa sądownicza biskupa w starożytności chrześcijańskiej (= The judicial ministry of the bishop in Christian antiquity). (Article)

Etymologically the term *episcopos* means guardian or protector. Prolonging through time the loving vigilance of the "sovereign Pastor", the episcopal ministry is established in the Church to be a living symbol of the vigilance and care of the "Good Shepherd", exercised always in the service of souls and of the Church. As head of the particular Church entrusted to him, the bishop should consider the activity which he is specifically obliged to carry out for the service of his community. Part of the bishop's responsibility is the *officium judiciorum*, which in the early Church was a source of trouble, partly because of the difficulties inherent in the judicial activity itself, and partly because of the danger that those who were weaker, if judgement went against them, might also lose their faith.

REDC 68 (2011), 725-781: Julio Rodríguez González: Cristianismo, guerra y ejército en el Imperio Romano. (Article)

This article discusses the place and influence of the new Christian religion in the army of the greatest power of its day, the Roman Empire. After a brief overview of its nature and structure, R.G. examines the relationship between the army and traditional Roman religion before the rise of Christianity. The main body of the article looks at the attitude of Christians to war and the army before and after AD 313, when Christianity was declared a legitimate religion within the Empire. The text is augmented by copious footnotes and followed by a full bibliography.

REDC 68 (2011), 801-812: Ciro Tammaro: Brevi riflessioni sul primato della *Sedes Petri* nella legislazione canonica alto-medievale. (Article)

T. examines some of the historical legal problems connected with the primacy of the Holy See, *Sedes Petri*, as reflected in the norms formulated by various Roman Pontiffs in the early medieval period. The first reference to the *plenitudo potestatis* is found in a letter of Pope Leo the Great from around 445, although the issue had been touched on before in the Decretal of Pope Siricius in 385. The matter continued to be addressed in lesser Papal documents until it was crystallized in the

Decretal *Divini Praeceptis* of Gregory IV in 833.

Classical period

AkK 179 (2010), 468-477: Waltraud Kozur – Karin Miethaner-Vent: Kanonistische Editionen der anglo-normannischen Schule des 12. Jahrhunderts. Summa Lipsiensis, Dekretsumme und Quaestionensumme des Magister Honorius. (Article)

This article presents a project to prepare a critical edition of the canonical texts of the so-called "Anglo-Norman School" of the 12th century, carried out at the Universities of Munich and Würzburg. Three further volumes have appeared since the previous report in 2005 (see *Canon Law Abstracts*, no. 98, p. 14): vol. I on *Summa Lipsienses* (Pars Prima) (2007); vols. II and III on the *Dekretsumme* of Magister Honorius: the final volume of texts (Causa 2 bis 36) and the index for the complete work (2010). Thus for the first time the full critical edition of a canonical work of the Anglo-Norman School is made available, complete with indices.

Pierluigi Paoletti: Il sacramento del matrimonio nella dottrina del Papa Adriano VI. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 15-31**)

See above, General Subjects (*Compilations*). P. sets out the teaching of Pope Adrian VI (1522-1523) on the sacramentality and contractual nature of marriage, in the context of his commentary on the sentences of Peter Lombard. P. presents Adrian's considerations on the essential requirements for marriage, and examines the influence of these teachings at the Council of Trent in its deliberations on clandestine marriages.

16th-19th centuries

AC 50 (2008), 107-129: François-Regis Ducros: Le statut des biens ecclésiastiques dans l'ancien droit canonique. (Article)

This article is a comprehensive survey of the elements of the Church's relationship with its property.

CLSN 165/11, 24-34: Richard Helmholz: University Education and English Ecclesiastical Lawyers 1400-1650. (Article)

This paper, given as a Lyndwood Lecture, considers the history of legal education

at the English universities, and argues that the accepted descriptions of legal education have been incomplete and misleading. Providing evidence that points to endemic weaknesses in legal education in the period under review (with legal study being undemanding, unimaginative, and failing to prepare students for the careers most of them would pursue), he also reviews new evidence that tells a more positive story. This new evidence is gleaned from lecture notes, records of disputations in law faculties, student notebooks, and commentaries on practice in the ecclesiastical courts that demonstrate something of the legal education received in the universities. His conclusion is that while some law students were indolent (and visible), it is likely that there were more engaged and less visible students hard at work. (See also *Canon Law Abstracts*, no. 107, p. 29.)

EE 86 (2011), 547-613: Carlos Martínez Oliveras: La autoridad en la Iglesia: clave original para la comprensión actual de las relaciones anglicano-católicas. (Article)

See above, General Subjects (*Ecumenism and interreligious dialogue*).

IE XXIII 1/11, 33-55: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Prima parte: fondamento e sviluppo storico del primato. (Lecture)

See below, canon 331.

IE XXIII 2/11, 361-378: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Seconda parte: funzione petrina, modernità, era globale. (Lecture)

See below, canon 331.

SC 45 (2011), 485-499: Kevin E. McKenna: Bishop George Conroy and the 1878 Investigation of the Church in the United States. (Article)

In 1878 Bishop George Conroy, at the time serving as apostolic delegate to Canada, was commissioned by the Holy See to investigate the status of the Church in the United States. Included in his travels was the opportunity for meeting with many bishops and priests to learn first-hand of the challenges they faced in their ministry. Among his observations was the general lack of the use of canon law in the transfer and the dismissal of clergy. Many priests in the United States had been appealing to Rome concerning the lack of proper canonical procedures and safeguards for their appointments. Following Conroy's report, an attempt was made to remedy the deficiencies and call the bishops to more accountability. The Instruction in 1878 from the Congregation for the Propagation of the Faith

outlined in detail a procedure that was to be used for handling criminal matters involving clergy, a process not well received by the American bishops. Also recommended by Conroy was the appointment of a permanent apostolic delegate to the United States.

1917 Code

AC 50 (2008), 221-231: Carlo Fantappiè: Du *Corpus* au *Codex Iuris Canonici*: un changement de paradigme. (Article)

The formation of the CIC/17 was a major, collective juridical enterprise, directed by Cardinal Gasparri. It was a choral work, produced by canonists, theologians, bishops, heads of dicasteries and lay scholars. F. argues that, while the decision to codify canon law has its roots in the post-Tridentine tradition, as developed from the 16th to the 19th century, the decisive drive came from the vision of the Papacy as a consolidating force in the Church. Codification rendered canon law more simple, accessible and universal. The Code also reflected the theological vision of Vatican I.

Fabio Franchetto: «Error in persona» (can. 1097 §1). Il dibattito sul concetto di persona nella trattazione dell'*error facti*. Analisi della dottrina e della giurisprudenza. (Book)

See below, canon 1097.

20th century

Ang 88 (2011), 773-799: Miroslav Adam: L'ascrizione ad una determinata Chiesa *sui iuris* e passaggio da una Chiesa *sui iuris* ad un'altra in Cecoslovacchia (1918-1990). (Article)

A. analyses the CIC/17 law concerning ascription to a Church *sui iuris* and transfer from one Church *sui iuris* to another in Czechoslovakia, where many Greek Catholics lived, especially in Slovakia and Subcarpathian Rus. According to CIC/17, canon 756 §2, if one of the parents belonged to the Latin rite and the other to an Eastern rite, the child had to be baptized in the father's rite. Confusion arose through erroneously interpreting no. 96 of the Czechoslovakian Civil Law of 1925 to mean that in marriages of Catholics of different rites, male offspring were ascribed to the father's rite, and female offspring to the mother's rite. The problem that existed in the 1930s and 1940s was resolved by the suppression of the Greek Catholic Church in Czechoslovakia in 1950 and by the abolition on 27 July 1954 of the civil register, insofar as the religious and ritual affiliation of Czech citizens

was concerned. During the years 1950-1968, the Greek Catholic Church in Czechoslovakia was outlawed. A. considers that: 1. during the temporary interruption of the existence of the Greek Catholic Church in Czechoslovakia, the principles of the CIC/17 regarding relations between the two rites were neither suspended nor altered; 2. the provision of Latin-rite pastoral services for the Greek Catholic faithful did not mean a change in their rite; 3. when the Greek Catholic parish priests were allowed to return to their own faithful, the corresponding rights and duties were immediately transferred to them from the Latin-rite parish priests. Concerning change of rite, as well as a return to one's own proper rite, written authorization issued exclusively by the Apostolic See was deemed necessary both for clerics and for lay faithful, in accordance with canon 98 §3 of the CIC/17.

FCan VI/1 (2011), 145-159: João Seabra: Reino Fidelíssimo e República Laica: vicissitudes da liberdade religiosa. (Article)

S. deals with the 1911 law of separation in Portugal, which ended the confessional State and inaugurated a new stage in Church-State relations. Despite the regime of separation the law tried to preserve political control of ecclesiastical appointments, but failed because of the resistance of priests, bishops and the Holy See.

IE XXIII 2/11, 361-378: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Seconda parte: funzione petrina, modernità, era globale. (Lecture)

See below, canon 331.

IE XXIII 2/11, 379-391: Christian Gabrieli: La nomina di Don Ildebrando Antoniutti a segretario della Delegazione Apostolica a Pechino (1927). (Article)

One of the important personalities of the early part of the 20th century is the future Cardinal Idebrando Antoniutti, whose long service to the Church is of particular significance given his close relationship both with the first apostolic delegate in China, Cardinal Celso Costantini, as well as with Cardinal Giovanni Battista Montini, later Pope Paul VI, who shortly after his election chose Antoniutti to be Prefect of the Congregation of the Affairs of Religious. Making use of archive material, G. investigates the circumstances leading to the choice of Antoniutti as secretary of the apostolic delegation to Peking in 1927.

REDC 68 (2011), 691-723: Vicente Cárcel Ortí: La Rota española y el directorio militar. Conflictos diplomáticos con la Santa Sede entre 1924 y 1930. (Article)

C.O.'s theme concerns some diplomatic incidents between the Holy See and the Spanish State during the military Directorate of General Primo de Rivera in the 1920s. The king had the right to present a candidate as auditor for the Rota of the Apostolic Nunciature (commonly known as the Spanish Rota) who would be duly appointed by the Roman Pontiff. It was understood that the candidate proposed would always be one acceptable to the Holy See. This understanding was breached on some occasions and provides the subject for the present article, the greater part of which is a voluminous appendix of the correspondence and documents exchanged in the diplomatic choreography.

Second Vatican Council and revision of the CIC

AkK 179 (2010), 412-467: Martin Rehak: Ehe als „*sacrum amoris foedus ... a Deo institutum*". Die Vorschläge des Salzburger Erzbischofs Andreas Rohracher zur Reform des kirchlichen Eherechts. (Article)

R. investigates an observation of Andreas Rohracher, archbishop of Salzburg and Council Father at Vatican II, concerning the *schema voti De matrimonii sacramento*. R. explains why Rohracher spoke out against the designation of marriage as a contract, and in favour of the expression "union of love". Certain problems with the institutional-theoretical view of marriage are discussed.

IE XXIII 2/11, 319-338: Luis Navarro: La condizione giuridica del laico nella canonistica dal Concilio Vaticano II ad oggi. (Article)

See below, canon 207.

CODE OF CANONS OF THE EASTERN CHURCHES

CCEO 27-28

EE 86 (2011), 659-686: Miguel Campo Ibáñez: Iglesia *sui iuris*. Un concepto canónico novedoso. (Article)

The canonical concept of the Church *sui iuris*, whose positive implementation was brought about with the promulgation of the CCEO, has come to reflect in canonical language the historical tradition and Conciliar teaching on the peculiar ecclesiological statute of the Eastern Churches within the Catholic communion. This article deals with the process that led to the positive implementation of this concept, especially in relation to the concept "particular Church", as well as the

hallmarks of a Church *sui iuris*: an organized association of particular Churches under the guidance of a hierarch, within an Eastern ritual tradition, in respect of which the Church has recognized, explicitly or implicitly, a status of autonomy (*sui iuris*). It also addresses the relationship between the concepts of "Church *sui iuris*" and "rite", the current reality of the Churches *sui iuris*, and some open issues, such as the possible application of the concept to other ecclesial realities, or the question of whether the Latin Church is another Church *sui iuris*.

CCEO 55-322

Ius II 2/2011, 313-338: John Faris: Synodal Governance in the Eastern Catholic Churches. (Article)

F. presents the synodal system of governance in the patriarchal and major archiepiscopal Churches and the council of hierarchs in the metropolitan Churches *sui iuris*, referring also to the system of administration of other Churches *sui iuris*, under the following main headings: synodal governance and administrative systems in the patriarchal and major archiepiscopal Churches; metropolitan Churches and the system of administration in them with the help of the council of hierarchs, metropolitan assembly, and finally eparchial assembly, eparchial pastoral councils and assemblies of hierarchs of several Churches.

CCEO 78

Ius II 2/2011, 339-364: Paul Pallath: The Principle of Territoriality according to Eastern Catholic Canon Law. (Article)

P. examines the principle of territoriality from a historical and juridical perspective and in the light of the presence of the Latin Church throughout the world of Eastern Churches in Western territories: 1. the "sacred canons" and the principle of territoriality; 2. the Western Church in the East and the entire world; 3. Eastern Catholic Churches in Western territories; 4. the Second Vatican Council and the principle of territoriality; 5. the revision of Eastern canon law and the principle of territoriality; 6. the principle of territoriality according to the Eastern Code: the legislative power of the synod of bishops, the synod of bishops and the administration of justice, the appointment of bishops outside the territory, and major administrative powers; 7. the possibility of the extension of territorial boundaries and of a particular or special law approved by the Roman Pontiff; 8. the tenth anniversary of the taking effect of the new Code and the confirmation of the principle of territoriality.

CCEO 91

SCL VII (2011), 417-426: Victor D'Souza: Mentioning the Diocesan Bishop in

the Eucharistic Prayer. (Opinion)

Unlike the CCEO, the CIC/83 does not make any regulation concerning the name of the bishop to be mentioned during the Eucharistic Prayer. The General Instruction of the Roman Missal, art. 149, refers to the diocesan bishop or anyone equivalent to him. In the author's view this does not extend to interim administrators, even if they are bishops. Moreover, only the diocesan bishop and any assistant bishops are to be mentioned, not other bishops who may be present, even cardinals or nuncios, nor retired bishops living in the diocese. The CCEO sets out the specific order in which hierarchs are to be mentioned and also establishes a penalty for deliberately omitting such a commemoration.

CCEO 161

SCL VII (2011), 417-426: Victor D'Souza: Mentioning the Diocesan Bishop in the Eucharistic Prayer. (Opinion)

See above, CCEO canon 91.

CCEO 210

Ius II 2/2011, 295-312: George Gallaro: Considerations on the Bishop Emeritus. (Article)

See below, CIC canon 401.

CCEO 279-303

SCL VII (2011), 139-170: John Renken: Parishes in the Latin and Eastern Codes: A Comparative Study. (Article)

See below, CIC canons 515-552.

CCEO 399

IE XXIII 2/11, 319-338: Luis Navarro: La condizione giuridica del laico nella canonistica dal Concilio Vaticano II ad oggi. (Article)

See below, CIC canon 207.

CCEO 410-572

Ius II 1/2011, 165-186: Dr Sr Siby: Religious Community as Communion of

Common Life in the Light of CCEO Culture. (Article)

Dr Siby deals with: 1. the nature of communion; 2. communion and common life in the religious community (monasteries, orders, congregations and other forms of consecrated life); 3. the juridical conditions essential for religious communities (provinces, houses, superiors, synaxes, and councils, rightful admission, observance of statutes, role and responsibilities of superiors, stability caused by the public profession of the vows of obedience, chastity and poverty); 4. the stable manner of common life, and sources and manifestations of communion. The key to her article could be found in her concluding statement: "It is a fact that nobody can 'kill' us from outside; we, the individual and community, die from within, in the absence of communion."

CCEO 410-572

Ius II 1/2011, 187-238: Congregation for Institutes of Consecrated Life and Societies of Apostolic Life: The Service of Authority and Obedience – *Faciem tuam, Domine, requiram.* (Instruction)

See below, CIC canons 573-746.

CCEO 411-413

Ius II 1/2011, 7-38: Varghese Koluthara: Dependence and Rightful Autonomy of Religious Institutes in the Code of the Oriental Churches. (Article)

K. presents the dependence and rightful autonomy of religious institutes in the CCEO under the following main points: 1. the dependence of religious on the eparchial bishop, the patriarch and the Apostolic See; 2. indirect references to the rightful autonomy of monasteries and other religious institutes in the CCEO highlighting the genesis, development and final formulation of CCEO canons 411, 412, 413, 418 §2 and 571 with a commentary to each; 3. pastoral works of the religious in the CIC/83 and CCEO; 4. the involvement of the eparchial bishop with monasteries and religious institutes according to the CCEO; 5. conclusion stressing the harmony between dependence and autonomy.

CCEO 418

Ius II 1/2011, 7-38: Varghese Koluthara: Dependence and Rightful Autonomy of Religious Institutes in the Code of the Oriental Churches. (Article)

See above, CCEO canons 411-413.

CCEO 571

Ius II 1/2011, 7-38: Varghese Koluthara: Dependence and Rightful Autonomy of Religious Institutes in the Code of the Oriental Churches. (Article)

See above, CCEO canons 411-413.

CCEO 585

IusM V/2011, 29-60: Sunny Kokkaravalayil: The Eastern Catholic Churches in Evangelization: Commentary on CCEO c. 585. (Article)

The entire Title 14 of CCEO is devoted to the evangelizing activity of the Eastern Catholic Churches. Canon 585 stipulates that the Churches *sui iuris* and their episcopal bodies, the eparchies, and each individual faithful, should make it a point that the Gospel is preached in the whole world according to the norms of the Church, setting up adequate structures and forming suitable missionaries. Evangelization is no longer reserved to the Roman Apostolic See and bishops; rather it is the duty of all the faithful, according to the norms established by the Congregations for the Evangelization of Peoples and for Eastern Churches. Based on conciliar and post-conciliar sources and placed alongside the other canons of Title 14, canon 585 highlights the influence of Vatican Council II on the Church's insistence on evangelization. Some canons outside Title 14 also help us to understand more fully the meaning of canon 585. That the Catholic Church desires inculturation in evangelization implies that there is room for different cultural identities within the Church.

CCEO 589

IusM V/2011, 61-78: Natale Loda: Il rapporto di complementarietà tra il can. 784 del CIC e il can. 589 del CCEO nell'individuazione della figura del missionario. (Article)

See below, CIC canon 784.

CCEO 597-600

SCL VII (2011), 113-138: John Huels: The Responses Owed by the Faithful to the Authentic Magisterium of the Church. (Article)

See below, CIC canons 749-754.

CCEO 698-717

SCL VII (2011), 47-84: Jobe Abbass: The Eucharist: A Comparative Study of

the Eastern and Latin Codes. (Article)

One significant difference between the two Codes is the difference in the number of canons. This reflects the varying traditions in the Eastern Churches and a desire to keep common norms to a minimum. Much of the detail is left to particular law. A.'s study falls into three sections: 1. Eastern canons with no Latin counterparts, e.g. concelebration by bishops and priests of different Churches *sui iuris*; 2. Latin canons with no Eastern counterparts, e.g. bination and receiving the Eucharist twice in a day; 3. parallel norms that differ in some respect, e.g. deacons, the ordinary minister of the Eucharist and the admission of infants. An appendix contains a bidirectional table of corresponding canons.

CCEO 700-701

Guillaume Derville: La concélébration eucharistique: Du symbole à la réalité. (Book)

See below, CIC canon 902.

CCEO 718-738

SC 45 (2011), 293-328: Jobe Abbass: Penance: A Comparative Study of the Eastern and Latin Codes. (Article)

Throughout the legislative history of the Eastern canons on penance, it was repeatedly recommended that those canons should conform to the parallel Latin norms so as to ensure uniformity in the entire Catholic Church regarding the administration of this important sacrament. In fact, as the reported proceedings of the Eastern Commission (PCCICOR) show, the evidence suggests that the various study groups entrusted with the elaboration of the proposed norms on penance did work to achieve a certain conformity between the Eastern and Latin Codes in this matter. Notwithstanding the conformity achieved between the two Codes regarding penance, there are still a number of canons that are unique to one or the other of the Codes. Still other parallel Eastern and Latin norms differ notably in their regulation of the celebration of the sacrament of reconciliation.

This study represents a first attempt at comparing the Eastern and Latin norms governing the sacrament of penance (CCEO, canons 718-738; CIC/83, canons 959-991). In the introduction, the legislative history of the CCEO canons within PCCICOR is traced in order to show how an ever greater conformity of the Eastern to the Latin norms on penance was achieved by the various expert study groups. Part 1 of the article describes norms that are, nevertheless, unique to the Eastern Code, while part 2 examines canons that are characteristic of the Latin Code. Finally, part 3 of the paper compares still other parallel norms of the Codes that differ in some significant respect regarding the administration of the

sacrament of penance.

CCEO 781

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 71).

CCEO 825

CLSN 166/11, 60-103: Jose Marattil: Reverential Fear as a Ground of Marriage Nullity with Special Reference to the Indian Culture. (Article)

See below, CIC canon 1103.

CCEO 896-908

Ius II 1/2011, 109-164: Mathew Kochupurackal: Ecumenical Significance of CCEO with Special Application in the Context of Inter-Church Relations in India. (Article)

The subject under discussion is presented in detail under four major titles: 1. ecumenical dialogue; 2. ecumenism or fostering the unity of Christians; 3. admission of non-Catholic Christians to the Catholic Church; 4. sharing of spiritual activities and resources. K. concludes by making an attempt to apply the theoretical principles in the context of the Kerala Church.

CCEO 1067

PCF XII (2010), 291-300: Tribunal of the Roman Rota: Absolute Incompetence of a Tribunal (Decision *coram* Defilippi), 30 November 2000. (Jurisprudence)

See below, CIC canon 1423.

CCEO 1185-1190

PCF XII (2010), 147-173: Augustine Mendonça: Admission/Rejection of an Introductory *Libellus* in Marriage Nullity Cases. (Article)

See below, CIC canons 1501-1506.

CCEO 1208

IE XXIII 2/11, 393-412: José Luis Gutiérrez: I consultori della Congregazione delle Cause dei Santi. (Article)

See below, canon 1403.

CCEO 1291

IE XXIII 2/11, 393-412: José Luis Gutiérrez: I consultori della Congregazione delle Cause dei Santi. (Article)

See below, canon 1403.

CCEO 1359

PCF XII (2010), 147-173: Augustine Mendonça: Admission/Rejection of an Introductory *Libellus* in Marriage Nullity Cases. (Article)

See below, CIC canons 1501-1506.

CCEO 1401-1487

Ius II 2/2011, 267-294: James Pampara: Characteristic Features of Penal Laws in the Code of Canon law of the Eastern Churches. (Article)

P. presents the following features as characteristic of penal law and procedures in the CCEO: 1. the abolition of *latae sententiae* penalties; 2. the principle of strict legality in the CCEO and CIC/83; 3. the medicinal character of penalties in the CCEO; 4. reserved sins in the CCEO; 5. the concept of imputability.

CCEO 1401-1487

Ius II 2/2011, 385-388: Congregation for the Doctrine of the Faith: changes made to "Sacramentorum Sanctitatis Tutela". (Documentation)

See below, CIC canons 1364-1399.

CCEO 1438

SCL VII (2011), 417-426: Victor D'Souza: Mentioning the Diocesan Bishop in the Eucharistic Prayer. (Opinion)

See above, CCEO canon 91.

CCEO 1468-1485

Ius II 2/2011, 365-384: Davis Panadan: "Medicinal Character" in the Penal Process of CCEO and "Fair Trial" in the Criminal Procedure Code of India: A Comparative Study. (Article)

P. compares the "medicinal" nature of canon law with the "fair trial" of Indian civil law under the following headings: 1. the "medicinal" colouring in the CCEO and "fair trial" in the Criminal Penal Code; 2. venue of the trial; 3. transfer of cases; 4. preservation of the defendant's good reputation; 5. right of self-defence; 6. protection against self-incrimination; 7. avoidance of arbitrariness; 8. burden of proof on prosecution; 9. mitigating factors; right of recourse or appeal.

CCEO 1536-1539

PCF XII (2010), 69-99: John A. Renken: *Periculum Mortis*: Danger of Death in Church Law. (Article)

See below, CIC canons 85-93.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

19

Per 100 (2011), 381-407: Antoni Stankiewicz: La portata della funzione nomopoietica della giurisprudenza rotale. (Article)

S., the Dean of the Apostolic Tribunal of the Roman Rota, looks at the role of the jurisprudence of the Rota as a source of law. Beginning with a reflection on the concept of jurisprudence, and of ecclesiastical jurisprudence in particular, he examines the value attributed to the jurisprudence of the Rota prior to the restoration of that tribunal in 1908, before focusing on the juridical force and value of contemporary jurisprudence, especially as indicated in *Dignitas Connubii*, art. 35. For S. the decisions of the Roman Rota do not constitute law, nor do they oblige lower tribunals to act in a certain way as a law would. Nevertheless, as canon 19 makes clear, as part of the jurisprudence of the Roman Curia the decisions of the Rota are a supplementary source of law when there exists no

specific provision to cover a particular case. This is clearly the role attributed to the Rota by John Paul II and Benedict XVI in relation to cases of marriage nullity. This does not mean that every decision of the Rota can be cited as a supplementary source – it becomes such only when there is a consolidated jurisprudence among the Rotal judges on the point.

30

IC 51 (2011), 531-545: Antonio Viana: Sobre el recto ejercicio de la potestad de la curia romana. (Article)

V. deals with two issues connected with the recent exercise of normative power on the part of the Roman Curia. The first relates to the normative activity of the Congregation for the Doctrine of the Faith (CDF); the conclusion he reaches is that the process of clarification of the normative activity of the CDF is not yet fully complete. The second question involves the "instructions" issued by Pontifical Councils of the Curia, which represent a deviation from what was envisaged in the CIC/83. V. concludes that the normative activity of the dicasteries of the Curia must always be guided by systematic criteria of legality, which facilitate good governance and avoid the mere accumulation of specific norms to serve the pragmatic interest of the authority in different circumstances.

34

IC 51 (2011), 531-545: Antonio Viana: Sobre el recto ejercicio de la potestad de la curia romana. (Article)

See above, canon 30.

38

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 39).

76

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 39).

76-84

IE XXIII 1/11, 77-106: Tribunale Apostolico della Rota Romana: *Calatayeronen. Iurium*. Sentenza definitiva, 14 marzo 2008. Sciacca, Ponente (con *nota* di Ilaria Zuanazzi, *La tutela dei diritti in tema di privilegio*). (Sentence and commentary)

For the facts of the case see *Canon Law Abstracts*, no. 107, p. 108. The inheritors of a privilege may, for the purposes of demonstrating their right to take part in the legal process, prove their condition as inheritors by self-certification, if such means of proof is valid at civil law. A legitimately conferred privilege provides the beneficiary with a subjective right. That right is presumed to continue as long as it does not cease in any of the ways established in canon law (revocation by law or agreement; by formal administrative act duly notified; by renunciation; or by continuous non-use). Where there is a violation of a subjective right arising out of a relationship of a contractual nature between the parties, even if one of the parties is an administrative authority, it is possible to bring a judicial action before the Rota to restore justice. Commenting on the Rotal sentence, Z. sees it as a step towards justice in the area of protection of the rights of the faithful as before the Pastors of the Church. Examining privilege as a source of subjective rights, she looks into the violation of the rights inherent in a privilege, taking into account the individual and public interests. Finally, she deals with the question of compensation.

85-93

PCF XII (2010), 69-99: John A. Renken: *Periculum Mortis*: Danger of Death in Church Law. (Article)

R. identifies the canons of both the CIC/83 and the CCEO which make provision for the administration of the sacraments to persons who are in danger of death (*in periculo mortis*). He also compares the two disciplines where this is appropriate. While neither Code defines the meaning of "danger of death", it is clear that the term suggests a real circumstance where there is a reasonable possibility, not necessarily a certainty, that death is imminent. With this understanding and mindful of the supreme law of the Church, the *salus animarum*, R. examines how the present legislation applies in the case of baptism of infants and adults, confirmation, the Eucharist (viaticum), penance, anointing of the sick, and marriage. He also examines how it provides, in the case of both ministers and recipients, for the administration and reception of the sacraments in the case of *communicatio in sacris* and in that of persons otherwise prevented by reason of ecclesiastical penalties.

87

AnC 6/2010, 105-115: Tomasz Rozkrut: Problematyka centralizacji oraz decentralizacji współczesnego kościelnego prawa procesowego (= The problem of centralization or decentralization in current procedural canon law). (Article)

The Church's procedural system is characterized by the principle of legislative centralization. Although the principle of decentralization operates in many areas of governance of the universal Church and of the particular Churches, this does not apply to procedural norms: canon 87 in fact forbids the diocesan bishop to dispense from procedural laws. Nevertheless the diocesan bishop does have competence in a good number of procedural matters specified in the CIC/83.

111-112

EE 86 (2011), 659-686: Miguel Campo Ibáñez: Iglesia *sui iuris*. Un concepto canónico novedoso. (Article)

See above, CCEO canons 27-28.

130

FCan VI/1 (2011), 129-139: Ángel Rodríguez Luño: Aclaraciones sobre los conceptos de fuero interno y fuero externo. (Article)

R.L. explains some aspects of the meaning which the terms "internal forum" and "external forum" have in canon law. To this end he clarifies several fundamental issues concerning the *potestas regiminis* or power of jurisdiction.

145

AC 50 (2008), 183-207: Alphonse Borras: La lettre de mission: une garantie de légitimité? (Article)

Firstly, permanent deacons who are assigned a Church ministry receive a letter of mission: now lay members of "pastoral animation teams" receive this decree of appointment. The newer the form of ministry indicated, the more important is a properly drawn-up letter of mission. Lay people are now partners with parish priests and work in teams with them. However they do not enjoy the same status as ordained ministers. In this context B. reflects on the significance of canon 145.

145

QDE 24 (2011), 51-71: Giuliano Brugnotto: L'ufficio ecclesiastico: nozione,

costituzione, ambiti di competenza e soppressione. (Article)

B. notes the importance of clarifying what "ecclesiastical office" denotes, for two reasons: 1. the observation that canon 469 does not mention the term in connection with those who assist the bishop with governing a diocese, whereas canon 470 does so; 2. the usual identification of offices with those persons who hold them. Moreover, B. limits himself to consideration of ecclesiastical office in the objective sense of its stable character, or *munus*. He notes that in the CIC/17, *officium* tends to mean the package of rights and duties entrusted to a person in respect of ecclesiastical administration. Not always coinciding perfectly with this, the CIC/83 usually prefers the technical definition of canon 145, which notably operates to overcome the previous limitation of office to clerics – through linkage to *potestas*. B. analyses the text of canon 145 and moves on to consider questions about the juridical subjectivity of *officium* and its distinction from other responsibilities; what "constitutes" ecclesiastical office, and what "constitute" might itself mean; how and by whom an *officium* might be constituted; the implications of offices for the exercise of power in the Church. He concludes with a brief treatment of the suppression of offices.

145

RMDC 17 (2011), 141-172: Miguel López Dávalos: El oficio eclesiástico como estructura de la organización de la potestas sacra y de la ministerialidad. (Article)

L.D. examines the history and nature of the ecclesiastical office, its value and importance, and its function in relation to the *potestas sacra* and ministry. Taking into account the nature of the *potestas sacra*, the Church organized her sphere of action by means of the office. This institution was used to define the activity of those entrusted with the exercise of *potestas sacra* and who have a directive role, albeit subject to the *potestas sacra* of the bishop. The office is also used to organize ministry, which does not in itself contain any directive element, but consists in the service to be rendered in order that the Church's saving activity might be carried out. The different offices of service or ministry are for the common good of the People of God.

146-196

QDE 24 (2011), 72-95: Tiziano Vanzetto: Provvisione e cessazione dell'ufficio ecclesiastico. (Article)

V. examines in what way, under what conditions and following which procedures a specific office or task may be conferred, and how someone who holds an office may cease to do so. He analyses the notion of "canonical provision" and the fundamental requirements for it to be validly carried out; the choice of the person

suitable for receiving the office; the juridically effective manner(s) in which an office may be conferred; and the loss or cessation of office.

153

QDE 24 (2011), 96-108: Gianni Trevisan: Gli uffici di parroco, amministratore parrocchiale, vicario parrocchiale. Alcune indicazioni concrete. (Article)

See below, canons 515-552.

189

PCF XII (2010), 209-215: Augustine Mendonça: Authority Competent to Accept the Resignation of a Superior General. (Consultation)

The case in hand can be summarized thus: The superior general of a religious institute (sisters) of diocesan right submitted her resignation to the archbishop of the diocese where the principal house is located. He accepted her resignation. The constitutions of the institute do not state that the resignation must be accepted by the archbishop or indeed by anyone in particular. The superior general's election did not need confirmation or admission by anyone. The question posed is whether to rely on canon 189 §1 and hold that, for her resignation to be effective, she should either communicate it to the institute by means of a circular letter or to the first councillor who, according to the constitutions, has the power and the duty to convoke the chapter for the purpose of electing a new superior general. Since the constitutions of the institute do not provide for such an eventuality, M. examines the possibilities provided by canon law. He concludes that the resignation, in order to be valid and effective, must be presented to the general chapter, not to the diocesan bishop or the first councillor. In order to resolve this matter, the diocesan bishop should hand over the letter of resignation to the first councillor, who will present it to the chapter. In the meantime, the superior general may withdraw her resignation pending the convocation of the chapter.

191

QDE 24 (2011), 96-108: Gianni Trevisan: Gli uffici di parroco, amministratore parrocchiale, vicario parrocchiale. Alcune indicazioni concrete. (Article)

See below, canons 515-552.

BOOK II, PART I: CHRIST'S FAITHFUL

204

AC 50 (2008), 77-100: Jean-Paul Betengne: De quelques exigences canoniques pour la réalisation effective de l'"Église-Famille de Dieu". (Article)

"The People of God", the favourite ecclesiological paradigm in the Code, complements the concept of the Church as "family of God", which was adopted as a theme of the special synod for Africa (1994). B. suggests that canon 204 §2 could be re-cast to read: "This Church, established and ordered in the world as a family [instead of 'as a society'] …"

204

QDE 24 (2011), 8-34: Carlo R. M. Redaelli: Diritto canonico, carità e i *tria munera*. (Article)

See below, canon 375.

204

QDE 24 (2011), 35-50: Matteo Visioli: La carità quale principio costitutivo del diritto ecclesiale. (Article)

See above, General Subjects (*Legal theory*).

207

IE XXIII 2/11, 319-338: Luis Navarro: La condizione giuridica del laico nella canonistica dal Concilio Vaticano II ad oggi. (Article)

Since the Second Vatican Council a great deal has been written about the lay faithful. N. focuses on one point that has been treated as a matter of debate, and that lies at the base of the juridical configuration of the lay person, that is, the concept of lay person. First of all he looks at the views of canonists up to the time of the promulgation of the CIC/83, as well as the discussions that took place in the reform of both the Latin and Eastern Codes. He then examines the period between the promulgation of the CIC/83 and the publication of the post-synodal Apostolic Exhortation *Christifideles Laici* (1988). He goes on to study the way in which the laity are dealt with in the CCEO – since which time the output of canonists on this topic has been very limited, although he does mention a very recent work by Lo

Castro.

207

IE XXIII 2/11, 339-357: José Ramón Villar: Gli elementi definitori dell'identità del fedele laico. (Article)

V. offers an ecclesiological study of the canonical condition of the lay faithful. He looks first at the Church's priestly-Christological structure and its charismatic-pneumatological dimension as communion; he also warns that we must always begin with the unity of the Christian vocation, and only then go on to indicate the diversity that exists within communion. He considers that what is proper to the laity can only be properly comprehended in relation to what is proper to religious life, and that both "lay life" and "religious life" are structural forms of expression of the Church in the world and her mission as a sacrament of salvation. Thus the lay and religious conditions are "correlative". Since the relationship which each of them bears to temporal realities differs, this can be a source of confusion and lead to an *impasse*; hence V analyses this point at length, concluding that what is proper and peculiar to lay people "in the Church" is their Christian activity "in the world".

207

QDE 24 (2011), 132-141: Il diaconato secondo il pensiero di Jean B. Beyer, S.I. (Article)

See below, canons 1008-1009.

216

IE XXIII 2/11, 531-542: Stati Uniti d'America, Diocesi di Phoenix, Arizona: Decreto sul Saint Joseph Hospital, 21 dicembre 2010 (con *nota* di Iñigo Martínez-Echevarría, *Decreto di revoca del consenso all'uso della qualifica 'cattolico' nell'ambito sanitario*). (Document and commentary)

The English text is given of the decree of the bishop of Phoenix, Arizona, 21 December 2010, revoking episcopal consent to use the name "Catholic" under canon 216. In his commentary on the document, M.-E. sets out the early symptoms of the problem, connected with the reluctance of the Catholic health providers in the diocese to link themselves to the ethical and religious directives (ERDs) of the United States Conference of Catholic Bishops (USCCB). In November 2009 it came to light that there had been an operation carried out at St Joseph's Hospital in Phoenix which was considered to constitute an abortion; this led to the excommunication of Sister Margaret McBride, a member of the ethics panel who had taken part in the procurement of the abortion. In the course of the

ensuing media publicity it became clear that that there had also been previous practices at the hospital which were contrary to Catholic moral teaching. After further discussions the bishop set out the conditions which would have to be adhered to if the hospital were to continue using the name "Catholic". Since there was an unwillingness to observe these conditions, the bishop issued the present decree, since it was impossible for the diocese to guarantee that the services offered by the hospital conformed to Catholic teaching. M.-E. also makes reference to the intervention of the USCCB in June 2010, by means of a doctrinal note setting out the difference between direct abortions and operations that may indirectly result in the death of an unborn child. A second USCCB intervention followed a consultation in January 2011 with the Catholic Health Association, the largest Catholic healthcare association in the country, and involved an exchange of letters in which the President of the USCCB, Archbishop Timothy Dolan, made clear that it is the local bishop who is the authoritative interpreter of the ERDs.

217

Jesu Pudumai Doss: The Right to Education in Church Law. (Article in **"Education of the Young in Today's India", pp. 209-240**).

This article looks first at education as a human right recognized by international legislations, and how the Church has proclaimed this right. The second part of the article deals with the right to a Christian education as a right of the Christian faithful enshrined in canon law. A final section is devoted to the right to education in the Indian Church. (For bibliographical details see below, Books Received.)

219

Jesu Pudumai Doss: «Immuni da costrizione». Alcune applicazioni del can. 219. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 67-103**)

See above, General Subjects (*Compilations*). Convinced of the need for freedom in every choice of life on the part of each person, and above all the *christifideles*, the Legislator has rightly included among the "Obligations and Rights of All Christ's Faithful" (Title I of Book II) a canon on the right to immunity from any kind of coercion in choosing a state in life (canon 219). Starting out from the sources and development of this canon and commentaries on it, P.D. applies this principle to the choice of different states in life, especially that of marriage, as provided for in the CIC/83. He ends with some general considerations.

221

IE XXIII 1/11, 77-84: Tribunale Apostolico della Rota Romana: *Calatayeronen. Iurium*. Sentenza definitiva, 14 marzo 2008. Sciacca, Ponente (con *nota* di Ilaria Zuanazzi, *La tutela dei diritti in tema di privilegio*). (Sentence and commentary)

See above, canons 76-84.

221

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 68).

223

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 27).

225

IE XXIII 2/11, 297-318: María Blanco: Protezione della libertà e dell'identità cristiana dei laici. (Article)

Bearing in mind Pope Benedict's 2010 *motu proprio Ubicumque et Semper* on the new evangelization, B. puts forward her conviction that, in the present situation of hope, the Church plays an eminent role, and that it is lay people that will be at the heart of the new evangelization. However, this point can only be properly understood within the context of the Church as a sacrament of salvation. B. sees the Christian identity and mission of the Christian faithful as necessarily linked with the duty and right of apostolate and with their lawful autonomy in the temporal order. There are however limits to such autonomy, and B. deals with the question of the moral judgement of the Hierarchy in temporal matters, and other matters connecting autonomy in the temporal order with relativism, religious freedom, secularity, and ecology.

225

IE XXIII 2/11, 319-338: Luis Navarro: La condizione giuridica del laico nella canonistica dal Concilio Vaticano II ad oggi. (Article)

See above, canon 207.

225

IE XXIII 2/11, 339-357: José Ramón Villar: Gli elementi definitori dell'identità del fedele laico. (Article)

See above, canon 207.

226

EE 86 (2011), 769-801: Cristina Guzmán Pérez: La patria potestad y custodia de los hijos, en los casos de separación y divorcio, según la legislación y jurisprudencia española. Notas desde el Derecho Canónico. (Article)

See below, canon 1154.

226

IusM V/2011, 79-101: Claudio Papale: L'educazione cristiana dei figli in contesti non cristiani. (Article)

Following a preliminary definition of the concept and aim of the Christian education of children and a survey of the provisions of the CIC/17, the Encyclical *Divini illius Magistri*, the teachings of the Second Vatican Council and the CIC/83, P. focuses on the present legal situation in various countries, especially those in which there are greater obstacles to the full exercise of the parents' right and duty to provide their children with a Christian education. This perspective is based upon the idea that although the parents are the main holders of the *ius et obligatio educandi* they are unable to fulfil this on their own, since they need the help and assistance of the civil authority, as well as that of the Church.

227

FCan VI/1 (2011), 19-43: Stefano Mazzotti: La libertà dei fedeli laici nelle realtà temporali. (Article)

Canon 227, recognizing the freedom of the laity in secular affairs, is a cornerstone of the legal status of the laity in the CIC/83. M. comments on this canon in the light of the broader set of provisions in the Code affecting all the faithful, and of the Church's teaching office. He then compares the conclusions he has reached with three recent documents of the Church's Magisterium, universal and local, dealing with lay autonomy such as that of the faithful who are involved in politics. Special attention is given to the 2002 Note of the Congregation for the Doctrine of the Faith (CDF) on the participation of Catholics in political life, and two documents dealing with same-sex unions: the 2003 Note of the CDF, and a 2007

statement from the Italian Episcopal Conference. The difficulty of making the right in canon 227 fully compatible with limits set down by the hierarchical authority should not affect the teaching of Vatican II that it is for individuals, as citizens of two cities, to strive to discharge their earthly duties conscientiously and in response to the Gospel spirit.

227

IE XXIII 2/11, 297-318: María Blanco: Protezione della libertà e dell'identità cristiana dei laici. (Article)

See above, canon 225.

227

IE XXIII 2/11, 319-338: Luis Navarro: La condizione giuridica del laico nella canonistica dal Concilio Vaticano II ad oggi. (Article)

See above, canon 207.

228

AC 50 (2008), 209-217: Jean-Louis Blaise: L'évaluation des laïcs en mission ecclésiale. (Article)

The diocese of Verdun has 73 priests (34 under 75), 11 deacons and 39 lay pastoral animators. Of the latter, 20 are in the services, 12 in chaplaincies, 4 in parish pastoral ministry and 4 in movements (some overlap); 23 are salaried (15 full-time), 34 are women (9 religious sisters). They are appointed for 3 years (renewable). Most come from the diocese and are not theology graduates. The diocese has developed structures for the ongoing formation and evaluation of their ministry.

251

REDC 68 (2011), 957-975: Congregación para la Educación Católica: Decreto de Reforma de los estudios eclesiásticos de Filosofía, 28 de enero de 2011. (Document and commentary)

This is the Spanish translation of the Decree of the Congregation for Catholic Education concerning the reform of philosophy in Catholic institutes of higher education. This is basically an update of the Apostolic Constitution *Sapientia Christiana* (1979) and subsequent *Ordinationes* of the said Congregation. There

follows a commentary by José San José Prisco.

265

REDC 68 (2011), 813-837: José San José Prisco: Las asociaciones clericales como estructura de incardinación. Un caso práctico: La Hermandad de Sacerdotes Operarios Diocesanos del Corazón de Jesús. (Article)

See below, canon 278.

269

SC 45 (2011), 27-66: Phillip J. Brown: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support. (Article)

See below, canon 281.

270

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 21-22).

277

QDE 24 (2011), 252-254: Alberto Perlasca: Un recente testo in italiano sulle origini apostoliche del celibato sacerdotale. (Book presentation)

P. presents the recent Italian edition of the book by Christian Cochini SJ, originally published in French (1981) and later published in English under the title *The Apostolic Origins of Priestly Celibacy* (Ignatius Press, 1990).

278

REDC 68 (2011), 813-837: José San José Prisco: Las asociaciones clericales como estructura de incardinación. Un caso práctico: La Hermandad de Sacerdotes Operarios Diocesanos del Corazón de Jesús. (Article)

S.J.P.'s theme is the right of association among clerics in the Catholic Latin Church as envisaged in the present Code, with particular emphasis on the retention of both their diocesan and clerical condition and the possibility of such associations incardinating their members. After a brief overview of the right of association in the Church, he looks at the present situation as established in the

CIC/83. Most of his article is taken up with a detailed examination of one particular Spanish clerical association – *La Hermandad de Sacerdotes Operarios Diocesanos* – founded in 1883 in the diocese of Tortosa. He traces its development from a pious union (a simple association of diocesan priests) to a society of common life without vows, then to a secular institute, and ultimately to its present configuration as an international and public clerical association with the faculty to incardinate. This last point of incardination was the most difficult to settle as the present Code makes no mention of such a possibility. However, it was finally recognized that this faculty could be granted to clerical associations that required it as an instrument of their apostolic mission.

281

IC 51 (2011), 653-699: Diego Zalbidea: La digna sustentación de los clérigos. (Article)

See below, canon 1274.

281

SC 45 (2011), 27-66: Phillip J. Brown: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support. (Article)

B. analyses the canons and a decree of the Pontifical Council for Legislative Texts concerning the right of clerics to financial support, and the potential impact on the rights and obligations concerned when a diocese files for bankruptcy, as several diocese in the United States have done. He pays particular attention to the canonical rights of priests who have been withdrawn from ministry on account of accusations of sexual abuse of minors, and the different levels of financial support to which they may be entitled. He concludes that all clerics have the right to remuneration or social assistance unless they have lost the clerical state. The level of support to which they are entitled is calculated taking into account all the sources of revenue at their disposal. According to canon law, if the cleric dismissed from the clerical state is, on account of this penalty, truly in need, the Ordinary is to provide for him in the best way possible (canon 1350 §2). Responsibility for providing support to diocesan priests lies principally with the diocese, and it is for the diocesan bishop to ensure that the canonical obligations of the diocese are fulfilled.

281

SC 45 (2011), 121-164: André Muamba Kalala: Rémunération des clercs après le Concile. Le point du droit à la lumière de l'évolution du canon 281, §1 du Code de 1983. (Article)

After the promulgation of the CIC/83, numerous questions were raised concerning the interpretation and practical application of canon 281 on the right of the clergy to remuneration. In response to some of these questions, the Pontifical Council for Legislative Texts issued a decree in 2000 which underscored this right of the clergy and which assisted its practical application. A study of the historical development of canon 281 reveals that it reflects accurately the teachings of the Second Vatican Council on clergy remuneration. Challenges, however, are found in the practical application of the canon in the particular Churches. This article identifies the conciliar teaching, the development of canon 281, the 2000 decree, and the remaining challenges.

281

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 21-22).

287-288

QDE 24 (2011), 178-188: Massimo Calvi: La militanza politica e la direzione di associazioni sindacali da parte di diaconi permanenti alla luce del diritto particolare. (Article)

C. looks at the position of the permanent deacon in relation to social action, especially political activism and the running of trade unions, in the light of canons 288 and 287 §2 and the particular law of the Italian and certain other episcopal conferences.

290

IE XXIII 1/11, 229-251: Congregazione per il Clero: Lettera Circolare per l'applicazione delle tre "Facoltà speciali" concesse il 30 gennaio 2009 dal Sommo Pontefice (con *nota* di Francesco Pappadia, *Ambito e procedimento di applicazione delle Facoltà speciali della Congregazione per il Clero*). (Documents and commentary)

See below, canons 1394-1395.

290-292

QDE 24 (2011), 233-251: Egidio Miragoli: La perdita dello stato clericale e la dispensa dal celibato. (Article)

In recent times some Congregations of the Roman Curia have requested special faculties from the Pope to impose, by an administrative process, the penal sanction of dismissal from the clerical state, thus avoiding the delaying tactic of a suspensive recourse to the Apostolic Signatura and the consequent risk of prolonging the scandal. M.'s article is divided into four parts: 1. dispensation from celibacy and loss of the clerical state; 2. dismissal from the clerical state in the Church's common law (i.e. the ordinary practice); 3. the special faculties recently granted to certain Dicasteries; 4. the recent norms on the *graviora delicta*, insofar as they are relevant to this topic.

291

AnC 6/2010, 255-279: Piotr Skonieczny: Zakaz wykonywania święceń w postępowaniu o udzielenie dyspensy od obowiązku celibatu kapłańskiego (= The prohibition on exercising the power of order in the procedure for dispensation from the obligation of celibacy). (Article)

S. deals with the prohibition from exercising orders during proceedings for dispensation from the obligation of celibacy, in accordance with art. 4 of the norms of the Sacred Congregation for the Doctrine of the Faith (SCDF) *Praeterquam aliis* (1980), and art. 4 of the procedural norms *Ordinarius competens* of 14 October 1980. Regarding the juridical sources, S. points out the inconsistency between the text of art. 4 of *Ordinarius competens* as published in *Acta Apostolicae Sedis* (AAS) and the version sent to all the Ordinaries by the SCDF; in any event, the text in AAS prevails. He then comments on the historical origins of this prohibition (CIC/17 canon 1997, as well as no. 2, 4º, of the 1971 *Norms*) and clarifies its non-penal aspect, the word "suspension" being avoided in this context. The scope of application of the prohibition depends on the scope of the 1980 law and also on the procedural character of the prohibition *ad cautelam* from exercising orders. This prohibition does not apply *ipso iure* (as it would in the case of CIC/83, canon 1709 §2), but rather from the moment when the Ordinary issues the decree: the prohibition needs to be communicated by formal decree. Violation of the prohibition may result in the dispensation not being granted, and may constitute an offence under canon 1389 §1.

294-297

PCF XII (2010), 29-68: Jaime B. Achacoso: Shepherding an Itinerant Flock: Towards a Personal Prelature for OFWs. (Article)

The pastoral care of migrants is an increasingly complex and urgent issue for both Church and State. It is particularly so in the Philippines, with some eight million migrants, between permanent, temporary, and irregular, working and residing overseas (Overseas Filipino Workers, or OFWs). Of these an estimated 2.2 million are Catholic. The urgency of the need to provide specific pastoral care for them,

whether this includes the establishment of personal parishes, provision of missions, the constitution of Churches *sui iuris*, and even the creation of specific pastoral figures such as episcopal vicars and chaplains, has already been articulated by Augustin T. Opalalic (see *Canon Law Abstracts*, no. 100, p. 54). In this present study, A. sets out to discern how best to provide the requisite pastoral care for this itinerant flock of 2.2 million Catholic OFWs. A prologue to his study looks at the cultural, social, political, religious, economic, and pastoral implications of this "culture of migration" and the challenge it presents to the Philippine hierarchy. In Part I, he gives a brief historical overview of the ecclesial response to the phenomenon of human mobility from the earliest attempts to provide pastoral care for migrants up to the Philippine hierarchy's formation of the Episcopal Commission for the Pastoral Care of Migrants and Itinerant People (ECMI). Part II, citing conciliar, post-conciliar, and various ecclesial documents, outlines the principles that should inform the pastoral care of migrants. In Part III, A. surveys the institutions and jurisdictional structures which have been put in place by the Philippine hierarchy for the pastoral care of Filipino migrant workers. He identifies a number of significant agents, including chaplains, institutes of consecrated life, and lay associations. Despite the laudable work they do, these are non-hierarchical in nature and so are unable to provide the full delivery of the Church's spiritual wealth (the word of God and the sacraments). A. proposes the notion of a personal prelature as pointed out in the Instruction *De pastorali migratorum cura* and by numerous authors. His study of canons 294-297 on personal prelatures and his research into other models convince him that the erection of one or several personal prelatures, because of the great range of flexibility this allows, rather than personal Ordinariates, is the best way to respond to the challenge of providing adequate pastoral care for OFWs.

295

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 63).

299

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 28-29).

300

REDC 68 (2011), 939-943: Comunicado de la Santa Sede sobre la

desaparecida Unión Católica Internacional de Periodistas, 17 de julio de 2011. (Document and commentary)

See below, canon 326.

302

REDC 68 (2011), 813-837: José San José Prisco: Las asociaciones clericales como estructura de incardinación. Un caso práctico: La Hermandad de Sacerdotes Operarios Diocesanos del Corazón de Jesús. (Article)

See above, canon 278.

305

REDC 68 (2011), 939-943: Comunicado de la Santa Sede sobre la desaparecida Unión Católica Internacional de Periodistas, 17 de julio de 2011. (Document and commentary)

See below, canon 326.

307

AnC 6/2010, 139-154: Arnold Chrapkowski: Udział osób konsekrowanych w ruchach kościelnych (= The participation of consecrated persons in ecclesial movements). (Article)

Consecrated life and lay life have always had a very close relationship. The various forms of collaboration have been widened since the post-conciliar renewal. After Vatican II the great challenge for the whole Church, and also for the institutes of consecrated life, were the ecclesial movements. The variety of movements, their vitality and the effectiveness of their apostolate have provided the religious with reasons to link up with the activity of these movements. All this, however, brings with it many dangers, both for the institute as a whole and for each of its members. Participation in the movement must not lead to an identity crisis on the part of the consecrated person, and must be in accordance with the norms issued in the various ecclesial documents. The participation of members of a religious institute in an ecclesial movement should not weaken their membership of their own institute and should avoid any distancing from the institute itself.

320

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme

Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 42).

326

REDC 68 (2011), 939-943: Comunicado de la Santa Sede sobre la desaparecida Unión Católica Internacional de Periodistas, 17 de julio de 2011. (Document and commentary)

This is the Spanish translation of a statement from the Presidents of the Pontifical Council for the Laity and the Pontifical Council for Social Communications giving notice of the revocation of canonical recognition from the International Catholic Union of the Press (UCIP) on account of the "unacceptable lack of transparency and clarity in the administration of the association". There follows a commentary by José San José Prisco.

326

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 42).

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

331

IE XXIII 1/11, 33-55: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Prima parte: fondamento e sviluppo storico del primato. (Lecture)

C. begins by recalling that every statement of faith carries with it the weight of history, because it forms part of man's journey and takes on certain contingent and transitory elements that can obscure its understanding. With this in mind he looks briefly at the doctrines of Rudolph Sohm, Karl Barth, Oscar Cullman and Peter Brown, before presenting his study of the historical evolution of the role of the Papacy. Beginning with early Christianity, he looks at the Papacy in the formation of Christian Europe and the Holy Roman Empire. Resulting from the tension between Pope and Emperor, the exile at Avignon was followed by another crisis in the form of Conciliarism, which led to territorialism and subjection to the political power. Nevertheless, during this period the Papacy remained the only centre of influence for Europe against the threats from outside, especially that of Islam.

331

IE XXIII 2/11, 361-378: Carlo Cardia: Universalità della funzione petrina (ipotesi ricostruttive). Seconda parte: funzione petrina, modernità, era globale. (Lecture)

In this second part of his lecture, C. studies the Papacy in the troubled times of the 19th century, and the start of the construction of a "new universality" after Vatican I, with successive Popes dealing with subjects going beyond the confines of States. In the 20th century, amid world wars and totalitarianism the Popes spoke out on the rights of every person and of all peoples, Subsequently Paul VI laid the theoretical and institutional foundations for a new relationship between the Church and international society. C. suggests that the specific merit of John Paul II was to have noticed the weakness of a seemingly indestructible Communism, while at the same time identifying the symptoms of a new illness of the tired and indifferent West. Benedict XVI goes to the very root of this illness – the rejection of any "absolute" – and provides a penetrating analysis of "globalization", while pointing out the new dangers of relativism; his response to these challenges is to centre his teaching on reason – "God's great gift to man" – and its relationship to faith. C. dedicates a final section to the Petrine function in relation to ecumenism.

331

SC 45 (2011), 165-189: Edward N. Peters: Benedict XVI's Remission of the Lefebvrite Excommunications: An Analysis and Alternative Explanation. (Article)

See below, canon 1382.

362-367

REDC 68 (2011), 883-889: Benedicto XVI: Discurso del Santo Padre a los miembros de la Academia Eclesiástica Pontificia, 10 de junio de 2011. (Address and commentary)

Given here is the Spanish translation of an address given by Pope Benedict XVI to members of the Accademia Ecclesiastica on 10 June 2011, dealing with the role and mission of the diplomats of the Holy See. It is accompanied by a commentary from Ricardo Cardoso.

368

PCF XII (2010), 101-130: Eduardo Baura: Personal Ecclesiastical Circumscriptions: The Personal Ordinariates for Faithful from the Anglican

Communion. (Article)

See below, canon 372.

372

AC 51 (2009), 269-294: Norman Doe: La constitution apostolique *Anglicanorum coetibus:* un point de vue juridique anglican. (Article)

D. reviews the diverse reactions to *Anglicanorum Coetibus* (AC) and outlines its main provisions. The Ordinariate envisaged in AC, like a diocese, can incardinate clergy; married men may be admitted to the priesthood; they can retain the Anglican synodal system. AC makes no reference to the Anglican canonical tradition. D. reflects on Anglican laws that will challenge the life of an Ordinariate and those that will facilitate it.

372

CLSN 165/11, 5-16: Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham. (Document and commentary)

The decree of 15 January 2011 from the offices of the Congregation for the Doctrine of the Faith establishes this personal Ordinariate within the territory of the episcopal conference of England and Wales. Gordon Read provides a commentary on each of the articles of the decree, looks at the time-frame for the establishment of the Ordinariate, and comments on developments in Australia, Canada and the United States. There is, in addition, discussion on the question of the reception of existing communities of religious, and the canonical issues arising.

372

PCF XII (2010), 101-130: Eduardo Baura: Personal Ecclesiastical Circumscriptions: The Personal Ordinariates for Faithful from the Anglican Communion. (Article)

The better to convey an understanding of the establishment by the Holy See of personal Ordinariates for faithful from the Anglican Communion, B. devotes a substantial amount of this study to a detailed description of the evolution of personal ecclesiastical circumscriptions and personal prelatures in the Church, from their beginnings in the 17th century, the motivation for same, and their establishment. He defines territorial and personal jurisdictions and concludes that it makes sense that the Church is organized fundamentally on the basis of territory, while at the same time accommodating the various human groups that coexist in a given territory. He describes the nature and implications of cumulative

ecclesiastical jurisdiction for both the faithful and the ordinaries of the various dioceses, vicariates, and other ecclesiastical circumscriptions in a given territory. Next, B. goes on to examine the various personal ecclesiastical circumscriptions which exist in canon law: personal prelatures, military Ordinariates, ritual Ordinariates, and the personal Apostolic Administration of St John Maria Vianney of Campos (Brazil), which was established in 2002 to resolve a specific issue. B. concludes his study with an examination of the Apostolic Constitution *Anglicanorum Coetibus* (2009) together with its Complementary Norms, which pertain to the newly established personal Ordinariates for faithful from the Anglican Communion. (See also *Canon Law Abstracts*, nos. 104, pp. 67-68; 105, pp. 55-58; 106, pp. 55-57; 107, pp. 56-57.)

375

QDE 23 (2010), 388-407: Bassiano Uggé: Il Direttorio per il ministero pastorale dei Vescovi "*Apostolorum Successores*" a confronto con il direttorio *Ecclesiae imago*. (Article)

The 2004 Directory *Apostolorum Successores* (AS) is introduced as a complement to the earlier *Ecclesiae Imago* (1973). Obviously the revision of the Code between the two is of great importance. The earlier document aimed to provide a practical *vademecum* for bishops in the light of Vatican II, while the later one may be seen as completing the series of magisterial reflections by Pope John Paul II on (bishops') synodal treatments of the varied vocations of the People of God, again as rooted in the thought of Vatican II. U. examines the *schema* of each of the two documents, observing that AS is juridically more precise and complete. He considers whether it may be seen as a directory according to the terms of canons 31-33. He concludes that the ministry of bishops, entailing as it does the interaction of considerations theological, juridical and pastoral, requires concrete proposals, even though always entrusted to the prudent judgement of individual bishops. These directions the two documents in question aim to provide.

375

QDE 23 (2010), 408-430: Alberto Perlasca: L'esercizio della *sacra potestas* del vescovo nel *Direttorio per il ministero pastorale dei Vescovi "Apostolorum Successores"*, con particolare attenzione alla potestà di governo. (Article)

Apostolorum Successores (AS), like its predecessor *Ecclesiae Imago* and in parallel with the approach adopted by Vatican II, deals with the triple *munera* of the bishops. The pastoral and practical character of AS is furthermore essentially based on fundamental doctrinal principles: the ontological conferral at consecration of power, exercised through the triple *munera*; other general principles relating to the pastoral governance of the bishop (Trinitarian basis, truth, communion, collaboration, competences, the right person in the right place, justice

and legality). P. discusses the objective juridical power of the *munus regendi*, whose exercise is necessary and of a personal yet shared character. The image of Christ the Good Shepherd is key to any reflection on governance in the Church. P. deals with various criteria relating to the bishop's exercise of legislative, judicial and executive functions. In concluding, P. observes that AS focuses on the pastoral and fruitful exercise of governance, which needs nonetheless to be seen clearly as a real juridical right and duty.

375

QDE 23 (2010), 431-449: Giangiacomo Sarzi Sartori: La figura del vescovo alla luce del *Direttorio per il ministero pastorale dei Vescovi "Apostolorum Successores"*. (Article)

This article highlights the most significant elements in *Apostolorum Successores* (AS) concerning bishops and their ministry, especially as Pastors of the Church with the task of teaching the Gospel, sanctifying and acting as spiritual guides in hierarchical communion with the Successor of Peter and the other members of the episcopal college. Important in this connection is the concept of "mission" – not in a generic sense of being sent, but in the sense of being invited to the precise task of building up the Kingdom. As members of the college, bishops exercise a ministry to the community which goes beyond the confines of any particular diocese: they have a pastoral responsibility for the whole Church, in solidarity with the Bishop of Rome. The central nucleus of the bishop's ministry is his configuration to Christ the Head and Shepherd, in the exercise of that pastoral charity by which he is to be guided and continually strengthened in announcing the message of salvation. AS exhorts the bishop to exercise his authority in a spirit of service, and to consider it as a calling to serve the whole Church with the same dispositions as those of the Lord. The bishop's goal "must be to grow constantly in holiness, so that he can truly say, 'Be imitators of me, as I am of Christ' (*1 Cor* 11:1)" (AS, 34).

375

QDE 24 (2011), 8-34: Carlo R. M. Redaelli: Diritto canonico, carità e i *tria munera*. (Article)

In his encyclical *Deus Caritas Est,* Pope Benedict XVI notes that the Code seems not to treat expressly of charity as a specific quality of episcopal ministry. This is covered, rather, in the *Directory for the pastoral ministry of the Bishops* (2004). R. traces the development of the *schema* of the triple *munera* before, during and after Vatican II, and ultimately in the plan of the CIC/83. The *munus regendi* lacks its own explicit Book of the CIC/83, as efforts were made to preserve positive elements of the classic CIC/17. Similarly, the service of charity should certainly be taken as presupposed by the CIC/83. R. gives examples of where this is apparent in the text. The formula Word–Sacrament–Charity may suitably be adopted also

according to juridical perspectives which aim to describe and determine all ecclesial reality, without either obscuring aspects of justice or forgetting that Church law is above all a structure of communion.

383

IusM V/2011, 221-256: Luigi Sabbarese: Migrazioni e diritto ecclesiale. Aspetti strutturali e risvolti pastorali. (Article)

See below, canon 518.

384

SC 45 (2011), 27-66: Phillip J. Brown: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support. (Article)

See above, canon 281.

391

IE XXIII 1/11, 13-31 Raymond Leo Burke: Il Vescovo come moderatore del tribunale. (Lecture)

On the basis of the experience and practice of the Apostolic Signatura, B. looks first at the bishop as judge and his tribunal. He sets out the fundamental theological-canonical principles with regard to the bishop's ministry and the corresponding rights of the faithful. He then studies diocesan and metropolitan tribunals, the local forum of appeal for a suffragan diocese, and interdiocesan tribunals. He goes on to deal with cases of impossibility to form a tribunal; sole judges; offices which can be carried out by a lay person; the office of advocate; and causes other than matrimonial processes. In the second part of his lecture he looks specifically at causes of nullity of marriage. He wonders about such causes as a solution for failed marriages, and examines the nature of the process for the declaration of the nullity of the marriage bond, adding some considerations relative to psychological incapacity under canon 1095 2°-3º. In this regard he mentions the addresses of Pope John Paul II to the Rota in 1987 and 1988, as well as that of Pope Benedict in 2009. B. recommends to bishops the study of the Instruction *Dignitas Connubii*.

401

Ius II 2/2011, 295-312: George Gallaro: Considerations on the Bishop Emeritus. (Article)

G. examines the notion of the "bishop emeritus" and compares and contrasts it with "jubilarian". He treats episcopal order and the condition of the bishop emeritus; the development of the figure of the bishop emeritus; the origin of the category of bishop based on CIC/83 canon 401 and CCEO canon 210; and rights and duties of the bishop emeritus in the Latin and Oriental Codes.

402

AnC 6/2010, 95-104: Jan Dyduch: Rola biskupów emerytów w Kościele (= The role of the emeritus bishop in the Church). (Article)

As a result of Vatican II a new vision emerged of the status and role of emeritus bishops. After retirement emeritus bishops still form part of the episcopal college and participate fully in the priesthood of Christ: they remain pastors of the flock. Making use of their wisdom and rich experience they can serve the universal Church in different ways, working in episcopal conferences and especially in the diocese in which they have carried out the role of diocesan bishop, and to which they are forever linked.

455

AC 50 (2008), 53-61: Silvia Recchi: La production du droit particulier par les conferences épiscopales. (Article)

The episcopal conference is the organism most suitable to adapt the universal law of the Church to the circumstances of local Churches. It supports local bishops to deal with problems that they would struggle to deal with individually. R. writes that the legislative activity of episcopal conferences in Central Africa remains at an early stage of development.

482-485

AnC 6/2010, 117-137: Jerzy Adamczyk: Urząd notariusza kurii diecezjalnej. Próba wykładni obowiązujących przepisów (= The office of notary in the diocesan curia. An attempt to interpret the current law). (Article)

A. examines the institution of the diocesan notary according to the CIC/83, documents of the Apostolic See, and canonical doctrine.

503-510

FT 21 (2010), 113-124: Szabolcs Anzelm Szuromi: Il diritto e i doveri propri del Capitolo dei canonici. Annotazioni sul cambiamento dei compiti in

un'istituzione antica della Chiesa. (Article)

The principal function of the chapter of canons in ancient times was to celebrate the liturgy of the hours and Holy Mass in the titular church. In the Middle Ages it acquired additional rights and duties in relation to the governance of the diocese and the functioning of the chapter, as well as the teaching responsibilities of the canons themselves. The various tasks increased with time up until the 20th century. Vatican II and the CIC/83 divide these duties between the diocesan bishop and various bodies within the curia. In most countries, where the episcopal conferences have not made use of the possibility in canon 502 §3, the chapter of canons has lost its governance functions within the diocese, but has retained its liturgical function, as well as its function within the diocesan synod (canon 463 §1, 3º).

515

QDE 24 (2011), 209-228: Massimo Calvi: I "luoghi" parrocchiali: scuole, oratori, patronati e case della dottrina, centri di accoglienza e case di riposo. (Article)

C. presents a study of parish "places", evaluating the truly parochial nature of a number of educational and charitable environments (oratories, foundations, schools, welfare and service structures) centred on the parish.

515

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 31-34).

515-552

QDE 24 (2011), 96-108: Gianni Trevisan: Gli uffici di parroco, amministratore parrocchiale, vicario parrocchiale. Alcune indicazioni concrete. (Article)

T. studies the question of the provision and cessation of office of the parish priest, the parochial administrator and the parochial vicar (assistant priest). He begins by looking at the various ways in which a parish may become vacant (removal, transfer, resignation or death of the parish priest, or expiry of the established time-limit), but points out that what often happens when priests are rotated around parishes is not in accordance with the provisions of the CIC/83: a parish needs to be vacant before a new appointment to it can be made, which means that theoretically a priest leaving one parish to go to another needs to "resign" – at least

implicitly, by accepting the bishop's request – before a replacement priest can be appointed. [In this connection see also the articles in CLSN 104/95, 22-32, referred to in *Canon Law Abstracts*, no. 77, pp. 80-81; and canon 538, below.] T. also examines the governance of the vacant parish; the right of presentation or election to the office of parish priest; the possibility of entrusting a parish community to a clerical religious institute or a society of apostolic life; the consultation by the bishop as to the suitability of the prospective parish priest; the requisites of the parish priest; the commencement of the parish priest's ministry; and the information to be supplied to the public authorities. Finally T. devotes sections specifically to the offices of parochial administrator and assistant priest.

515-552

SCL VII (2011), 139-170: John Renken: Parishes in the Latin and Eastern Codes: A Comparative Study. (Article)

This study follows similar ones in previous issues. It eschews the historical development of the canons and also a detailed commentary, focusing on the comparison of current legislation, first the Latin then the Eastern. The legislation is remarkably similar, but as elsewhere the Eastern canons are fewer, remitting detail to particular law. Notable areas where there is no equivalent provision in the Eastern Code are the possibility of entrusting parishes to a group of priests *in solidum* or to a deacon, lay person or community.

517

QDE 24 (2011), 169-177: Giuliano Brugnotto: Alcune conseguenze pratiche per il diaconato permanente dal *motu proprio Omnium in mentem*. (Article)

See below, canons 1008-1009.

518

IusM V/2011, 221-256: Luigi Sabbarese: Migrazioni e diritto ecclesiale. Aspetti strutturali e risvolti pastorali. (Article)

Although the CIC/83 lacks any specific norms on the matter, in principle it acknowledges the right to specific pastoral care on the part of migrants. This is shown by the support given to suitable pastoral structures, especially personal parishes, the origins of which can be traced back to the guidelines given in documents such as the Constitution *Exsul Familia*, the Instruction *Nemo est*, the Circular Letter *The Church and Human Mobility*, as well as other documents and pronouncements of the Magisterium. Subsequent to the CIC/83 is the Instruction *Erga migrantes caritas Christi*, which shows the Church's interest in the specific pastoral care of migrants, as well as that of Eastern Catholics of the

diaspora. Such pastoral concern calls for a rereading of the Church's entire pastoral policy, with a view to implementing it more courageously.

528

QDE 24 (2011), 209-228: Massimo Calvi: I "luoghi" parrocchiali: scuole, oratori, patronati e case della dottrina, centri di accoglienza e case di riposo. (Article)

See above, canon 515.

538

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 23, 26).

564

QDE 24 (2011), 169-177: Giuliano Brugnotto: Alcune conseguenze pratiche per il diaconato permanente dal *motu proprio Omnium in mentem*. (Article)

See below, canons 1008-1009.

564-572

FCan VI/1 (2011), 45-79: José Maria Afonso Coelho: Os capelães hospitalares no Código de Dereito Canónico. (Article)

A.C deals with the norms on hospital chaplains in the CIC/83. He begins with a brief summary of the evolution of various types of chaplaincy in the Church, before considering the nature of the hospital chaplaincy, the appointment of chaplains, the special faculties granted to them, such as the remission of censures, and the procedures concerning the administration of some sacraments. He looks at some practical questions regarding the relationship of the hospital chaplain to the parish priest, and the ways in which the office of chaplain may cease. In view of the large numbers of Orthodox immigrants, especially from Eastern Europe, he refers to canon 844 on *communicatio in sacris*; and offers some suggestions to help achieve a better acknowledgement of the mission of hospital chaplains as a true ecclesial service.

564-572

SC 45 (2011), 191-223: John Anthony Renken: Chaplains in Canon Law. (Article)

The CIC/83 provides detailed legislation regarding chaplains; however, this is not the case with the CCEO. The 1983 legislation is complemented by other universal laws promulgated by Pope John Paul II, on military and maritime chaplains. In addition, the Pontifical Council for the Pastoral Care of Migrants and Itinerant Peoples has provided directives for civil aviation chaplains, an instruction on migrants' chaplains, and pastoral guidelines on gypsies' chaplains. In this article R. studies the universal law, codified and non-codified, concerning chaplains.

568

PCF XII (2010), 29-68: Jaime B. Achacoso: Shepherding an Itinerant Flock: Towards a Personal Prelature for OFWs. (Article)

See above, canons 294-297.

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

573

VR 110 (2011), 120-125: Juan José Bartolomé: Fundamento teológico de la vida consagrada. (Article)

B. studies the theological basis for the consecrated life. In the words of the Apostolic Exhortation *Vita Consecrata* (25 March 1996), "Everyone in the Church is consecrated in Baptism and Confirmation, but the ordained ministry and the consecrated life each presuppose a distinct vocation and a specific form of consecration, with a view to a particular mission … *Consecrated persons*, who embrace the evangelical counsels, receive a new and special consecration which, without being sacramental, commits them to making their own – in chastity, poverty and obedience – the way of life practised personally by Jesus and proposed by him to his disciples" (no. 31).

573-746

Ius II 1/2011, 187-238: Congregation for Institutes of Consecrated Life and Societies of Apostolic Life: The Service of Authority and Obedience – *Faciem tuam, Domine, requiram.* (Instruction)

This Instruction was approved on 5 May 2008 and published on 11 May 2008. There are many charismatic projects today, but also diverse models of governance and obedience, issues relating to cooperation with lay people, and a greater emphasis on the value of the individual person that can impact on the spirituality of communion. While not addressing all of these issues the Instruction intends to reaffirm that obedience and authority, practised in differing ways, always have a relation to the Lord Jesus, the obedient Servant. It falls into three sections: "Consecration and the search for the will of God" – helping individual persons called to live their own consecration; "Authority and obedience in community life" – constructing fraternal communities; "In mission" – participating in the common mission.

573-746

VR 111/5 (2011), 197-204: †Severino María Alonso: Juan Pablo II, maestro y profeta de la vida consagrada. (Article)

A. provides a synthesis of the teachings of Pope John Paul II on the consecrated life. Over the course of his pontificate John Paul addressed every important area of consecrated life in its different forms, especially in his addresses to consecrated persons, his Apostolic Exhortation *Redemptionis Donum* (25 March 1984) and above all the post-synodal Apostolic Exhortation *Vita Consecrata* (25 March 1996). A. comments that from the charismatic perspective (one of several perspectives offered in the article), the word "charism" appeared several times in the project for the CIC/83 in direct relation to the consecrated life, but was suppressed in the last revision of 1982. However, in the Apostolic Constitution *Sacrae Disciplinae Leges* by which he promulgated the new Code, the Pope declared that "the purpose of the Code is not in any way to replace faith, grace, charisms and above all charity in the life of the Church or of Christ's faithful. On the contrary, the Code rather looks towards the achievement of order in the ecclesial society, such that while attributing a primacy to love, grace and the charisms, it facilitates at the same time an orderly development in the life both of the ecclesial society and of the individual persons who belong to it."

579

EE 86 (2011), 687-716: Teodoro Bahillo Ruiz: El camino para reconocer un nuevo instituto de vida consagrada. A propósito de algunas aprobaciones recientes. (Article)

Processes of transformation and internal division in some already approved institutes of consecrated life have recently given rise to the approval of new institutes. Such approval offers some particular difficulties. The process of approval of new institutes involves the prior discernment of the authenticity, originality, utility and vitality of the new charisms and also the accompaniment of those promoting them. The diocesan authority and the Holy See share this responsibility. The bishop cannot erect a new institute in his diocese without previously consulting the Holy See, but the Holy See's opinion does not affect the validity of the act of erection of the new institute (canon 579). On the other hand, even though there are no written rules on the matter, the Holy See, on the basis of consolidated practice, claims exclusive competence for the approval of any new institute arising out of the division of an old one. In any event, due respect for the autonomy of life of any institute of consecrated life (canon 586) means that the bishops and the Holy See, in the case of internal division, cannot interfere arbitrarily in the life and government of the institute; nor can they claim to be the authorized interpreters of the foundational charism by ordering the division of an institute and the erection of a new one out of the dismembered part. The ones responsible for looking after their own patrimony are all the members of the institute, and especially those who govern them.

579-585

VR 108 (2010), 164-172: Giancarlo Rocca: Nuevos institutos, nuevas formas. (Article)

The years following the Second Vatican Council saw a large number of unions and fusions of religious institutes, secular institutes and societies of apostolic life. R. provides statistical information on these as well as on new foundations and on suppressions of institutes since the Council, before offering a brief analysis and some reflections on the possible future reconfiguration of consecrated life.

580-582

VR 108 (2010), 300-311: Eusebio Hernández: La unión de institutos, ¿una oportunidad para renacer? (Article)

H. examines the ways in which religious institutes that are flourishing may assist those that are in difficulties, whether by way of aggregation or federation (in the case of institutes that are juridically less closely bound), and fusion or union (in the case of institutes that are juridically more closely bound). After setting out the principal reasons for fusion and union, he looks at the process to be followed and the documentation required.

581

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 18-19).

585

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 18-19).

586

EE 86 (2011), 687-716: Teodoro Bahillo Ruiz: El camino para reconocer un nuevo instituto de vida consagrada. A propósito de algunas aprobaciones recientes. (Article)

See above, canon 579.

586

RMDC 17 (2011), 83-106: Gerardo Ángeles Pérez: La exención y la justa autonomía de los Institutos de vida sagrada. (Article)

A.P. describes the development of the notions of exemption and autonomy in relation to institutes of consecrated life, examining the provisions of the CIC/17 and the relevant conciliar and post-conciliar documents, and analysing the relationship between episcopal jurisdiction and territory. Having explained the differences between exemption and autonomy, he looks in detail at canons 586 and 591 of the CIC/83. He points out that, since institutes of consecrated life form part of the Church, they are entitled both to autonomy and to exemption in certain respects from the power of the diocesan bishop, who in his turn should value the services they render to the diocese. Exemption is based on the principle of communion: the religious are released from the jurisdiction of the local Ordinary in order to safeguard their proper identity and patrimony; and thus, when they collaborate with the bishop in the external apostolates, they are found to be not mere recipients of pastoral activity, but co-workers in carrying out the Church's mission of announcing the Gospel.

591

RMDC 17 (2011), 83-106: Gerardo Ángeles Pérez: La exención y la justa

autonomía de los Institutos de vida sagrada. (Article)

See above, canon 586.

601

QDE 23 (2010), 450-455: Silvia Recchi: Il consiglio evangelico dell'obbedienza. (Article)

R. sets out the theological foundations of the evangelical counsel of obedience – the following of the obedient Christ in the evangelical or charismatic project aroused by the Spirit and authenticated by the Church – before considering its juridical aspects, which involve "submission of one's own will to lawful Superiors, who act in the place of God when they give commands that are in accordance with each institute's own constitutions" (canon 601). The nature of the Superior's authority – which is essentially "charismatic" – differs from that of the hierarchy, and is to be exercised "in a spirit of service" (canon 618). Both those who command and those who obey are acting in obedience to the will of God. R. concludes with some reflections on the challenges of contemporary culture which struggles with the concepts of authority and obedience.

603

AkK 179 (2010), 353-379: Helmuth Pree: Eremitinnen und Eremiten im CIC/1983. (Article)

P. analyses the canonical institute of eremitical life based on canon 603. After an introductory historical overview, the different types of eremitical life are related to their categories in canon law and are declared to be proper forms of the *vita consecrata*. The hermit under episcopal jurisdiction is of central interest. The essential elements of the eremitical life are discussed in detail: the preconditions for entry, the admissions process, its legal status including a possible withdrawal from living as a hermit, and finally the competences of the diocesan bishop. P. pays particular attention to questions that have arisen in canonical practice in the present time.

605

PCF XII (2010), 131-145: Luis Navarro: The New Ecclesial Movements in the Magisterium of Benedict XVI. (Article)

In 1985, the then Joseph Cardinal Ratzinger expressed an insightful confidence and openness of heart and mind towards the gradual emergence of new ecclesial movements. N. advocates precisely this attitude in his present study. In this regard, he examines the Magisterium of Pope Benedict XVI under four headings: 1.

general characteristics of the Papal Magisterium; 2. the role of the Holy Spirit in the movements; 3. the ecclesial value of the movements; and 4. the relationship between pastors and ecclesial movements. N. senses that Pope Benedict has a balanced view and understanding of these movements, based on his personal knowledge of and acquaintance with some of them, while at the same time being keenly aware of the positive and negative reactions to them and the difficulties involved in their integration into the life of the parish and the diocese. If those movements are truly gifts of the Holy Spirit, they must be at the service of the Church and willingly insert themselves into the ecclesial community, where they have the potential to be agents for life, freedom, unity, and missionary endeavour. The Church, for her part, must guide them with "pastoral wisdom" so that they may use their various gifts to build up and enrich the community. Pope Benedict encourages pastors to meet these movements with love and understanding and also with prudence and vigilance. He asks the movements to be open and willing to accept the "discernment of the ecclesiastical authority". In conclusion, N. presents three canonical consequences of his analysis of Pope Benedict's teachings on the subject: 1. the entire Church together with the faithful must recognize the "right to life" of these new movements as well as their right to function in accordance with their own charism; 2. the movements have an obligation to be always "in communion" with the Church and respectful of the contribution of "other ecclesial entities"; and 3. N. urges canonists to avoid applying "standardized models" of statutes to these new movements and instead to work towards formulating statutes that are at the service of the Spirit and of the particular charism.

605

VR 108 (2010), 164-172: Giancarlo Rocca: Nuevos institutos, nuevas formas. (Article)

See above, canons 579-585.

605

VR 108 (2010), 184-192: Teodoro Bahillo: Criterios para el reconocimiento y aprobación de una nueva fundación. (Article)

B. sets out the criteria for discerning whether a new form of religious life is truly "new" and the conditions for approval of these new foundations or forms of consecrated life, looking both at pontifical documents and at actual practice. He concludes that the bishops would benefit from clear official guidance as to both discernment and the best manner of approving these new forms, many of which do into fit into the models provided by the current legislation.

615

REDC 68 (2011), 857-870: Federico R. Aznar Gil: Monasterios y otras instituciones que dejan de ser habitadas: destino de sus bienes culturales. (Article)

See below, canon 638.

636

VR 111/2 (2011), 81-86: Fernando Torres Pérez: La administración de los bienes en tiempos de crisis. (Article)

T.P. sets out what he calls the "ten commandments" of the financial administrator of a religious institute: 1. to facilitate the life and evangelizing mission of the institute; 2. to administer the goods for that mission; 3. to be professionally qualified; 4. to act honestly, correctly and justly at all times; 5. not to act as "owner" of the goods; 6. to be attentive to the needs of the community and its members; 7. to keep exact, accurate and faithful accounts; 8. to be a member of the community (in the sense of not considering oneself to be somehow "removed" from community life); 9. to keep the community duly informed; 10. to see the community as part of a larger body (the province) and not as an independent entity.

638

REDC 68 (2011), 857-870: Federico R. Aznar Gil: Monasterios y otras instituciones que dejan de ser habitadas: destino de sus bienes culturales. (Article)

A.G. deals with a current issue fairly common in some parts of the world: the ultimate destination of the cultural and artistic goods of monasteries and other ecclesiastical institutions which are no longer in use and are uninhabited. He examines in particular the situation as it affects autonomous or *sui iuris* monasteries. He suggests that certain modifications might be made to ensure that cultural and artistic goods remain in the same place or local area, rather than being sold off to the highest bidder, and that the permission of the Holy See be required as well as the opinion of the local Ordinary. Even immovable goods and buildings could be put to use for the social and cultural benefit of the local community.

642-643

VR 109/10 (2010), 447-451: Jesús M. Palacios: Formación de calidad, sólida formación humana (I). (Article)

P. examines the question of the maturity required for religious life: the basic psychic equilibrium and capacity to overcome the internal and external conflicts and tensions of vocational life; the capacity for self-giving and generosity, and for living out the demands of poverty, chastity and obedience; the capacity to live in community; the ecclesial and universal missionary sense which involves detachment from family, local environment, etc. Maturity is not an absolute and static reality, but is relative and personal, and involves a process of development. P. looks at the maturity required at postulant stage, at commencement of the novitiate, at first profession, and at perpetual profession.

642-643

VR 111/1 (2011), 29-34: Jesús M. Palacios: Formación de calidad, sólida formación humana (II). (Article)

See preceding entry. P. looks at the "fundamental option" involved in the decision to commit oneself for ever to the religious life – a decision that is total, definitive and perpetual – and examines the psychological and pedagogical elements which such an option involves.

642-643

VR 111/2 (2011), 87-90: Jesús M. Palacios: Formación de calidad, sólida formación humana (III). (Article)

See preceding entries. In this section of his continuing article P. looks in greater detail at the capacity to overcome the conflicts and frustrations that arise in religious life.

665

QDE 23 (2010), 456-470: Juan Miguel Anaya Torres: La separazione dall'istituto di vita consacrata. I. L'assenza dalla comunità. (Article)

After some general considerations on common life and its applicability or otherwise to the different forms of consecrated life recognized in the CIC/83, A.T. focuses on the provision in canon 665 §1 that "Religious are to reside in their own religious house and observe the common life; they are not to stay elsewhere except with the permission of the Superior. For a lengthy absence from the religious house, the major Superior, for a just reason and with the consent of the council, can authorize a member to live outside a house of the institute; such an absence is not to exceed one year, unless it be for reasons of health, studies or an apostolate to be exercised in the name of the institute." A.T. analyses what is meant by "absence", and sets out the procedure to be followed and factors to be taken into account in granting permission for prolonged absences. The juridical condition of

the absent religious does not change during his or her absence, and a dispensation from common life is not a dispensation from fraternal life. A.T. offers some final considerations on unjustified or unlawful absences.

671

AnC 6/2010, 139-154: Arnold Chrapkowski: Udział osób konsekrowanych w ruchach kościelnych (= The participation of consecrated persons in ecclesial movements). (Article)

See above, canon 307.

682

QDE 24 (2011), 96-108: Gianni Trevisan: Gli uffici di parroco, amministratore parrocchiale, vicario parrocchiale. Alcune indicazioni concrete. (Article)

See above, canons 515-552.

684-685

Ang 88 (2011), 1073-1088: Delfina Moral Carvajal: Tránsito de un instituto religioso a otro en la legislación actual. (Article)

The transfer from one religious institute to another does not strictly speaking involve a separation from the institute, but is a special procedure that allows a religious to go to a new institute, leaving behind all that concerns the former institute and joining the new one, without losing the religious state. Canon 684 §1 recognizes the right to request a transfer, thus respecting the principle of freedom to follow Christ more closely in the most suitable and most spiritually rewarding way, but it is not treated as an ordinary matter but rather an exceptional event, so as to ensure that the law is not treated lightly and to avoid abuses. M.C. asks whether we can speak of the "right" of the religious if the transfer can only be carried out by the supreme moderators of both institutes, with the prior consent of their respective councils. She answers affirmatively, since the religious has the right to have his or her request studied. Even if it is not absolute, there is a legitimate right provided there is a just and valid cause.

686

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 16-17).

696

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 6, 8-11, 13-15, 20).

703

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 4-5, 7).

711

REDC 68 (2011), 839-855: Juan Manuel Cabezas Cañavate: La secularidad de los laicos en los Institutos seculares (estudio del c. 711). (Article)

Canon 711 establishes that the lay canonical status of consecrated members of secular institutes is maintained, even though the person has been consecrated and is bound by the obligations proper to consecration. C.C. examines the background of this particular canon and its development during the preparatory process of its redaction, and comments on some pontifical and magisterial documents touching on the subject. An analysis of other canons relating to the lay faithful consecrated in secular institutes confirms they are not subject to the same restrictions as religious in their relationship to the world. The great novelty of the present canon is its recognition that the consecrated life can be lived out in two different ways, the secular and the religious.

733

VR 108 (2010), 164-172: Giancarlo Rocca: Nuevos institutos, nuevas formas. (Article)

See above, canons 579-585.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

AnC 6/2010, 7-21: Remigiusz Sobański: Czy głoszenie nauki Kościoła może dyskryminować? (= Can the teaching of the Church be discriminating?) (Article)

S. argues that it is never discrimination to proclaim the Church's teaching, even when it involves pointing out errors and admonishing. An important rule to be observed by those who teach in the name of the Church is that given in *Lk* 6:37: "Judge not, and you will not be judged; condemn not, and you will not be condemned".

749-754

SCL VII (2011), 113-138: John Huels: The Responses Owed by the Faithful to the Authentic Magisterium of the Church. (Article)

There is a hierarchy of teaching authority in the Church but also a hierarchy of doctrines from infallible dogmatic definitions to statements of a Roman dicastery or conference of bishops, and these call for different responses from the faithful. H. looks first at the 1989 Profession of Faith, and then the canons on the authentic Magisterium, revised in 1998 by the addition of a second paragraph to canon 750, dwelling at some length on the understanding of "*obsequium*". Finally he considers penalties for doctrinal offences and the investigation required.

766

SC 45 (2011), 443-484: John M. Huels: The Act of 'Admitting' a Lay Person to Preach in a Church or Oratory. (Article)

Canon 766 of the CIC/83 says that lay persons "may be admitted" to preach in a church or an oratory. The meaning of *admittere* is disputed in doctrine, is implemented variously by the conferences of bishops, and is interpreted diversely in recent documents of the Holy See. The question centres on whether the diocesan bishop may grant a habitual faculty for lay preaching or whether this admission is a simple permission that is given by the pastor/parish priest. H. begins by examining the authorization for preaching in the CIC/17 and CIC/83, the meanings of *admittere* in the Code revision process, and the meanings of *facultas* and *admittere* in other places of the Latin Code. He then explores how *admittere* has been interpreted in the decrees on lay preaching of 48 conferences of bishops, and the ways in which lay persons are admitted to preach according to universal laws outside the Code. The final part of the study looks at the dominant

views in doctrine. H. concludes that *admittere* is open to various meanings, including admission to preach by universal or particular law, by a habitual faculty of the diocesan bishop, or by permission of the pastor. Its precise meaning is only given specific form in particular law.

783

IusM V/2011, 13-27: Lorenzo Lorusso: L'azione missionario degli Istituti di Vita Consacrata. (Article)

Canon 783 states that members of institutes of consecrated life, by virtue of their consecration, are required in a special way to offer their services in missionary activity. After an examination of the sources, L. stresses the relationship between consecration and mission, taking into account the evangelization programmes of the institutes.

784

IusM V/2011, 61-78: Natale Loda: Il rapporto di complementarietà tra il can. 784 del CIC e il can. 589 del CCEO nell'individuazione della figura del missionario. (Article)

By virtue of baptism all Christian faithful take part in the Church's mission, according to their own personal juridical condition, in three ways: a) by taking part in the mission of the Church in a broader sense; b) through cooperation in a narrower sense; c) by being sent to evangelize. The specific end of missionary action is specified by canon 784 of the CIC/83, according to which there are three necessary and sufficient constitutive conditions for identifying the proper meaning of the "missionary *ad gentes*": a) a missionary vocation in a strict sense; b) acknowledgement on the part of the Church c) a sending or mandate on the part of competent authority of the Church. Canon 589 of the CCEO requires that all those who are sent to evangelize, whether they are native or non-native, should have a specific missionary vocation, the requisite suitability, and fitting human and spiritual talents. Although there is no canon in the CCEO corresponding to canon 784 of the CIC/83, which outlines who missionaries are, it is evident that in an Eastern context lay faithful can be cooperators of sacred ministers with other institutionalized forms of sending and mandate. The CIC/83 has no canon parallel to canon 589 of the CCEO. In an interecclesial relationship and context both canons are essentially related and mutually complementary.

786

AC 50 (2008), 63-75: Jean-Marie Signié: L'administration des biens

temporels et l'avènement des Églises pleinement constituées. (Article)

Canon 786 does not define the "resources" and "means" that render new Churches "fully constituted"; however Vatican II did do so (cf. *Ad Gentes*, no. 19a). The resources of the diocese are not means to be used for the benefit of the bishop or his family. The correct functioning of diocesan and parish finance councils is vital (cf. *Pastores Gregis*, no. 45) to ensure that this does not happen. Churches that are "fully constituted" and enjoy financial autonomy should come under the jurisdiction of the Congregation for Bishops, not the Congregation for the Evangelization of Peoples.

815-821

SCL VII (2011), 29-46: Congregation for Catholic Education: Decree on the Reform of Ecclesiastical Studies of Philosophy. (Decree)

This decree, dated 27 January 2011, reforms articles 72a, 81, 82 and 83 of the Apostolic Constitution *Sapientia Christiana* and adds a number of more detailed norms by way of application. The principal effect is to extend the first cycle of the degree course in philosophy from two to three years. It also addresses the need for a clear distinction to be maintained between philosophical and theological subjects in faculties of theology and seminaries since they have different methodologies, and the qualifications required for those teaching philosophy in ecclesiastical institutions.

818

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 38).

821

REDC 68 (2011), 957-975: Congregación para la Educación Católica: Decreto de Reforma de los estudios eclesiásticos de Filosofía, 28 de enero de 2011. (Document and commentary)

See above, canon 251.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

SC 45 (2011), 355-409: Chad J. Glendinning: *Universae Ecclesiae:* Text and Commentary. (Article)

Through the *motu proprio Summorum Pontificum*, Pope Benedict XVI enacted new legislation for use of the *Missale Romanum* of 1962, in addition to the pre-conciliar liturgical rites for the administration of the sacraments of baptism, marriage, penance, anointing of the sick and confirmation. He also distinguished between two forms or expressions of the Roman rite. The *forma ordinaria* includes the liturgical rites revised after Vatican II. The *forma extraordinaria* uses the liturgical books prior to this liturgical reform. In April 2011, the Pontifical Commission *Ecclesia Dei* issued an Instruction *Universae Ecclesiae* to ensure proper interpretation and appropriate application of *Summorum Pontificum*. This article is a commentary on each of the juridical dispositions of *Universae Ecclesiae.*

838

REDC 68 (2011), 945-956: Pontificia Comisión *Ecclesia Dei*: Instrucción *Universae Ecclesiae* sobre la aplicación de la Carta Apostólica *motu proprio data Summorum Pontificum* de S.S. Benedicto PP. XVI, 13 de mayo de 2011. (Document and commentary)

This is the Spanish translation of the Instruction from the Pontifical Commission *Ecclesia Dei* (30 April 2011; made public on 13 May 2011) on some aspects of the implementation of Pope Benedict XVI's Apostolic Letter *Summorum Pontificum*, with a commentary by Ángel David Martín Rubio.

844

FCan VI/1 (2011), 45-79: José Maria Afonso Coelho: Os capelães hospitalares no Código de Dereito Canónico. (Article)

See above, canons 564-572.

BOOK IV, PART I, TITLE I: BAPTISM

862

AC 50 (2008), 31-39: Jean Bertrand Salla: Regard d'un théologien sur la

pertinence du droit canonique dans les pratiques pastorales des Églises particulières d'Afrique centrale. (Article)

See below, canon 905.

867-868

FT 21 (2010), 201-220: Lóránd Ujházi: Die Taufe der Kinder und die Frage des Aufschubs der Taufe im gültigen Kirchenrecht. (Article)

After some considerations on the relationship between baptism and salvation and the right to receive the sacrament, U. looks at the question of deferral of baptism, whether by the parents, or by the priest in cases where there is no well-founded hope of the child being brought up as a Catholic. He then devotes a section to baptism of children in danger of death.

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

897-958

SCL VII (2011), 47-84: Jobe Abbass: The Eucharist: A Comparative Study of the Eastern and Latin Codes. (Article)

See above, CCEO canons 698-717.

901

AnC 6/2010, 155-171: Tomasz Jakubiak: Aplikacja owoców Mszy św (= Application of the fruits of the Holy Mass). (Article)

The application of the Mass presupposes the doctrine of Catholic theology on the different fruits of the Mass. Three kinds of fruits or effects are recognized: the Holy Sacrifice benefits the entire Church (a general fruit – *generalis, communis, universalis*); it benefits the celebrating priest himself (a very special fruit – *specialissimus*); the Mass may be applied for the specific intentions of the celebrant (a special fruit – *ministerialis, medius, specialis*). The application must be "objectively determined" and it must be made before the Consecration.

According to the CIC/83, the Mass may be applied for anyone. This norm is considerably different from its counterpart in the CIC/17, which said that Mass may be applied for those in purgatory or for the living, with the exception of public Masses for the excommunicated. Private Masses could be applied for "tolerated excommunicates", which included baptized non-Catholics; but for "excommunicates to be avoided", a private Mass could be applied only for their conversion. Today the limitation refers to situations where the application of the Mass is publicly known. A funeral Mass may not be celebrated for those who have been excluded from Church funerals under canon 1185.

902

Guillaume Derville: La concélébration eucharistique: Du symbole à la réalité. (Book)

This is the French version of the book referred in to *Canon Law Abstracts*, no. 107, p. 75. Until the Second Vatican Council, Eucharistic concelebration was rarely used in the Latin Church. *Sacrosanctum Concilium* extended its practice, which some texts and a certain usage have made common. In order for concelebration to manifest unity of the sacrifice, unity of the priesthood and unity of the Church, some conditions should be respected, always taking into account that what is essential is the Eucharist being celebrated, which actualizes the sacrifice of the Cross and the Paschal Mystery as a whole. Facile abuses may weaken the personal relationship of the priesthood with Christ, as well as demystifying a practice whose truth and beauty perhaps demand moderation more in keeping with a fitting interpretation of the Council. Almost half a century after *Sacrosanctum Concilium*, D. suggests that the time has come to re-examine concelebration after the impulse given by John Paul II in his Encyclical *Ecclesia de Eucharistia* (2003) and his Apostolic Letter *Mane Nobiscum Domine* (2004) on the occasion of the year of the Eucharist (October 2004 to October 2005), an impetus which was confirmed by the 2005 Synod of Bishops and the subsequent post-synodal Apostolic Exhortation of Benedict XVI, *Sacramentum Caritatis* (2007). D. looks at the history of concelebration before the Second Vatican Council, and the conciliar and post-conciliar texts on the subject. He then considers the unity of the priesthood and its manifestation, and the personal configuration of the priest with Christ. (For bibliographical details see below, Books Received.)

905

AC 50 (2008), 31-39: Jean Bertrand Salla: Regard d'un théologien sur la pertinence du droit canonique dans les pratiques pastorales des Églises particulières d'Afrique centrale. (Article)

The principle of territoriality, e.g. in canon 862, promotes order in pastoral

practice. The Code helps young Churches to retain their own Catholic identity and to avoid syncretism. S. identifies areas where ignorance of the law has created problems. The incidence of AIDS has created situations where some priests feel obliged to celebrate as many as seven Masses a day from Friday to Sunday.

945-958

ITS 48 (2011), 257-278: Felix Podimattam: The Theology of Mass Stipends. (Article)

P. sets out the Church's constant teaching and practice concerning Mass stipends, referring to their Biblical, traditional and theological underpinnings, and dealing with some pastoral considerations.

945-958

SCL VII (2011), 411-416: Augustine Mendonça: Unlawful Use of Money Offered for the Celebration of Mass! (Opinion)

A religious institute generates money by accepting Mass stipends at a level common in the West and then sending them on at a level which is the norm in the country where they are received, keeping the difference for the purposes of the institute. M. comments that the drafters of the Code seem not to have foreseen this possibility. The Code allows for the long-term investment of capital to pay for Mass stipends through foundation Masses (canons 1303-1309) but that is not the issue here. The Code is clear that, except for binated Masses, the offering belongs to the priest who will celebrate the Mass and is intended for his financial support. Power to set the level of such offerings is given to the provincial council or set by local custom, not by religious superiors. In M.'s view any offering must be passed on in its entirety at the rate that is the norm in the domicile of the donor, unless otherwise stated by the donor. Any administrative costs must be funded in some other way.

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

959-991

SC 45 (2011), 293-328: Jobe Abbass: Penance: A Comparative Study of the Eastern and Latin Codes. (Article)

See above, CCEO canons 718-738.

961

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex Iuris Canonici* 1983. (Article)

See below, canon 1399.

986

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex Iuris Canonici* 1983. (Article)

See below, canon 1399.

BOOK IV, PART I, TITLE V: THE SACRAMENT OF ANOINTING OF THE SICK

1003

QDE 24 (2011), 169-177: Giuliano Brugnotto: Alcune conseguenze pratiche per il diaconato permanente dal *motu proprio Omnium in mentem*. (Article)

See below, canons 1008-1009.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

PCF XII (2010), 25-28: Pope Benedict XVI: Apostolic Letter in the Form of "*Motu Proprio*" *Omnium in Mentem.* (Document)

The purpose of the *motu proprio Omnium in Mentem* was to introduce appropriate modifications of certain canonical norms, namely canons 1008, 1009, 1086 §1,

1117, and 1124, to ensure the unity of theological doctrine and canonical legislation, and the "pastoral usefulness" of the legislation. The document clarifies two issues: 1. that deacons do not act *in persona Christi Capitis* (in the person of Christ the Head), thus correcting what was probably an oversight in the phrasing of canon 1008 which made it appear that the phrase *in persona Christi Capitis* applied to all three degrees of the sacrament of holy orders, and not just to the episcopate and the presbyterate (the substance of the law is not changed; the new phrasing simply expresses more clearly what was already the teaching of the Church); 2. the *motu proprio* removes certain exceptions to marriage law for those who had "formally defected from the Catholic Church". Hitherto, such people did not need to observe canonical form or require a dispensation to marry non-Catholics. While these had been intended as generous provisions by the Church, they actually caused many problems. It is with a view to making the implementation of the law, in those instances, simpler and easier that these modifications have been made.

1008-1009

QDE 24 (2011), 132-141: Tiziano Vanzetto: Il diaconato secondo il pensiero di Jean B. Beyer, S.I. (Article)

On the basis of articles written by J. Beyer SJ prior to and following the Second Vatican Council (1954 and 1980 respectively) V. sets out Beyer's thought on the nature of the diaconate. For Beyer the diaconate is not "sacramental" since none of the deacon's liturgical acts constitute a sharing in or exercise of the priestly character and power. V. also describes how Beyer replies to the various objections raised to these views. A further article by Beyer in 1990 dealt with the permanent diaconate, in which once again the author denied the sacramental nature of the diaconate even though ordination as a deacon confers a special consecration and mandate on the one who receives it. Beyer does however recognize the value of the diaconate in the service of the Church. The one who receives it becomes a "sacred minister" (canons 207 §1; 1008; 1009 §3) and enters into a new state of ecclesial life, enabling him to take on certain tasks of governance and teaching, as well as his liturgical functions. The deacon is a cleric, incardinated in a particular Church, with specific rights and duties.

1008-1009

QDE 24 (2011), 142-168: Renato Coronelli: Il diaconato alla luce delle modifiche apportate al Codice dal *motu proprio Omnium in mentem*. (Article)

C. examines the changes to canons 1008-1009 introduced by *Omnium in Mentem* (26 October 2009) to bring these canons into line with the modifications introduced into the *Catechism of the Catholic Church*. He assesses the impact of these changes and refers to some criticisms that have been raised; and he

concludes with some specific reflections on the order of the diaconate. By reserving the mission and faculty to act *in persona Christi Capitis* to bishops and priests and not to deacons, the amendments serve to clarify that the deacon's configuration to Christ within the ordained ministry is as Servant rather than as Head.

1008-1009

QDE 24 (2011), 169-177: Giuliano Brugnotto: Alcune conseguenze pratiche per il diaconato permanente dal *motu proprio Omnium in mentem*. (Article)

B. looks at some of the practical consequences of *Omnium in Mentem* for the diaconate concerning the administration of the sacrament of anointing of the sick, and whether a deacon can be appointed as chaplain. He also deals with the deacon's participation in the exercise of pastoral care, and asks whether at ordination the deacon enters into a particular "community" of deacons. He ends with some considerations concerning the correct use of the Roman Pontifical for the rite of admission to the diaconate.

1008-1009

SC 45 (2011), 414-441: Philippe Hallein: Le motu proprio *Omnium in mentem* et les conséquences canoniques des modifications. (Article)

See below, canon 1086.

1040-1049

SCL VII (2011), 433-442: Victor D'Souza: Priest after the Sex Change Surgery: Male to Female? (Opinion)

D'S. looks first at the psychological background in cases of gender identity disorders and responses to this, whether by surgery or in terms of civil law. In the light of an Italian case the Congregation for the Doctrine of the Faith studied the issue and sent a document *sub secretum* to the presidents of episcopal conferences to provide guidance on a case-by-case basis. This recognized that there were situations where gender reassignment surgery could be morally acceptable. Religious superiors were permitted to expel community members. Priests could continue to exercise their ministry privately provided it were not a source of scandal, but such operations rendered the persons concerned unsuitable candidates for priesthood or religious life by reason of mental instability. After such surgery the person would be incapable of entering into marriage, but the procedure would not affect the validity of marriage already contracted unless a tribunal determined that the disposition predated the wedding. It is thought that Cardinal Navarrete prepared the advice, and he wrote on this subject in Periodica 86 (1997) 101-124

(see *Canon Law Abstracts*, no. 80, p. 81). D'S. concludes that someone with a gender identity problem is likely to be irregular for reception of orders. If ordained, the ordination is valid, but should his conduct give rise to scandal he can be prohibited from exercising his ministry and removed from office after due process. Given his psychological state he would probably not incur irregularity because of malicious self-mutilation, but could be impeded from the exercise of orders. It would be possible to induce him to request dispensation from the obligations of the clerical state, or to seek this to be imposed.

1044

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 25).

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AkK 179 (2010), 412-467: Martin Rehak: Ehe als „*sacrum amoris foedus ... a Deo institutum*". Die Vorschläge des Salzburger Erzbischofs Andreas Rohracher zur Reform des kirchlichen Eherechts. (Article)

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

1055

CLSN 165/11, 35-40: Hugh J. O'Connell: How to Choose a Husband. (Article)

This article originally appeared in pamphlet form, and was probably written in the 1950s and directed at young women. It urges that careful consideration be given to a choice of future husband. Given that many marriages are unsuccessful, young women are advised to acquire clear ideas on the type of man who would make a desirable husband. Having considered the type of men who would not make fit husbands (those who are already married or divorced, or who are unprincipled) or whether there is at least a risk attached in marrying them (if they are of another religion or too young), O'C. gives a description of positive qualities in a future husband, such as one who has strong religious principles and a love of children.

1055

CLSN 165/11, 41-61: Augustine Mendonça: Cultural Concepts and Nullity of Marriage – Part I. (Article)

M. identifies two important points from the Apostolic Exhortation *Familiaris Consortio* relevant to the study of cultural concepts and the nullity of marriage. First is the idea that marriage, as a natural reality, is perceived and lived in concrete social and cultural circumstances. Secondly, the pastoral care of marriage demands an understanding of those concrete situations within which marriages are lived out. Given that part of this pastoral care involves tribunal ministry, it is incumbent upon judges to be aware of the cultural milieu of a specific marriage case on which they are to judge, so that they are able to render a just and equitable decision.

1055

CLSN 166/11, 26-59: Augustine Mendonça: Cultural Concepts and Nullity of Marriage – Part II. (Article)

In the second part of his article (see preceding entry) M. examines the practical consequences of cultural influences on matrimonial consent by looking at some actual cases decided by matrimonial tribunals. From this he concludes that matrimonial consent is an act of a human person who is a product of a particular socio-cultural environment, and that cultural factors impinge on this human act. Each concrete case is unique and demands a unique response, and in order to reach moral certitude from the facts a judge must take into account the cultural context of the case in question.

1055-1057

María Victoria Hernández Rodríguez: Il diritto naturale, fondamento delle sentenze di dichiarazione di nullità matrimoniale *coram Ardito*. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 137-164**)

See above, General Subjects (*Compilations*). The natural law appears in the sentences and declarations of matrimonial nullity *coram* Ardito as the foundation and criterion of justice of positive law and of its binding force. The juridical foundations of these sentences bring out the fundamental natural properties of marriage – raised by Christ to the dignity of a sacrament – as well as the natural primary and universal right of the human person to marry. The institution of marriage arises essentially and individually within consent and from consent. Such consent needs to be a human act: that is, the act of a human person, a rational being, in whom intellect and will interact in a unified and harmonic fashion.

1057-1058

FCan VI/1 (2011), 83-88: Elisa Araújo: S. Valentim: mártir da liberdade do consentimento e da soberania dos cônjuges (comentário ao ius connubii, cc. 1057 e 1058 CIC). (Commentary)

The *ius connubii* is a fundamental human right and also a right of the faithful. As a general principle it is a source of interpretation of all norms referring to canonical marriage. Since marriage is also a sacrament, it follows that there is a fundamental right to the sacrament of marriage. However, one has to distinguish clearly between the sacramental reality and the liturgical celebration. Thus Pope Benedict, in his address to the Roman Rota of 22 January 2011, stated: "No one can claim the right to a nuptial ceremony". This is because, although the right to marry and start a family is considered a fundamental right, and as such the authority (civil or religious) should acknowledge, promote and defend it, the truth of its essence as a natural right should prevail.

1058

CLSN 165/11, 17-20: Pope's 2011 Address to the Rota, 22 January 2011. (Address)

See below, canons 1066-1067.

1058

IE XXIII 2/11, 467-485: Benedetto XVI: Discorso alla Rota Romana, 22 gennaio 2011 (con *nota* di Paolo Bianchi, *"Non esiste [...] un matrimonio della vita e un altro del diritto": l'exigenza di una seria pastorale prematrimoniale e di una coerente prassi giudiziaria*). (Address and commentary)

See below, canons 1066-1067.

1058

RMDC 17 (2011), 33-82: Luis de Jesús Hernández M.: El expediente matrimonial como instrumento jurídico preventivo de las causas de nulidad. (Article)

See below, canons 1066-1067.

1060

AnC 6/2010, 225-234: Bartosz Nowakowski: Pseudoduszpasterskie

rozwiązania w orzekaniu nieważności małżeństw zagrożeniem sprawiedliwości i prawdy. Kilka refleksji na kanwie przemówienia Benedykta XVI do Roty Rzymskiej z 29 stycznia 2010 r (= Pseudo-pastoral solutions in declaring marriages null as a threat to justice and truth. Some reflections on Pope Benedict XVI's speech to the Roman Rota on 29 January 2010). (Address and commentary)

In his 2010 address to the Rota, Pope Benedict called attention to charity, justice and truth as the guiding principles for all involved in administering justice, which favour the indissolubility of marriage. In particular he spoke of the need to reject pseudo-pastoral solutions which place the matter on a purely horizontal plane, where the important thing is to satisfy subjective demands so as to reach a declaration of nullity at any cost, and thus overcome the obstacles to receiving the sacraments of penance and the Eucharist. However, the very great good of readmission to Eucharistic communion following sacramental reconciliation demands a consideration of the true good of the person, which is inseparable from the truth of their canonical situation. It would be a fictitious good, and a grave lack of justice and love, to smooth out the road to reception of the sacraments in such a way as to cause them to live in objective contrast to the truth of their own personal condition. (See also the following entry.)

1060

PCF XII (2010), 19-23: Pope Benedict XVI: Address to the Members of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 29 January 2010. (Address)

While noting the large number of people in irregular marriage situations, Pope Benedict XVI cautions that marriages are valid until the contrary has been proven. He warns against the use of a pastoral charity which might justify any means of acquiring a declaration of nullity in order to meet the needs of persons in such irregular situations. Such false charity would, he says, be a disservice to the truth and to justice, since justice is inseparable from charity. The Holy Father makes particular mention of the role of advocates, whom he exhorts to focus their attention on respecting the truth of the evidence, and carefully to avoid supporting causes that they know, according to their consciences, are not objectively sustainable. The essence of his message to the Tribunal officials is that their ministry is essentially a work of justice, and therefore the process and the sentence in marriage nullity cases are linked fundamentally to justice and must be placed at its service. (See also *Canon Law Abstracts*, nos. 105, p. 92; 106, pp. 90-91.)

1066-1067

CLSN 165/11, 17-20: Pope's 2011 Address to the Rota, 22 January 2011.

(Address)

In this address of January 2011, Pope Benedict exhorts the members of the Tribunal of the Roman Rota to an ever-greater commitment in their work in terms of pastoral care and the *salus animarum*. Noting the post-conciliar debates over the relationship between law and pastoral care, the Pope focuses on the juridical dimension that is inherent in the pastoral activity of preparing and admitting couples to marriage. Such preparation, though sometimes regarded by pastors as merely being a formal obligation, is intended to promote the free celebration of an authentic marriage. Sound preparation can help develop an effective pastoral strategy aimed at preventing marriage breakdown and annulments.

1066-1067

FCan VI/1 (2011), 117-124: Bento XVI: Relação entre Direito e Pastoral na preparação para o Matrimónio. (Address and commentary)

In his address to the Rota of 22 January 2011, Pope Benedict wanted to consider the relationship between law and pastoral care in the preparation for and admission to marriage. The relations between the parties to marriage are relations of justice, that is, of rights and duties which they undertake; hence the importance of serious preparation for a marriage to be valid and lawful. The juridical aspect is intrinsically linked to the essence of marriage. The Portuguese text of the address is accompanied by a short commentary.

1066-1067

IE XXIII 2/11, 467-485: Benedetto XVI: Discorso alla Rota Romana, 22 gennaio 2011 (con *nota* di Paolo Bianchi, *"Non esiste [...] un matrimonio della vita e un altro del diritto": l'exigenza di una seria pastorale prematrimoniale e di una coerente prassi giudiziaria*). (Address and commentary)

The original Italian text of Pope Benedict XVI's address to the Roman Rota of 22 January 2011 is accompanied by a commentary from B., who mentions the link between this and the Pope's previous addresses to the Rota, as well as with the teaching of previous Popes, especially John Paul II. He studies the theme and structure of the 2011 address; the relationship between pastoral practice and law as the basic guiding principle of the address; the canonical element of marriage preparation; a "non-individualist" understanding of the *ius connubii*; marriage preparation as a safeguard of the proper exercise of this right; marriage preparation as a specific canonical instrument to ensure the "truth" of the marriage; and finally, the need of consistency between pastoral and judicial practice.

1066-1067

RMDC 17 (2011), 33-82, 195-203: Luis de Jesús Hernández M.: El expediente matrimonial como instrumento jurídico preventivo de las causas de nulidad. (Article)

Taking as his starting point Pope Benedict's 2011 address to the Rota concerning the potential relationship between deficient prenuptial enquiries and the declaration of nullity of many marriages, H. explains that from the time of the promulgation of the CIC/17 until the present there has only been one Instruction (1941) aimed at developing and determining the ways in which the provisions of the CIC/17 concerning the questions to be asked of the parties, the marriage banns, and the other enquiries prior to marriage, should be implemented. During the Second Vatican Council, a draft document was prepared which reproduced the provisions of the CIC/17 and the 1941 Instruction, but eventually it was left to the future codification to draw up a simpler set of norms on the matter. This is indeed what happened with the CIC/83, which grants episcopal conferences the faculty to lay down specific norms for their respective territories. M. sets out some proposals for Mexico, where the episcopal conference has not yet established any specific norms. (The Spanish text of the address itself and a separate brief commentary appear on pp. 195-203.)

1066-1067

SCL VII (2011), 7-12: Pope Benedict XVI: Allocution to the Roman Rota. (Address)

In his 2011 address to the Roman Rota the Pope focuses on the canonical dimensions of preparation for marriage. The right to marry is not simply a subjective claim, but presupposes the true possibility of celebrating marriage and the right intentions. It would not be denied if these were patently lacking. Serious discernment can help avoid impulsive decisions to marry when the couple are incapable of taking on the responsibilities. It must not be seen as a purely bureaucratic requirement. Too easy admission to marriage can lead to facile declarations of nullity based on the observation of its failure. Hence the importance of ecclesiastical tribunals transmitting a univocal message on what is essential to marriage, and the need to adhere to Rotal jurisprudence. Particular care is needed in the interpretation of the *bonum coniugum.*

1071

QDE 23 (2010), 471-475: G. Paolo Montini: Il matrimonio solo canonico in Germania. (Article)

The prohibition on celebrating canonical marriage in Germany without a prior civil ceremony was abolished on 1 January 2009. A purely canonical marriage has no civil juridical effects in that country: hence it is normally necessary to have a

civil ceremony as well. A canonical marriage can exceptionally take place without a prior civil celebration, but in accordance with identical regulations issued in each of the German dioceses, such marriage requires the local Ordinary's *nihil obstat* (the bishops have preferred this term to that of "permission" as in canon 1071 §1, 2º). M. offers a brief comment on these latest developments.

1086

IC 51 (2011), 547-585: Javier Ferrer Ortiz: Libertad religiosa e inmigración: el matrimonio canónico entre católica y musulmán. (Article)

In view of the rise in immigration to Spain in recent years, and in the number of inter-faith marriages, this article analyses the meaning and development of the canonical regulation of such marriages, and the impediment of disparity of cult in particular, looking in detail at the specific requirements for obtaining a dispensation. It also comments on regulations issued by the Spanish Episcopal Conference on marriages between Catholics and Muslims.

1086

IE XXIII 1/11, 252-269: Conferenza Episcopale Austriaca: Disposizioni relative agli effetti che la fuoriuscita dalla Chiesa secondo il diritto statale abbia sulla condizione giuridica canonica del fuoriuscito, 21-23 giugno 2010 (con *nota* di Stefano Testa Bappenheim, *Brevi osservazioni su due recenti documenti della Conferenza Episcopale Austriaca relativi al "Kirchenaustritt"*). (Documents and commentary)

In Austrian State law it has been possible, since 1868, to declare before the competent administrative authority one's desire to leave the Church or other recognized religious community. The Austrian Episcopal Conference has prepared a series of norms explaining clearly the canonical consequences of such a move, and at the same time pointing out the pastoral possibility of reversing the decision. The episcopal conference has also declared that civil marriages between Catholics, even if they have left the Church, are invalid for lack of form. B. comments on both these documents. In view of the modifications introduced by the *motu proprio Omnium in Mentem*, the declaration of a desire to leave the Church now has little relevance for the Church as regards matrimonial law. However, such a declaration before the civil authority gravely harms the *communio* of the Church and may result in excommunication under canon 1364.

1086

PCF XII (2010), 25-28: Pope Benedict XVI: Apostolic Letter in the Form of "*Motu Proprio*" *Omnium in Mentem.* (Document)

See above, canons 1008-1009.

1086

SC 45 (2011), 414-441: Philippe Hallein: Le motu proprio *Omnium in mentem* et les conséquences canoniques des modifications. (Article)

H. focuses on the changes in canon law which result from *Omnium in mentem*. The article demonstrates that Pope Benedict XVI opted for "certainty of law", with legal consequences. The problems caused by the phrase "defection from the Church by a formal act" have now been eliminated. All know what is necessary for the validity of marriage in the Catholic Church. Nonetheless, there remain juridical elements to be clarified, as has been seen in history after the CIC/17 and the CIC/83.

1095

IC 51 (2011), 449-478: Héctor Franceschi F.: Consideraciones acerca de algunas cuestiones disputadas sobre el canon 1095. (Article)

This article aims to collate F.'s views and arguments on canon 1095 as expressed in various articles, particularly in the areas of emotional or psycho-emotional immaturity; the juridical definition of "lack of internal freedom"; the admissibility or non-admissibility of relative incapacity; the relationship between discretion of judgement and the capacity to assume the essential obligations of marriage; and the issue of autonomy in relation to canon 1095 3º. This final aspect is discussed in greater detail since it is key to any clear understanding and application of canon 1095.

1095 2º-3º

QDE 24 (2011), 189-208: †Luigi Barolo: Cause psichiche e nullità del matrimonio. III. Il disturbo *borderline* di personalità. (Article)

B. assesses the importance of borderline personality disorder in relation to matrimonial capacity, in the light of six separate cases dealt with by the Roman Rota between 1976 and 1995. Although the disorder may in an individual case constitute an invalidating cause, it has to be shown that it gravely affected the party concerned at the actual moment of the wedding.

1095 2º-3º

REDC 68 (2011), 667-688: Alfonso Salgado Ruiz – María Ángeles Gómez Martínez: Nuevas adicciones y consentimiento matrimonial. (Conference

presentation)

This presentation, given at the *XX Simposio de Derecho matrimonial y procesal canónico*, Salamanca, 2010, deals with the relatively new types of addictive behaviour which can affect the validity of marriage consent. The authors describe the process of addiction; the similarities and differences between various addictions; their repercussions on married and family life; and the implications for canonical practice in the area of marriage nullity. The normal behaviours which run the risk of becoming addictions – gambling, sex, eating, shopping, internet and mobile phones – are examined.

1095 2º-3º

SCL VII (2011), 241-289: Apostolic Tribunal of the Roman Rota: Grave Defect of Discretion of Judgement and Incapacity to Assume (Alcoholism): Decision *coram* Stankiewicz, 14 December 2007. (Sentence)

This case came from Raphoe and the relationship was marked by heavy drinking on the part of the respondent from the outset. The decision of the Armagh Tribunal was negative, but the Rota upholds the affirmative decision on these grounds in the respondent given by the National Appeal Tribunal of Ireland. The sentence considers in depth the parameters of the two headings contained in canon 1095 2° and 3° rather than focusing in detail on the nature of alcoholism, and comes to the conclusion that the two grounds are not, as some have held, incompatible.

1095 3º

AnC 6/2010, 235-254: Urszula Nowicka: Obrońca węzła małżeńskiego wobec opinii biegłych w sprawach z tytułu niezdolności z przyczyn natury psychicznej do podjęcia istotnych obowiązków małżeńskich (kan. 1095 nr 3 KPK) (= The defender of the bond in confrontation with the opinions of the experts in annulment cases based on the inability of a psychological nature to assume the essential obligations of marriage (CIC 1983, can. 1095 no. 3)). (Article)

In causes dealing with the incapacity in canon 1095 3º the legislator requires the use of the services of one or more experts. However, that does not mean that the judge must accept the expert's findings unquestioningly and declare *pro nullitate* whenever the expert confirms the existence of some psychic disorder. Pope John Paul II, in his address to the Rota in 1988, pointed out the risks which this approach entails. At the same time the Pope asked the defender of the bond to be vigilant in making constant reference to a Christian anthropology and in translating the psychological and psychiatric categories into canonical categories. This was because he was aware of the limits of the human sciences, which have a reduced and partial – non-integral – view of the human person. Within the realm of

his own proper task, the defender of the bond should call attention to many specific aspects: the validity of the expert's opinion, the factors which have not had a direct influence on the validity of the matrimonial consent (family and social circumstances, imprudence in deciding to marry, lack of experience), the distinction between difficulties and true incapacity, the sufficient minimum capacity for marrying, deliberate violations of the essential obligations, the time of the commencement of the disorder and its development, the length of the marriage and the causes of its failure.

1097

RMDC 17 (2011), 175-192: Decisio R.P.D. Erlebach. Sentencia definitiva del 14 de diciembre de 2001. (Sentence)

The woman petitioner, after a courtship of several years, married the respondent in 1986. After failing to become pregnant, the couple underwent medical tests, which showed that the respondent was sterile. The petitioner suggested adoption, which the respondent refused. She then tried IVF treatment, unsuccessfully. Relations between the two got steadily worse, and they separated in May 1992. The petitioner attempted a new marriage, and asked the tribunal to declare her marriage to the respondent to be null on the ground of error on her part concerning the sterility of the respondent. An affirmative decision was given at first instance; the second instance decision, however, following an ordinary examination of the case, was negative. The petitioner appealed to the Rota, where it was felt more appropriate to formulate the doubt in terms of "error of the woman concerning a quality of the man", omitting any reference to the particular quality in which it was claimed the petitioner had been in error. The Rota found that there was no doubt that the respondent was sterile and that that at the time of the wedding the condition was permanent. The petitioner herself undoubtedly had an intense longing for children in her marriage, as was clear from numerous declarations on her part and on the part of witnesses. The Rota was also able to concede that the petitioner was in error regarding the respondent's fertility. Nevertheless, there was evidence of other motives apart from children that led her to marriage, not least of which was her love for the respondent. The most plausible hypothesis was that the petitioner had given true matrimonial consent, and the error which she suffered did not invalidate the marriage. The Rota considered that the first instance tribunal had perhaps given too much weight to the intellectual element of the error – what the petitioner would have done had she known of the sterility before the wedding – at the expense of the volitional element – what she actually consented to at the time of the wedding.

1097

Fabio Franchetto: «Error in persona» (can. 1097 §1). Il dibattito sul concetto di persona nella trattazione dell'*error facti*. Analisi della dottrina e della

giurisprudenza. (Book)

Starting from the Rotal sentence *coram* Canals of 21 April 1970, F. looks at the meaning of the term *persona* in reference to *error personae* (canon 1097 §1). He studies the development of the doctrine concerning error of the person as a cause of nullity of matrimonial consent up to the CIC/17; he then analyses the doctrinal and jurisprudential debate caused by Canals' interpretation, prior to and following the promulgation of the CIC/83. The study highlights how the notion of person has a relational meaning and implies communion, which in the context of marriage takes the form of "conjugality". It is precisely the conjugal view of the person, at the same time subject and object of the matrimonial covenant, that helps overcome the impasse that arises from regarding the different interpretations of *error personae* as opposed to one another; offering instead a conception of the person which respects (including at the canonical level) the fact of the spouses' having been made in the image of God. (For bibliographical details see below, Books Received.)

1097-1098

SCL VII (2011), 290-410: Apostolic Tribunal of the Roman Rota and Supreme Tribunal of the Apostolic Signatura. (Sentences and Decrees)

See below, canon 1102.

1101

EE 86 (2011), 829-849: Federico R. Aznar Gil: La exclusión del *bonum coniugum*: análisis de la jurisprudencia rotal. (Article)

Examining Rotal jurisprudence on exclusion of the *bonum coniugum,* A.G. concludes that the current situation is paradoxical in that while the *bonum coniugum* is considered to be an essential element of marriage, neither the concept not its juridical content have been properly developed. As a result it is an infrequent ground of nullity, but A.G. believes that future Rotal jurisprudence will gradually define its various aspects.

1101

SC 45 (2011), 533-541: Tribunal of the Roman Rota: Decree of Non-Confirmation of an Affirmative Decision on Partial Simulation *contra bonum fidei*. Decision *coram* Huber, 19 May 2010. (Jurisprudence)

On 3 February 2009 an affirmative decision was given at first instance on the ground of exclusion of fidelity on the part of the male petitioner. The respondent appealed against that decision to the Roman Rota, where the judges identified

several reasons preventing the immediate confirmation of the first instance decision, including: disagreement between the parties on the issue disputed; the judges' unclear references to earlier Rotal decisions which need to be further elaborated and explained; weak witness testimony; a disputed contrast between the motive for marrying and the motive for simulating; and lack of a judicial or extrajudicial confession by the petitioner who allegedly excluded conjugal fidelity. Consequently, the Rota admitted the case to ordinary examination at second instance.

1101

SCL VII (2011), 85-112: Lynda Robitaille: The Temporary Exclusion of the *bonum prolis*. (Article)

While nothing has changed in the traditional jurisprudential understanding of the exclusion of the *bonum prolis*, R. suggests that our ability to understand psychological and cultural influences has improved and we are better able to look beyond a person's words to their actions and intentions. She explores the traditional understanding of temporary exclusion in the light of suggestions by Provost and Stankiewicz. Lüdicke introduced a new approach by reflecting on the need for both parties to be accorded an equal right to decide. She then considers decisions by Burke and De Lanversin, and follows up a suggestion of the latter that an apparent openness to the possibility of children in the future, but reserving the decision to oneself, does not recognize or accept the dimension of mutual self-donation.

1102

SCL VII (2011), 290-410: Apostolic Tribunal of the Roman Rota and Supreme Tribunal of the Apostolic Signatura. (Sentences and Decrees)

These pages present a sequence of decisions in a case which related to a marriage between two Italian notaries and which was concerned with whether or not the female respondent had deceived the petitioner over her willingness to transfer her practice and live in the place of his domicile, or whether this constituted an unfulfilled condition on the part of the petitioner. In the end the case was abated after a finding that the decision of the third instance court did not amount to equivalent conformity of sentence, and allowing recourse before the Rota for nullity of sentence. In summary form the decisions printed are as follows: 1. (Rota:) competence of the Roman Rota and confirmation of the sentence – decree *coram* Pompedda 14 December 1992; 2. (Rota:) condition, error of quality, deceit – decision *coram* Monier 22 March 1996; 3. (Rota:) condition, error of quality, deceit – decision *coram* Turnaturi 22 November 2002; 4. (Signatura in *Congresso*:) violation of the right of defence and nullity of the sentence – decree *coram* De Paolis 26 May 2004; 5. (Signatura in *Plenaria*:) decree *coram* Davino

30 April 2005; 6. (Rota:) decree *coram* Turnaturi 13 June 2005; 7. (Rota:) right to place recourse and substantial conformity of sentences – decree *coram* Verginelli 14 December 2007; 8. (Rota:) notification 25 June 2010.

1103

CLSN 166/11, 60-103: Jose Marattil: Reverential Fear as a Ground of Marriage Nullity with Special Reference to the Indian Culture. (Article)

The choice of one's status in life, to be legitimate, must be deliberate and free, as is stated in the CIC/83 (canon 219) and the CCEO (canon 22). Matrimonial consent as a juridical act must be freely willed on the part of each spouse, and consent elicited by reason of grave external fear can invalidate marriage consent. One form of fear is reverential fear, which is often culturally conditioned. The purpose of this study is to examine how a particular, culturally-rooted, reverential fear could become a ground of marriage nullity, with particular reference to the Indian cultural context. M. compares and contrasts "common" and "reverential" fear, different aspects of reverential fear ("grave", "mere", "qualified"). He concludes, *inter alia*, that the grave fear referred to in canon 1103 can be common or reverential, and that reverential fear usually occurs in the relationships of parents with their children or of superiors with their subordinates. (See also *Canon Law Abstracts*, no 107, pp. 89-90.)

1112

Luigi Sabbarese: I laici "testi qualificati" per assistere al matrimonio. Aspetti storici, interpretativi e applicativi. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 49-65**)

See above, General Subjects (*Compilations*). S. looks into the significance of the assistance by lay persons at marriages (canon 1112), taking as his starting point the various elements already discussed at the Council of Trent and at the Second Vatican Council, which have led to the inclusion of this provision in the CIC/83. After clarifying the meaning of canon 1112, he looks at the manner in which it is to be applied, making reference to the complementary legislation issued by several episcopal conferences.

1117

IE XXIII 1/11, 252-269: Conferenza Episcopale Austriaca: Disposizioni relative agli effetti che la fuoriuscita dalla Chiesa secondo il diritto statale abbia sulla condizione giuridica canonica del fuoriuscito, 21-23 giugno 2010 (con *nota* di Stefano Testa Bappenheim, *Brevi osservazioni su due recenti*

***documenti della Conferenza Episcopale Austriaca relativi al "Kirchenaustritt"*).** (Documents and commentary)

See above, canon 1086.

1117

PCF XII (2010), 25-28: Pope Benedict XVI: Apostolic Letter in the Form of "*Motu Proprio*" *Omnium in Mentem.* (Document)

See above, canons 1008-1009.

1117

SC 45 (2011), 414-441: Philippe Hallein: Le motu proprio *Omnium in mentem* et les conséquences canoniques des modifications. (Article)

See above, canon 1086.

1124

IE XXIII 1/11, 252-269: Conferenza Episcopale Austriaca: Disposizioni relative agli effetti che la fuoriuscita dalla Chiesa secondo il diritto statale abbia sulla condizione giuridica canonica del fuoriuscito, 21-23 giugno 2010 (con *nota* di Stefano Testa Bappenheim, *Brevi osservazioni su due recenti documenti della Conferenza Episcopale Austriaca relativi al "Kirchenaustritt"*). (Documents and commentary)

See above, canon 1086.

1124

PCF XII (2010), 25-28: Pope Benedict XVI: Apostolic Letter in the Form of "*Motu Proprio*" *Omnium in Mentem.* (Document)

See above, canons 1008-1009.

1124

SC 45 (2011), 414-441: Philippe Hallein: Le motu proprio *Omnium in mentem* et les conséquences canoniques des modifications. (Article)

See above, canon 1086.

1125-1126

IC 51 (2011), 547-585: Javier Ferrer Ortiz: Libertad religiosa e inmigración: el matrimonio canónico entre católica y musulmán. (Article)

See above, canon 1086.

1125-1126

Markus Graulich: Le garanzie o "cauzioni" nel contesto del matrimonio misto e dello scioglimento del matrimonio *in favorem fidei*. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 165-188**)

See above, General Subjects (*Compilations*). A couple who wish to celebrate a mixed marriage (i.e. where one party is a baptized non-Catholic) are asked to make certain declarations and promises, the Catholic party undertaking to persevere in the faith and to do everything possible to baptize and bring up the children in the Catholic Church. These are also requested when the mixed marriage is celebrated after the dissolution of a previous bond in favour of the faith. G. sets out the undertakings applicable in these two cases, and examines whether they are the same in each case or whether there are differences as regards their form, content or obligatory nature.

1127

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 71).

1135

Michaela Pitterová: La parità tra i coniugi. Sviluppi del Magistero sulla posizione della donna all'interno della famiglia. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 33-48**)

See above, General Subjects (*Compilations*). The equality of the spouses, today proclaimed in many civil legislations, is affirmed in canon 1135 of the CIC/83. This canon is the outcome of a lengthy doctrinal development, and has numerous practical consequences. P. sets out Papal teaching on women in the family from 1880 to the present day. The topic of equality was generally regarded as linked to the topic of the emancipation of women. Recent Popes have opened up new perspectives, calling for renewed anthropological research into the importance and

dignity of both sexes, studying not only the female identity but also that of the male.

1150

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 64).

1154

EE 86 (2011), 769-801: Cristina Guzmán Pérez: La patria potestad y custodia de los hijos, en los casos de separación y divorcio, según la legislación y jurisprudencia española. Notas desde el Derecho Canónico. (Article)

In cases of separation and civil divorce, custody and care of the children is frequently a controversial issue. From a canonical perspective account needs to be taken of the duty to bring the children up in the Catholic faith and prepare them to receive the sacraments of Christian initiation. G.P. offers a synthesis of Spanish law and jurisprudence on this matter and sets out the reasons for preferring certain judicial options, always bearing in mind the good of the children; she also makes reference to the corresponding canonical norms.

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

1172

Maurizio Bogetti: L'esorcista, gli ossessi e l'esorcismo nel canone 1172 del Codice di diritto canonico – Fonti e legislazione vigente. (Book)

This book, based on B.'s doctoral thesis, deals with a delicate topic which receives little attention from authors or in official discussions. B. carries out a detailed analysis of canon 1172 from the legislative, historical, and liturgical perspectives, before examining current-day problems. The five main chapters of the book deal with current legislation in the light of historical antecedents; the history of exorcism as a canonical institute and its prerequisites; the ministry of the exorcist and exorcism in the three constitutive elements of this sacramental (the condition of being "obsessed" and "exorcism" as presuppositions of the canon, and finally the "exorcist" himself); the formulas and rites of exorcism from Apostolic times up to the present day; and certain current issues such as the relationship between

exorcism and psychiatry, the formation of exorcists, and the problem of lack of exorcists. (For bibliographical details see below, Books Received.)

1190

REDC 68 (2011), 857-870: Federico R. Aznar Gil: Monasterios y otras instituciones que dejan de ser habitadas: destino de sus bienes culturales. (Article)

See above, canon 638.

BOOK IV, PART III: SACRED PLACES AND TIMES

1205

LJ 167/11, 27-53: Peter Petkoff: Legal Protection of Sacred Places as a Medieval Gloss – Towards Working 'Soft Law' Guidelines under Public International Law. (Article)

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

1210

AC 50 (2008), 131-147: Jean-François Théry: Les églises communales affectées au culte et leurs autres usages. (Article)

Following the law of 9 December 1905 – as subsequently modified in 1907 and 1908 – the French State is responsible for the maintenance and repair of parish churches. As a result of social change, churches are found in areas now depopulated; some would like to be able to use churches for concerts, exhibitions, etc. This led in 2007 to the development of a charter between dioceses and regional associations of mayors. While, in principle, access to places of worship may be subject to a fee, a 2004 decree forbade payment for visits to cathedrals and their treasuries.

1216

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 30).

1220

AC 50 (2008), 149-172: Philippe Greiner: L'éfficacité symbolique des choses sacrées et la mise en oeuvre d'un "sacré pédagogique": aspirations et questions contemporains dans le contexte français. (Article)

Christian art and architecture in churches are at the service of the symbolism of Christian faith and also highlight the visibility of the Church in the world. For those with little or no faith, a guided tour of a church can lead to a deeper appreciation of the Christian faith. Concern for the cultural goods of the Church finds its raison d'être in the evangelizing mission of the Church at every level.

1222

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 28-29, 33-36).

1247

IE XXIII 1/11, 117-134: Massimo del Pozzo: Il senso liturgico della festa e l'obbligo del riposo domenicale. (Article)

Del P. takes as his starting point a letter of 23 August 2010 from Pope Benedict XVI to Cardinal Antonelli, President of the Pontifical Council for the Family, in preparation for the Seventh World Meeting of Families (May-June 2012). The letter is an invitation to reconsider the proper relationship between work and celebration "especially on Sunday, the weekly Easter, the day of the Lord and the day of man, the day of the family, of the community and of solidarity". Del P. looks at the evolution of the provisions on this topic, from the CIC/17 to *Sacrosanctum Concilium* and the current legislation in the CIC/83. Throughout this development there has been a maturing of the theology of work and rest.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254

Per 100 (2011), 261-283: Yuji Sugawara: L'importanza della finalità nelle norme canoniche sui beni temporali della Chiesa. (Article)

S. considers the importance of the purpose or finality of the Church's temporal goods in the norms that regulate these goods. He begins his study with some reflections on the fundamental principles governing temporal goods: the Church's innate right to acquire, possess, administer, and alienate such goods; the proper purposes for which the Church may exercise this right; how these purposes can be fulfilled by juridical persons. S. then devotes attention to those canons whose provisions offer protection for the purposes of the Church and which indicate some specific roles and responsibilities on the part of certain authorities and members of the faithful. Towards the end, S. notes that while, properly speaking, only the goods of public juridical persons are "ecclesiastical goods", nonetheless great care needs to be exercised to make sure that the goods of private juridical persons are used for the purposes proper to the Church.

1254-1310

RMDC 17 (2011), 107-139: Mario Medina Balam: La administración de los bienes parroquiales: algunas consideraciones canónicas. (Article)

M.B presents some considerations concerning the administration of the temporal goods of the parish, in the light of canon 1254 §1 which refers to the Church's "inherent right, independently of any secular power, to acquire, retain, administer and alienate temporal goods, in pursuit of its proper objectives". He looks first at the concepts of temporal goods, ecclesiastical goods, stable patrimony, acts of administration (ordinary, extraordinary, and "of major importance"), and the purposes of the temporal goods of the parish (worship of God, support of the clergy, and works of apostolate and charity). He then sets out the principles which should govern the administration of parish goods: ecclesial communion, justice, respect for the donors' intentions, observance of civil laws, transparency and responsibility, protection of the Church's patrimony, and the principle that each juridical person should administer its own goods. The next part of the article is dedicated to the parish's right of ownership, and M.B. looks at the lawfulness of acquisition of goods, the autonomy of juridical persons with regard to their

temporal goods, the parish's right to property, the ways of acquiring temporal goods, and parish expenses. M.B. then examines the general and specific obligations of the parish priest as administrator of the parish goods, before dealing with alienation of parish goods. His conclusion is that the first thing for the parish priest to bear in mind is that he is not the owner of the parish goods, but someone who has received them to use them in favour of the specific ends of the parish, making the best use of them and rendering an account of his administration to the parish community and the local Ordinary. He must also be aware – either directly or through knowledgeable advisers – of the canonical and civil norms that govern this matter, and apply them appropriately.

1259

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 12).

1274

IC 51 (2011), 653-699: Diego Zalbidea: La digna sustentación de los clérigos. (Article)

The CIC/83, in line with the Vatican II Decree *Presbyterorum Ordinis*, renewed the system whereby clergy receive support, moving from a system of benefices to the possibilities offered by the newly created diocesan funds (canon 1274). Some of the consequences of this new system are the disappearance of disparities in clergy remuneration, greater possibilities of imposing proper standards of governance in this matter, and the central role of the ecclesiastical office (and consequent support) in the life of priests. Z. compares particular legislation on this matter in Spain, Italy, Poland and the United States.

1274

SC 45 (2011), 27-66: Phillip J. Brown: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support. (Article)

See above, canon 281.

1292

REDC 68 (2011), 857-870: Federico R. Aznar Gil: Monasterios y otras instituciones que dejan de ser habitadas: destino de sus bienes culturales.

(Article)

See above, canon 638.

1295

SC 45 (2011), 501-519: John Anthony Renken: Contracts Threatening Stable Patrimony: The Discipline and Application of Canon 1295. (Article)

Canon 1295 requires that the discipline of canons 1291-1294 (on alienation) be applied to contracts which can worsen the stable patrimony of public juridical persons, even though such contracts certainly do not involve alienation. R. studies the development of canon 1295, reflects on its discipline, and considers its practical application. He shows that canon 1295 requires the permission of the competent ecclesiastical authority when public juridical persons enter into contracts threatening their stable patrimony involving an amount higher than that which has been legitimately established for acts of alienation.

BOOK VI: SANCTIONS IN THE CHURCH

1315

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex Iuris Canonici* 1983. (Article)

See below, canon 1399.

1323-1324

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex I*uris *Canonici* 1983. (Article)

See below, canon 1399.

1336

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 27, 40-41).

1341

AC 51 (2009), 187-193: Alphonse Borras: «Dis-moi comment tu punis…». (Article)

The norm in civil law is to punish offenders; in canon law penalties only arise if the offender refuses to change his or her behaviour or repair the harm. Canonical penalties are an element of a penitential system; the aim is to restore the holiness of the Church.

1344-1345

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex Iuris Canonici* 1983. (Article)

See below, canon 1399.

1350

SC 45 (2011), 27-66: Phillip J. Brown: The Perils of Bankruptcy: Rights and Obligations Regarding Clergy Support. (Article)

See above, canon 281.

1357

AC 51 (2009), 219-236: Bruno Gonçalves: Une miséricorde qui n'attend pas: la remise au for interne d'une censure *latae sententiae* en droit canonique latin. (Article)

Canons 1347, 1348 and 1358 make it clear that a Church authority cannot refuse to remove a censure if the person affected has purged his or her contempt. G. deals with the *latae sententiae* censures that can be removed in the internal forum when they were not declared by an authority. He lists offences in the Code, *Sacramentorum Sanctitatis Tutela* and elsewhere; the removal of this censure is reserved in some instances to the Apostolic See. Authority to lift a censure may come from office, the law or delegation of executive power. A rescript of 28 March 1999 conferred this right on cardinals. Those with authority to lift censures in the external forum can delegate the power to do so in the internal forum. A priest can lift censures in two instances: in danger of death (canon 976) and when "it is difficult for the penitent to remain in a state of grave sin for the time necessary for the competent Superior to provide" (canon 1357).

1362

EE 86 (2011), 717-747: José Luis Sánchez-Girón Renedo: Normas procesales en la regulación *de gravioribus delictis* del año 2010. (Article)

See below, canon 1395.

1364

IE XXIII 1/11, 252-269: Conferenza Episcopale Austriaca: Disposizioni relative agli effetti che la fuoriuscita dalla Chiesa secondo il diritto statale abbia sulla condizione giuridica canonica del fuoriuscito, 21-23 giugno 2010 (con *nota* di Stefano Testa Bappenheim, *Brevi osservazioni su due recenti documenti della Conferenza Episcopale Austriaca relativi al "Kirchenaustritt"*). (Documents and commentary)

See above, canon 1086.

1364

SC 45 (2011), 165-189: Edward N. Peters: Benedict XVI's Remission of the Lefebvrite Excommunications: An Analysis and Alternative Explanation. (Article)

See below, canon 1382.

1364-1399

Ius II 2/2011, 385-388: Congregation for the Doctrine of the Faith: changes made to "Sacramentorum Sanctitatis Tutela". (Documentation)

Cardinal Levada sets out in summary form the procedural changes made to the text of *Sacramentorum Sanctitatis Tutela* and other modifications by way of clarification principally of the offences included.

1382

AC 51 (2009), 195-218: Philippe Toxé: Considérations canoniques sur deux affaires médiatisées de censures ecclésiastiques: les évêques lefebvristes et l'avortement de Recife. (Article)

There is in the Church a sense that certain acts of the faithful, and particularly clergy, should not remain unpunished, whether with a view to the conversion of the sinner, or in the interests of justice towards the victims and the ecclesial community. Therefore the Church claims the right to invoke penal sanctions in relation to her members. T. considers the lifting in 2008 of the censure of

excommunication which four Lefebvrist bishops had incurred in 1988. The canonical status of those clerics and lay people who belong to the Lefebvrist movement remains unresolved. T. also comments on a controversy surrounding an abortion involving a girl of nine in Brazil.

1382

REDC 68 (2011), 977-989: Pontificio Consiglio per i Testi Legislativi: Dichiarazione sulla retta applicazione del canone 1382 del Codice di Diritto Canonico. (Document and commentary)

The Italian text is given of the Declaration of the Pontifical Council for Legislative Texts (6 June 2011) regarding the correct application of canon 1382, concerning the carrying out of episcopal consecration without a pontifical mandate. In his commentary Federico Aznar Gil analyses the canon in question and looks at some later clarifications, culminating in the present Declaration.

1382

RMDC 17 (2011), 223-227: Pontificio Consejo para los Textos Legislativos: Declaración sobre la recta aplicación del canon 1382. (Document)

Spanish text of the document referred to in the preceding entry.

1382

SC 45 (2011), 165-189: Edward N. Peters: Benedict XVI's Remission of the Lefebvrite Excommunications: An Analysis and Alternative Explanation. (Article)

In January 2009, a media crisis shook the Church when Pope Benedict XVI suddenly lifted the excommunications imposed in 1988 on the four schismatic bishops who had received illicit episcopal consecration from Archbishop Marcel Lefebvre. As the immediate storm of controversy over the remissions died down over the ensuing months, the Pope's subsequent explanations (given in the course of a long interview granted to the journalist Peter Seewald) concerning the measures he had taken reopened certain questions regarding several canonical aspects of this Papal decision. P. examines the Pope's explanations of the decision to lift the Lefebvrite excommunications (and the questioning of his decision to remit the censures against Bishop Richard Williamson), and carefully analyses several objections to these explanations. He then puts forward an alternative explanation of the Pope's actions in this matter, based on the "supreme, full, immediate and universal ordinary power" of the Roman Pontiff (canon 331).

1394-1395

IE XXIII 1/11, 229-251: Congregazione per il Clero: Lettera Circolare per l'applicazione delle tre "Facoltà speciali" concesse il 30 gennaio 2009 dal Sommo Pontefice (con *nota* di Francesco Pappadia, *Ambito e procedimento di applicazione delle Facoltà speciali della Congregazione per il Clero*). (Documents and commentary)

Given here is the text in Italian of the Circular Letter of 17 May 2010 from the Congregation for the Clergy with regard to the application of the "special faculties" granted by the Holy Father on 30 January 2009. It concerns the presentation by the Congregation to the Holy Father of cases of dismissal from the clerical state of those clerics who have attempted marriage and continue to live in an irregular and scandalous manner, or of those who in other ways have caused scandal by gravely violating divine or canonical law (canon 1399). These cases are to be presented to the Holy Father in specific form for his decision. The documentation and procedures required for this process are included together with a commentary from Francesco Pappadia, who provides the basic theological and juridical elements for the study of this topic. He then mentions the three types of offences dealt with in the special faculties: attempted civil marriage (canon 1394) or any other external grave sin against the sixth Commandment (canon 1395 §§1-2); other grave violations of divine or canonical law which, in view of their particular gravity and the need and urgency to avoid objective scandal demand the punishment of the offender in accordance with canon 1399; and unlawful and voluntary desertion of the sacred ministry for a continuous period exceeding five years. After considering the procedures and the list of documents for the instruction of such cases, P. looks separately at the characteristics of each of the three special faculites. (See also *Canon Law Abstracts*, nos. 105, pp. 46-47; 106, pp. 51-52; 107, pp. 49-50, 100.)

1395

EE 86 (2011), 717-747: José Luis Sánchez-Girón Renedo: Normas procesales en la regulación *de gravioribus delictis* del año 2010. (Article)

The 2010 norms concerning delicts reserved to the Congregation for the Doctrine of the Faith (CDF) incorporate several faculties granted to the CDF following the norms of 2001. The special procedural requirements in respect of these delicts include the referral to the CDF of the investigation which the bishop carries out on receiving news of a delict; the possibility of the CDF deciding whether a judicial or administrative procedure should be followed (the latter can even be used to impose expulsion from the clerical state); the exclusive competence of the CDF at second instance; and the possibility of adopting the measures in canon 1722 even at the investigation stage.

1395

Ius II 2/2011, 249-266: Charles Scicluna: The Impact of Pedophilia: Crisis on the Universal Church. (Article)

S. presents the issue of paedophilia affecting the universal Church under four main headings highlighting various aspects related to them: 1. sexual abuse of minors by clerics is a grave violation of divine positive and ecclesiastical law; 2. sexual abuse of minors by clerics is a tragic wound to the Church; 3. truth as the basis of justice: justice is at times called truth; justice as a participation in the truth evokes a response from the individual's conscience; respect of the truth generates confidence in the rule of law; disrespect for the truth generates distrust and suspicion; the protection of rights is implemented within the context of the concern for the common good; respect for procedural laws avoids unfortunate distortions of the "pastoral" nature of Church law; and finally 4. the role of the Catholic Church in the prevention of sexual abuse of minors: the well-being of the child as a paramount concern; the care and respect of the "innocence" of the child; the protection of the right to a healthy upbringing; awareness of child abuse as a tragic wound; empowerment of children and communities; education; disclosure; formation and screening of pastoral agents; codes of conduct; cooperation with State authorities; care for victims and perpetrators; welfare principle in decisions concerning personnel; openness to research and development; commitment and accountability.

1395

LJ 167/11, 11-19: Helen Hall: *Maga* and Direct Liability in Negligence. (Article)

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

1395

LJ 167/11, 20-26: Frank Cranmer: *Maga* and Vicarious Liability for Sexual Abuse. (Article)

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

1395

PCF XII (2010), 291-300: Tribunal of the Roman Rota: Absolute Incompetence of a Tribunal (Decision *coram* Defilippi), 30 November 2000. (Jurisprudence)

See below, canon 1423.

1395

Per 100 (2011), 285-380: Mark L. Bartchak: Child pornography and the grave delict of an offense against the sixth commandment of the Decalogue committed by a cleric with a minor. (Article)

B. addresses the new *Normae de gravioribus delictis* approved on 21 May 2010 by Pope Benedict XVI updating the norms originally attached to the *motu proprio Sacramentorum Sanctitatis Tutela* of Pope John Paul II, of 30 April 2001. One of the innovations introduced in these Norms is the inclusion as a *delictum gravius* against morals of "the acquisition, possession, or distribution by a cleric of pornographic images of minors under the age of fourteen, for purposes of sexual gratification, by whatever means or using whatever technology". B. makes it clear that such behaviour was already considered a *delictum gravius* in the praxis of the Congregation for the Doctrine of the Faith. He provides an in-depth insight into how pornography was understood in the documents of the Church from the CIC/17 forward; how the concept of "minor" has been dealt with in the documents of the Church; the distinction between the acquisition, possession, and distribution of pornographic images; the question of imputability in all cases related to pornography; and some procedural issues related to the grave delict of child pornography. By way of conclusion, he considers some questions worthy of further study and reflection.

1395

SCL VII (2011), 21-28: Congregation for the Doctrine of the Faith: Circular Letter to Assist Episcopal Conferences in Developing Guidelines for dealing with Cases of Sexual Abuses of Minors Perpetrated by Clerics. (Document)

This Circular Letter sets out a number of general considerations: the victims of sexual abuse; the protection of minors; the formation of future priests and religious; support of priests; cooperation with the civil authority. The second part summarizes the legislation in the Code applicable to such cases. The third part makes suggestions to episcopal conferences on matters that national guidelines should cover. An accompanying letter requests episcopal conferences to send a copy of their guidelines to the Congregation for the Doctrine of the Faith by the end of May 2012.

1395

REDC 68 (2011), 923-937: Congregación para la Doctrina de la Fe: Carta de presentación del Prefecto y Carta Circular a todas las Conferencias Episcopales en la preparación de Líneas Guía para tratar los casos de abuso sexual de menores por parte del clero, 3 de mayo de 2011. (Document and commentary)

This is the Spanish translation of the document referred to in the preceding entry. There follows a commentary by Federico R. Aznar Gil.

1395

RMDC 17 (2011), 204-212: Carta del Cardenal William Levada, para la presentación de la carta circular a las Conferencias Episcopales, del 3 de mayo de 2011; Carta circular, subsidio para las Conferencias Episcopales en la preparación de *Lineas Guía*, del 3 de mayo de 2011. (Documents)

See preceding entries.

1398

AC 51 (2009), 195-218: Philippe Toxé: Considérations canoniques sur deux affaires médiatisées de censures ecclésiastiques: les évêques lefebvristes et l'avortement de Recife. (Article)

See above, canon 1382.

1399

IE XXIII 1/11, 229-251: Congregazione per il Clero: Lettera Circolare per l'applicazione delle tre "Facoltà speciali" concesse il 30 gennaio 2009 dal Sommo Pontefice (con *nota* di Francesco Pappadia, *Ambito e procedimento di applicazione delle Facoltà speciali della Congregazione per il Clero*). (Documents and commentary)

See above, canons 1394-1395.

1399

SC 45 (2011), 225-271: Daniel Roseman: *Necessitas* in the Context of Penance and Penalties in the *Codex Iuris Canonici* 1983. (Article)

Necessitas is used as a condition, requirement or limitation affecting the exercise of discretionary power under Church law. R. develops a methodology and applies it to the canons dealing with penance and penalties, with a view to identifying the kinds of situations in which the term is used, and clarifying the legislators' intentions in using it. When the term *necessitas* appears, the norms are for lawfulness, not validity. The active subjects of these norms are the hierarchy of the Church. There is great uncertainty regarding the application of *necessitas* in canons 1323, 4º and 1324 §1, 5º, in respect of direct or indirect abortion, and in this regard an authentic interpretation or instruction would be desirable. This

would make it possible to afford canonical security both to those faced with hard life-and-death decisions, and to those who have the burden of standing in judgement.

BOOK VII: PROCESSES

1400

IE XXIII 1/11, 77-84: Tribunale Apostolico della Rota Romana: *Calatayeronen. Iurium*. Sentenza definitiva, 14 marzo 2008. Sciacca, Ponente (con *nota* di Ilaria Zuanazzi, *La tutela dei diritti in tema di privilegio*). (Sentence and commentary)

See above, canons 76-84.

1400

REDC 68 (2011), 575-637: Raúl Ramón Sánchez: El recurso contencioso administrativo según las nuevas normas del Supremo Tribunal de la Signatura Apostólica. (Conference presentation)

See below, canon 1445.

1403

IE XXIII 2/11, 393-412: José Luis Gutiérrez: I consultori della Congregazione delle Cause dei Santi. (Article)

G. provides some historical notes relating to the establishment in 1588 of the Congregation of Sacred Rites, later called the Sacred Congregation of Rites, and the role of its consultors. The norms governing the Congregation remained in force until 8 May 1969 when it was divided into two dicasteries: the Congregation for Divine Worship, and the Congregation for the Causes of Saints. Up to that moment the same consultors had served in both capacities. G. looks at the consultors of the Roman Curia according to the norms currently in force, and at the procedure for the causes of saints. He studies the specific task of the consultors and the questions they are to address in the historical or theological spheres. He then examines the many aspects that relate to the necessary moral certainty regarding proof of heroic virtues, martyrdom or miracle.

1419-1425

IE XXIII 1/11, 13-31 Raymond Leo Burke: Il Vescovo come moderatore del

tribunale. (Lecture)

See above, canon 391.

1423

AC 50 (2008), 41-52: Benoît Minyem: L'organisation et le functionnement des tribunaux ecclésiastiques au Cameroun et en Afrique centrale. (Article)

M. reviews the functioning of the regional tribunals in Cameroon and Central Africa.

1423

PCF XII (2010), 291-300: Tribunal of the Roman Rota: Absolute Incompetence of a Tribunal (Decision *coram* Defilippi), 30 November 2000. (Jurisprudence)

The outcome of a case which concerns an allegation of "serious facts of homosexuality" against a priest hinges on the competence of the tribunal which investigated the matter in the first instance. The respondent sought recourse to the Congregation for the Clergy against the decree of his diocesan bishop, suspending him *a divinis* (16 May 1996). The Congregation declared by decree (2 September 1997) that the diocesan bishop's decree was null. The diocesan bishop placed recourse before the Supreme Tribunal of the Apostolic Signatura, which confirmed the September 1997 decision of the Congregation for the Clergy. The diocesan bishop then constituted a collegiate tribunal for instituting a penal process (13 October 1997). The penal process was instituted and instructed and the first instance tribunal issued its sentence, which was published on 15 April 1999. It held that there was proof that the respondent "… had committed the delict of persistent homosexuality, remaining in a scandalous situation for a long time, by repeating the external sins against the sixth precept of the Decalogue; therefore the corresponding penalty should be applied, which we determine as 'dismissal from the clerical state' according to c. 1395 §1." The respondent's advocate appealed against the sentence, at the same time submitting a plaint of nullity on the grounds of "serious violations of procedural laws" and the denial of the respondent's right of defence. The Roman Rota examined the case and decreed that there was proof that the sentence of 15 April 1999 was indeed null, because it was pronounced by a tribunal which, by reason of grade, was incompetent. The bishop should have used the services of the tribunal erected by the episcopal conference and approved by the Holy See for all judicial cases. There was no evidence of derogation and no request for competence.

1432

AnC 6/2010, 235-254: Urszula Nowicka: Obrońca węzła małżeńskiego wobec opinii biegłych w sprawach z tytułu niezdolności z przyczyn natury psychicznej do podjęcia istotnych obowiązków małżeńskich (kan. 1095 nr 3 KPK) (= The defender of the bond in confrontation with the opinions of the experts in annulment cases based on the inability of a psychological nature to assume the essential obligations of marriage (CIC 1983, can. 1095 no. 3)). (Article)

See above, canon 1095 3º.

1432

BV 71 (2011), 111-122: Stanislav Slatinek: Vloga branilca vezi in izvedenca v nièenostnih zakonskih pravdah (= The Roles of the Defender of the Bond and of Experts in Marriage Nullity Processes). (Article)

S. deals with the indispensable roles of the defender of the bond and the expert in marriage nullity processes before the Church tribunal. Their cooperation is particularly necessary and useful when dealing with the issues of impotence to have sexual intercourse according to canon 1084 and of incapacity to contract marriage according to canon 1095 of the CIC/83. The paper is primarily based on the regulations of the instruction *Dignitas Connubii* (2005) issued by the Pontifical Council for Legislative Texts. S. describes the main tasks of the defender of the bond, who is an indispensable and close collaborator of the judge. He also emphasizes the role of experts in modern disciplines such as medicine, psychology and psychiatry and their contributions in Church tribunals. It is important that the experts or consultants are not only knowledgeable and experienced but also enjoy a good reputation as to their honesty and religiousness, and show good knowledge of Catholic teachings and Christian anthropology.

1438

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 63).

1438-1439

IE XXIII 1/11, 13-31 Raymond Leo Burke: Il Vescovo come moderatore del tribunale. (Lecture)

See above, canon 391.

1438-1439

PCF XII (2010), 291-300: Tribunal of the Roman Rota: Absolute Incompetence of a Tribunal (Decision *coram* Defilippi), 30 November 2000. (Jurisprudence)

See above, canon 1423.

1440

SCL VII (2011), 427-432: Augustine Mendonça: Submission of a Marriage Nullity Cause to the Same First instance Tribunal after a Non-appealed Negative Decision. (Opinion)

Two issues are addressed. There is the status of an unappealed negative first instance decision but also whether the same first instance court can hear the case again. Should the first instance decision not have been properly published, the time for appeal has not yet begun and the cause is still pending. If it has, then it can be heard again by a higher tribunal but the original court is absolutely incompetent by reason of grade. However, nothing prevents the same first instance court from examining the same marriage on different grounds, the three sections of canon 1095 being autonomous.

1443-1444

CLSN 165/11, 21-23: †John Jukes: Reflections on the Roman Rota. (Article)

J. comments on various issues in the *Quaderni dello Studio Rotale,* nos. 18 & 19. Beginning with some general observations on the office of the bishop in the Catholic Church, and the arrangements for the administering of justice within the Church, he discusses the role of the Roman Pontiff, and that of the Tribunal of the Roman Rota and its significance in assisting the Pope.

1445

IE XXIII 1/11, 205-228: Supremo Tribunale della Segnatura Apostolica: Alcuni decreti riguardanti la commissione pontificia e la proroga di competenza (con *nota* di Paweł Malecha: *Commissioni pontificie e proroghe di competenza nelle cause di nullità del matrimonio alla luce della recente giurisprudenza della Segnatura Apostolica*). (Documents and commentary)

Given here are six decrees of the Apostolic Signatura. The first four are examples of the Signatura's power to grant (or in one case deny) a local tribunal a pontifical commission to hear a case at third or higher instance, in accordance with art. 124, 2º of the Apostolic Constitution *Pastor Bonus* and arts. 35, 2º and 115 §§1 and 4 of

the *Lex propria* of the Signatura. The other two cases concern the Signatura's power to prorogate the competence of a lower tribunal for an individual case, under art. 124, 3º of *Pastor Bonus* and arts. 35, 3º and 115 §§1 and 4 of the *Lex propria*. In his commentary on these cases, M. points out that these powers would formerly have pertained to what was known as the *Signatura gratiae*. He provides statistics as to the numbers of such favours granted, before looking in greater depth at some particular questions: the difference between a pontifical commission and prorogation of competence; the distinction between "grade" and "instance"; cases involving non-Catholic Christians; and the transfer of a cause from one tribunal to another.

1445

QDE 23 (2010), 479-498: G. Paolo Montini: La nuova legge della Segnatura Apostolica a servizio della retta e spedita trattazione delle cause matrimoniale. (Article)

In the light of the 2008 *Lex propria* of the Apostolic Signatura, M. illustrates from a practical point of view how the Signatura exercises its ministry of justice in the Church: what can be requested from the Signatura; what the Signatura can offer in administering justice in relation to causes of matrimonial nullity; and how and when it is possible to request the Signatura's assistance. He also looks at the Signatura's functions of extending the competence of tribunals; entrusting the hearing of cases to tribunals that are otherwise absolutely incompetent; dispensing from procedural laws; dispensing in certain circumstances from the requirement of double conforming sentences; declaring the nullity of marriage (refining to some degree the faculty in *Dignitas Connubii* art. 5 §2); resolving contentious-administrative cases in the judicial forum; imposing disciplinary measures on tribunal ministers, advocates and procurators; issuing decrees executing the provisions of certain concordats with the Holy See; and examining the annual reports on the status and activity of each local tribunal.

1445

REDC 68 (2011), 575-637: Raúl Ramón Sánchez: El recurso contencioso administrativo según las nuevas normas del Supremo Tribunal de la Signatura Apostólica. (Conference presentation)

The theme of this presentation, given at the *XX Simposio de Derecho matrimonial y procesal canónico*, Salamanca, 2010, is the *Lex propria* of the Apostolic Signatura and its application to the process of contentious-administrative recourse. R.S. looks in detail at each of the following topics: 1. the constitution of the Apostolic Signatura (its nature, functions, members, etc.); 2. the material object of a contentious-administrative recourse; 3. the motive for recourse; 4. the total or partial suspension of the execution of acts against which recourse has been taken;

5. the parties in the process; 6. the public character of the process; 7. the process as established by the *Lex propria*; 8. execution of the sentence; 9. some open questions.

1445

REDC 68 (2011), 873-881: Discurso del Santo Padre Benedicto XVI a los participantes en la Plenaria del Tribunal Supremo de la Signatura Apostólica, 4 de febrero de 2011. (Address and commentary)

This is the Spanish translation, with commentary by Raúl Ramón Sánchez, of the address given by Pope Benedict XVI to the Plenary Session of the Apostolic Signatura on 4 February 2011, dealing with the role and duties of the Signatura, especially in the light of the *Lex propria* of 2008.

1445

IE XXIII 2/11, 487-499: Benedetto XVI: Discorso alla Plenaria del Supremo Tribunale della Segnatura Apostolica, 4 febbraio 2011 (con *nota* di Javier Canosa, *L'attività del Supremo Tribunale della Segnatura Apostolica a servizio della comunione nella Chiesa*). (Address and commentary)

See preceding entry. In his commentary C. looks at the activity of the Signatura as an administrative body and an administrative tribunal, highlighting the importance given by the Pope to peaceful solutions and reconciliation (canon 1733; cf. also canon 1446), and the indispensable demands of justice. C. wonders whether this might be the first in a series of addresses to the Signatura.

1445

SCL VII (2011), 13-16: Pope Benedict XVI: Address to the Supreme Tribunal of the Apostolic Signatura. (Address)

See preceding entries. The Pope reviews the role of the Signatura in the light of its provisions, in particular by working with the Rota in promoting good jurisprudence at a local level by its response to annual reports, and also adjudicating controversies arising from acts of administrative power. Here the ultimate aim is to restore peace through justice.

1445

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 1-3, 37, 43-47, 49, 51-56).

1445

Carlo Gullo: Il *giusto processo* amministrativo ed il rigetto *e limine* del ricorso alla c.d. *Sectio Altera* del Supremo Tribunale della Segnatura Apostolica (artt. 73-84 NSTSA). (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 189-204**)

See above, General Subjects (*Compilations*). G. first of all sets out the inspiring principles of the *Lex propria* of the Apostolic Signatura: stability and autonomy of office to ensure the impartiality of the judge; the adversarial nature of the proceedings; the need for an advocate to be present; time limits and transparency; challenges to the sentences (*querela nullitatis* and *restitutio in integrum*). In the second part he examines the grounds on which a recourse may be rejected at the outset, whether because of the absence of some fundamental prerequisite, or because of lack of *fumus boni iuris*.

1446

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 24).

1476

REDC 68 (2011), 639-665: Rosa María Ramírez Navalón: Incidencia de la actitud pasiva del demandado en las causas de nulidad matrimonial. (Conference presentation)

See below, canon 1592.

1476-1480

SCL VII (2011), 171-182: Michael Nobel: *Persona standi in iudicio.* (Article)

N. looks at the right to become a party to a trial, whether in person or through a representative. First he considers the situation in the CIC/17 according to the theories of Mörsdorf and Torquebiau, then that in the CIC/83 according to Rodríguez-Ocaña, Acebal and Lüdicke.

1481

Stefano Ridella: Riflessioni circa il rilievo pastorale dell'attività dell'avvocato nelle cause di nullità del matrimonio. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 105-122**)

See above, General Subjects (*Compilations*). The advocate in matrimonial cases has a role which involves several opportunities of pastoral intervention in favour of those coming into contact with the structures and processes of ecclesiastical justice. The needs of these parties often go beyond purely technical advice as to the possible invalidity of the matrimonial bond, depending on the personal situations of the individuals concerned and the many possible reasons which may have led them to seek the advice of a canonist. The advocate therefore needs to pay careful attention to how he puts his analysis of the case to them and explains the workings of the tribunal. He should strive to ensure his answers are not only canonically and theologically correct but also capable of being understood by the parties for whom they are intended.

1483

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 60).

1490

IE XXIII 1/11, 13-31 Raymond Leo Burke: Il Vescovo come moderatore del tribunale. (Lecture)

See above, canon 391.

1501-1506

PCF XII (2010), 147-173: Augustine Mendonça: Admission/Rejection of an Introductory *Libellus* in Marriage Nullity Cases. (Article)

Since it is the right of the Christian faithful to petition for an investigation of a marriage with a view to a possible declaration of nullity in accordance with the laws of the Church, such a petition should be treated with justice and pastoral sensitivity, and not rejected lightly. Keeping this principle in mind, and for the benefit of petitioners and of marriage tribunals, M. conducts a systematic overview of the subject of his study under eight important questions: 1. what is a *libellus*?; 2. why is a *libellus* necessary?; 3. what are the form and qualities of a *libellus*?; 4.

what are the elements of a *libellus*?; 5. who is competent to deal with the admission of a *libellus*?; 6. when is a *libellus* to be admitted and what are the effects of its admission?; 7. when is a *libellus* to be rejected and what are the effects of its rejection? 8. what are the remedies against the rejection of a *libellus*? In dealing with these questions, M. cites the relevant canons of the CIC/83, the CCEO, and the Instruction *Dignitas Connubii*, together with various commentaries and jurisprudence. M.'s conclusion is that although a *libellus* is only a "pre-judicial ritual" which perhaps lacks a strong basis for a declaration of nullity, it is nevertheless crucially important in the eventual trial of the case, and so must not be dismissed lightly, thus depriving the petitioner of the legitimate exercise of his or her natural right.

1527

IE XXIII 2/11, 393-412: José Luis Gutiérrez: I consultori della Congregazione delle Cause dei Santi. (Article)

See above, canon 1403.

1574

BV 71 (2011), 111-122: Stanislav Slatinek: Vloga branilca vezi in izvedenca v nièNostnih zakonskih pravdah (= The Roles of the Defender of the Bond and of Experts in Marriage Nullity Processes). (Article)

See above, canon 1432.

1586

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 62).

1592

REDC 68 (2011), 639-665: Rosa María Ramírez Navalón: Incidencia de la actitud pasiva del demandado en las causas de nulidad matrimonial. (Conference presentation)

The majority of defendants in marriage nullity cases decline to take an active part in the process. This can happen in one of two ways: either no reply is made to the legitimate citations communicated by the tribunal, and the defendant is declared absent from the process, or the defendant simply submits to the justice of the

tribunal. R.N. discusses the different juridical consequences of both positions, and the more likely collaboration of the party who submits to the justice of the tribunal. She provides practical suggestions and information on how to proceed in these cases. A final section deals with the consequences in Spanish civil law (which does not recognize the position of "absent from the process") of the decisions of ecclesiastical tribunals on nullity of marriage. A uniform practice among Church tribunals is encouraged whereby submission to the justice of the tribunal should not be regarded, nor recorded, as absence from the process.

1603

David Albornoz Pavišić: Il silenzio del difensore del vincolo nella fase di discussione della causa. Conseguenze processuali. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere.* Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 123-135**)

See above, General Subjects (*Compilations*). A.P. looks at the procedural consequences of silence on the part of the defender of the bond at a crucial moment in the case: that of the discussion phase. He studies the relationship between the actions of the judge and those of the defender of the bond, and in particular the provisions governing the *munus* of the defender of the bond and the various possible situations contemplated in canons 1603 and 1606 of the CIC/83.

1606

David Albornoz Pavišić: Il silenzio del difensore del vincolo nella fase di discussione della causa. Conseguenze processuali. (Article in **Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere.* Scritti in onore del Prof. Don Sabino Ardito, SDB, pp. 123-135**)

See above, canon 1603.

1608

IE XXIII 2/11, 393-412: José Luis Gutiérrez: I consultori della Congregazione delle Cause dei Santi. (Article)

See above, canon 1403.

1608

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 64).

1619-1627

SCL VII (2011), 183-240: Augustine Mendonça: Recent Rotal Jurisprudence on Procedual Irregularities Amounting to Nullity of a Decision – I. (Article)

In this first part of his study, M. notes that an increasing number of plaints of nullity are brought before the Rota, and he examines ten case scenarios decided during 2010: 1. absence of petition/non-publication of sentence/violation of right of defence; 2. non-publication of the acts/violation of the right of defence; 3. violation of the right of defence/controversy not decided even in part/derived nullity; 4. absolute incompetence/violation of the right of defence; 5. non-publication of the acts/violation of the right of defence; 6. right to an advocate/ publication of the sentence/violation of the right of defence; 7. non-citation/ absence of *contradictorium*/violation of the right of defence; 8. non-communication of the right of citation/denial of *contradictorium*/violation of the right of defence; 9. violation of the right of defence/controversy not decided even in part; 10. non-citation/absence of *contradictorium*/violation of the right of defence.

1620

PCF XII (2010), 291-300: Tribunal of the Roman Rota: Absolute Incompetence of a Tribunal (Decision *coram* Defilippi), 30 November 2000. (Jurisprudence)

See above, canon 1423.

1643

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 69).

1644

SC 45 (2011), 521-532: Tribunal of the Roman Rota: Decree of Substantial Conformity Between Sentences. Decision *coram* Boccafola, 23 February 2006. (Jurisprudence)

On 10 June 1995 an affirmative finding was reached at first instance that this marriage was invalid on the ground that the woman petitioner had been deceived

about a quality of the respondent which the woman directly and principally intended. A Rotal decision of 10 April 2003 found for nullity on account of the woman's exclusion of the good of the sacrament. By its decree of 23 February 2006, the Rota determined that these two decisions are substantially conforming; they are based on the same juridical facts.

1644

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 3).

1645

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 69).

1671

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 59, 70).

1673

PCF XII (2010), 147-173: Augustine Mendonça: Admission/Rejection of an Introductory *Libellus* in Marriage Nullity Cases. (Article)

See above, canons 1501-1506.

1673

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 48, 50, 58).

1680

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (Compilations) (item 67).

1682

SC 45 (2011), 67-120: William L. Daniel: Motives *in decernendo* for Admitting a Cause of Marriage Nullity to an Ordinary Examination. (Article)

When a marriage is first declared invalid for lack of consent, the sentence and all the other judicial acts are to be sent *ex officio* to the higher tribunal, as required by the supreme legislator. This allows the higher college of judges to decide for itself whether the supposed nullity of marriage is well founded. If the college of judges has moral certainty that there is nullity and the sentence is just and reasonable, the positive decision should be confirmed by decree. In this study, D. puts together a synthesis of the motives given in Rotal jurisprudence for not confirming an affirmative decision, that is, for admitting the cause to ordinary examination in the new instance. He groups these under the headings of defective treatment of grounds of nullity; defective evaluation of evidence; notable lacunae of evidence; and methodological problems in the definitive sentence. He concludes with two examples of decrees admitting a cause to ordinary examination.

1682

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 57, 65-66, 68).

1683

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 61).

1697-1706

EE 86 (2011), 815-822: Carmen Peña García: Nuevas competencias de la Rota Romana en los procedimientos de disolución del matrimonio rato y no consumado y en las causas de nulidad de ordenación: el Motu Proprio *Quaerit Semper* de Benedicto XVI. (Document and commentary)

Pope Benedict XVI's Apostolic Letter *motu proprio data Quaerit Semper* (30 August 2011) transfers competence for procedures for dissolution of ratified and non-consummated marriages and cases of declaration of nullity of sacred ordination (formerly dealt with by the Congregation for Divine Worship and the Discipline of the Sacraments) to a new Office established within the Roman Rota, abrogating articles 67 and 68 of the Apostolic Constitution *Pastor Bonus* and amending article 126 §1. P.G. analyses the content of the *motu proprio* and offers some reflections on its application. She also suggests certain other changes to the procedures for dissolving non-consummated marriages, in order to allow the intervention of advocates.

1697-1706

SCL VII (2011), 17-19: Pope Benedict XVI: Apostolic Letter in the Form of 'Motu Proprio' *Quaerit Semper.* (Document)

See preceding entry.

1708-1712

EE 86 (2011), 815-822: Carmen Peña García: Nuevas competencias de la Rota Romana en los procedimientos de disolución del matrimonio rato y no consumado y en las causas de nulidad de ordenación: el Motu Proprio *Quaerit Semper* de Benedicto XVI. (Document and commentary)

See above, canons 1697-1706.

1717-1718

QDE 24 (2011), 233-251: Egidio Miragoli: La perdita dello stato clericale e la dispensa dal celibato. (Article)

See above, canons 290-292.

1717-1731

Ius II 2/2011, 385-388: Congregation for the Doctrine of the Faith: changes made to "Sacramentorum Sanctitatis Tutela". (Documentation)

See above, canons 1364-1399.

1720

CLSN 166/11, 5-16: Juan Ignacio Arrieta: Proposed Reforms in Penal

Procedures and the Contribution of Cardinal Ratzinger. (Article, with comment by Gordon Read)

A. recalls the contribution made by the current Pope, in his previous role at the Congregation for the Doctrine of the Faith, to the process of renewing penal discipline in a period spanning more than twenty years. In his comment on the article, R. notes that since then a number of documents have been promulgated, and he indicates the commentaries that have been published on them. The essence of these documents, he says, is that provision is made for an administrative process leading to dismissal from the clerical state where a judicial process is not possible. It is expected that when issued, the final document will pull the strands together into a clear and fuller administrative penal process.

1720

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 40-41).

1722

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 24).

1732-1747

QDE 24 (2011), 109-125: G. Paolo Montini: La rimozione del parrocco tra legislazione, prassi e giurisprudenza. (Article)

M. examines the procedure for the removal of parish priests as set out in canons 1740-1747, looking first at the notions of "removal", "parish priest", and the possible reasons for the removal. He then lists the specific details of the removal procedure, as well as the procedures for recourse. On the basis of the available statistics for cases of this nature decided by the Apostolic Signatura, he offers some brief reflections on the value of the Signatura's jurisprudence.

1733

IE XXIII 2/11, 487-499: Benedetto XVI: Discorso alla Plenaria del Supremo Tribunale della Segnatura Apostolica, 4 febbraio 2011 (con *nota* di Javier Canosa, *L'attività del Supremo Tribunale della Segnatura Apostolica a servizio*

***della comunione nella Chiesa*).** (Address and commentary)

See above, canon 1445.

1737

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 28-29).

1740

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (items 21-22, 26).

1748

William L. Daniel: Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Book)

See above, General Subjects (*Compilations*) (item 23).

1752

PCF XII (2010), 69-99: John A. Renken: *Periculum Mortis*: Danger of Death in Church Law. (Article)

See above, canons 85-93.

1752

Robert Ombres: Canonical equity. (Article in **Ius divinum. Atti del XIII Congresso Internazionale di Diritto Canonico, Venezia 17-21 settembre 2008, Marcianum Press, Venice, 2010, pp. 545-554**)

O.'s article aims to contribute to giving a more biblical imprint to our understanding and use of canon law. The parable of the landowner who went out at dawn to hire labourers for his vineyard (*Mt* 20:1-16) serves to frame the discussion of the relationship between *ius divinum* and *aequitas canonica.* O.'s fundamental claim is that the *ius divinum* and *aequitas canonica* must be brought into relation with and depend on God for their significance and operation. Canonical equity,

and the canon law to which it relates, must be understood in a theological way, from within the mystery of the Church. Canonical equity is primarily to be understood and applied in a fully Christian way, operating within an ecclesial context and related to God and his goodness as revealed to us. The same characteristics are equally, though differently, present in the *ius divinum*. Both concepts are essential and indispensable ways of discovering and applying in canon law the sovereignty and goodness of God as indicated by the parable. Canonical equity takes its place within canon law as a way of actualizing in practice the contents of Divine Law. It should be understood as going beyond the notion of justice tempered by the sweetness of mercy, and be considered, rather, as the equilibrium and measure which has to regulate ecclesial life, according to the demands of the evangelical spirit.

EXCHANGE PERIODICALS

- African Ecclesial Review
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletin Eclesiastico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- Communicationes
- De Processibus Matrimonialibus
- Ephrem's Theological Journal
- Estudio Agustiniano
- 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 Religious
- 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

ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

AC	L'Année Canonique, Paris – Bishop John McAreavey, Dromore.

AkK	Archiv für katholisches Kirchenrecht, Paderborn – Abstracts supplied by publisher.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
Ang	Angelicum, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Fr Andrej Saje, Ljubljana.
CLSN	Canon Law Society of Great Britain and Ireland Newsletter, London – Dr Helen Costigane, London.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
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.
Ius	Iustitia: Dharmaram Journal of Canon Law – Rev. Mgr. Gordon Read, Colchester, Essex.
IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
PCF	Philippine Canonical Forum, Manila – Sr Mary Lyons RSM, Galway.
Per	Periodica, Rome – Rev. Aidan McGrath OFM, Rome.
QDE	Quaderni di Diritto Ecclesiale, Milan – Rev. Dominic Byrne, London / 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.
SCL	Studies in Church Law, Bangalore – Rev. Mgr. Gordon Read, Colchester, Essex.
VR	Vida Religiosa, Madrid – Editor.

BOOKS RECEIVED

- Maurizio Bogetti: *L'esorcista, gli ossessi e l'esorcismo nel canone 1172 del Codice di diritto canonico – Fonti e legislazione vigente*, USEDEI, Turin, 2011, 192pp, ISBN 978-88-906329-0-7 [see above, canon 1172]
- William L. Daniel: *Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura*, Wilson & Lafleur (Gratianus series), Montreal, 2011, xxii + 776pp., ISBN 978-2-89127-890-4 [see above, General

Subjects (*Compilations*)]

- Guillaume Derville: *La concélébration eucharistique: Du symbole à la réalité*, Wilson & Lafleur (Gratianus series), Montreal, 2011, xvii + 120pp., ISBN 978-2-89689-046-0 [see above, canon 902]
- Jesu Pudumai Doss – Sahayadas Fernando – Joseph Sagayaraj Devaross – Jerome Vallabaraj (eds.): *Education of the Young in Today's India*, Don Bosco Publications, Chennai, 2011, xv + 259pp., ISBN 978-81-908833-3-7 [see above, canon 217]
- Jesu Pudumai Doss – Markus Graulich (eds.): *Iustitiam et iudicium facere*. Scritti in onore del Prof. Don Sabino Ardito, SDB (Questioni di diritto canonico – 7), Università Pontificia Salesiana, Rome, 2011, 236pp., ISBN 978-88-213-0803-1 [see above, General Subjects (*Compilations*)]
- Fabio Franchetto: *«Error in persona» (can. 1097 §1). Il dibattito sul concetto di persona nella trattazione dell'"error facti". Analisi della dottrina e della giurisprudenza*, Editrice Pontificia Gregoriana, Rome, 2011, 510pp., ISBN 978-88-7839-212-0 [see above, canon 1097]