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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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S. begins by describing the historical context of 21st century Mormonism, its history and theology, and then compares Catholic and Mormon views of marriage.

REDC 69 (2012), 329-369: Irene María Briones Martínez: Del diálogo interreligioso al matrimonio interreligioso. Disparidad de cultos y de tradiciones. (Article)

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Compilations

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The article presents an overview of the development of specialist publishing in the field of canon law by the Klaus Mörsdorf Institute of Canon Law of the Ludwig-Maximilians-Universität, Munich, in the years since its foundation in 1947 until the present day. The publishing history of the 13 professors of the Institute is summarized, particularly during their tenure at the Institute.

IC 52 (2012), 257-282: Joaquín Sedano: Crónica de Derecho Canónico del año 2011. (Compilation)

S. presents a review of the main canonical contributions of Pope Benedict XVI and the Roman Curia during 2011, including the Pope's annual address to the Roman Rota (22 January 2011; see below, canons 1066-1067); various decrees of erection and reorganization of ecclesiastical circumscriptions; the *motu proprio Quaerit Semper* establishing a new office within the Roman Rota for dealing with dispensations from ratified and non-consummated marriages and cases of declaration of nullity of sacred ordination (30 August 2011; see below,

canons 1697-1706); and the erection of the international Catholic association *Aid to the Church in Need* as a foundation of pontifical right (9 December 2011). The review goes on to mention the more significant documents and activities of the Roman Curia in 2011, including provisional dispositions issued by the pontifical delegate, Cardinal Velasio de Paolis, in relation to the Legion of Christ (see *Canon Law Abstracts*, no. 107, p. 5); the publication by the Secretary of State of a rescript *ex audientia SS.mi* by which Benedict XVI approved art. 126 *bis* of the General Regulations of the Roman Curia indicating the procedure whereby a dicastery might obtain special faculties from the Roman Pontiff (7 February 2011; see below, canon 360); the erection by the Congregation for the Doctrine of the Faith (CDF) of the Personal Ordinariate of Our Lady of Walsingham (15 January 2011; see below, canon 372); the CDF's circular letter regarding guidelines for dealing with cases of sexual abuses of minors perpetrated by clerics (3 May 2011; see below, canon 1395); the "doctrinal preamble" given to the Society of St Pius X as a condition for reconciliation of the Society with the Apostolic See (14 September 2011); the decree of the Congregation for Divine Worship and the Discipline of the Sacraments on celebrating the memorial of Blessed John Paul II (2 April 2011); the erection of the Marian Fraternity of Reconciliation as a society of apostolic life of diocesan right, after receipt of the *nihil obstat* of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life and the approval of the Archbishop of Lima and Primate of Peru (21 January 2011); the decree of the Congregation for Catholic Education on the reform of ecclesiastical studies and philosophy (28 January 2011; see below, canons 815-821); the decree of erection of the "San Damaso" Ecclesiastical University, Madrid (28 June 2011); the decree of the Apostolic Penitentiary granting a plenary indulgence on the occasion of the 26th World Youth Day in Madrid (2 August 2011); the decree of the Apostolic Signatura on the conservation of judicial acts (13 August 2011; see below, canons 1470-1475); the declaration by the Pontifical Council for Legislative Texts concerning the correct application of canon 1382 (6 June 2011; see below, canon 1382); the meeting of the Anglican-Roman Catholic International Commission at the monastery of Bose, Italy, sponsored on the Catholic side by the Pontifical Council for Promoting Christian Unity (17-27 May 2011); the Pontifical Council for the Laity's revocation of the canonical recognition of the International Catholic Union of the Press (UCIP) (17 July 2011; see *Canon Law Abstracts*, no. 108, p. 62); and the Pontifical Commission *Ecclesia Dei*'s Instruction *Universae Ecclesiae* (30 April 2011; see below, canon 838). The final sections of the review are dedicated to the diplomatic activity of the Holy See during 2011 (the appointment of a non-resident Papal representative to Vietnam; the Holy See's reaction to unlawful episcopal ordinations in China (see below, canon 1382); negotiations with the State of Israel concerning art. 10 §2 of the Fundamental Agreement relating to financial and fiscal matters; concordats with Azerbaijan, Montenegro and Mozambique; a declaration on the independence of the Republic of South Sudan; the

establishment of diplomatic relations with Malaysia; and the closure by the Irish government of its embassy to the Holy See); and documentation issued by the Spanish Episcopal Conference.

IC 52 (2012), 283-318: Jorge Otaduy: Crónica de jurisprudencia 2011. Derecho eclesiástico español. (Compilation)

O. presents a review of decisions in the Spanish courts in 2011 involving issues of Spanish ecclesiastical law (teaching; education for citizenship; other aspects of the right to education and freedom of teaching); religious bodies; places of worship; canonical marriage (civil effects); ministers of religion; conscientious objection (abortion); public order (polygamy); religion teachers; data protection; penal protection; fiscal regulations; religious symbols. O. also provides details of eight cases involving religious matters decided by the European Court of Human Rights in 2011.

IC 52 (2012), 319-330: Jorge Otaduy: Crónica de legislación 2011. Derecho eclesiástico español. (Compilation)

O. presents a review of legislation from 2011 involving issues of Spanish ecclesiastical law: teachers of religion; cooperation agreements; civil effects of ecclesiastical diplomas; financial matters; marriage; the armed forces; social security; clerics and religious; places of worship.

IC 52 (2012), 331-374: José Ignacio Rubio López: Crónica anual de Derecho eclesiástico en los Estados Unidos (2010-2011). Parte II. (Report)

In the second of his reports on developments in ecclesiastical law in the United States in 2010-2011, R.L. turns his attention to actions undertaken by the federal and state administrations, and the various legislative initiatives at national and state levels. He finishes with a list of the most interesting books, articles and symposia during the year, as well as references to other relevant news items.

REDC 69 (2012), 447-464: Federico R. Aznar Gil: Boletín de legislación canónica particular española, 2011. (Compilation)

A.G. provides listings of particular legislation issued during 2011 by the different dioceses of Spain. His division follows the order of the books of the Code. He gives the name of the diocese, title and date of the legislation and its page reference in the appropriate diocesan publication.

Pablo Gefaell (ed.): Cristiani orientali e pastori latini. (Book)

This book contains the proceedings of a conference on the laity held at the Faculty of Canon Law of the Pontifical University of the Holy Cross, Rome, in 2010. It includes contributions from Marco Dino Brogi on the obligations of Latin bishops towards faithful of an Eastern Catholic rite within their diocese (pp. 3-31); Orazio Condorelli on the question of the universal jurisdiction of Churches *sui iuris* (pp. 33-106); Dimitrios Salachas on Eastern sacred ministers within Latin circumscriptions (pp. 107-149); Péter Szabó on the adscription of Eastern faithful to Churches *sui iuris* and the *ius vigens* in the diaspora (pp. 151-232); Astrid Kaptijn on the Ordinariates for Eastern faithful who lack their own hierarchy (pp. 233-267): Adolfo Zambon on the pastoral care of Orthodox in countries with a Latin majority (pp. 269-303); Lorenzo Lorusso on marriages of Eastern Catholics in Latin territories (pp. 305-351); Pablo Gefaell on the attention given to Eastern Catholics in documents of episcopal conferences (pp. 353-378); Manel Nin on Eastern liturgies in the West (pp. 379-402); Andrea Bezo on the juridical status of Eastern and Latin Catholics in the Middle East (pp. 405-418); Massimo del Pozzo on the subsidiary jurisdiction of Latin tribunals in relation to Eastern Catholics in the light of art. 16 of *Dignitas Connubii* (pp. 419-434); Francisco Martín-Vivas on the effect of the passage of time on ritual identity (pp. 435-449); Stefano Rossano on matrimonial nullity causes of Eastern faithful in Latin tribunals, and competence under art. 16 of *Dignitas Connubii* (pp. 451-464); Andriy Tanasiychuk on the organization of pastoral care of Greek-Catholic Ukrainians in Italy (pp. 465-477); and Stefano Testa Bappenheim on the pastoral care of Eastern-rite faithful by Latin pastors in Germany (pp. 479-493). (For bibliographical details see below, Books Received.)

Luis Navarro – Fernando Puig (eds.): Il fedele laico. Realtà e prospettive. (Book)

This book contains the proceedings of a conference on the laity held at the Pontifical University of the Holy Cross, Rome, on 7-8 April 2011. It includes contributions from Stanisław Ryłko on the need to return to what is essential in the understanding of the lay person (pp. 3-8); Giacomo Canobbio, who provides a theological reflection on the laity from Vatican II to today (pp. 11-34); Luis Navarro on the juridical condition of the lay person in canon law from Vatican II to the present (pp. 35-66); Guzmán M. Carriquiry Lecour on successes, difficulties and failures in relation to the laity since Vatican II (pp. 67-111); José Ramón Villar on the defining elements of the identity of the lay faithful (pp. 113-143); María Blanco on the protection of the freedom and Christian identity of the laity (pp. 145-180); Sergio Belardinelli on the society in which the lay faithful live (pp. 181-194); Vicente Bosch, who criticizes the distinction drawn

between the action of Christians in the Church and their activity in the world (pp. 197-213); Javier Canosa on the manner in which the lay faithful belong to hierarchical structures in the Church (pp. 215-225); Miquel Delgado Galindo on the lay faithful and the new evangelization (pp. 227-251); Miguel de Salis, who reflects on the texts of Vatican II concerning the laity, as read in today's context (pp. 253-274); Costantino M. Fabris on the rights of the faithful as a juridical expression of the values proper to the baptized person (pp. 275-296); Mattia F. Ferrero on the freedom of parents to ensure the religious and moral education of their children in accordance with their own convictions (pp. 297-313); Fabio Franceschi on the lay faithful's personal responsibility, freedom and duty of obedience to the Magisterium in public life (pp. 315-339); Álvaro Lino González Alonso on the discussions concerning the secularity of the lay faithful in the process of revising the Code of Canon Law (pp. 341-357); Philip Goyret on the mission of the lay faithful (pp. 359-369); Lucia Graziano on the role of the laity in striving for a just order in society (pp. 371-397); Javier López Díaz on the vocation and mission of the laity in the teachings of St Josemaría Escrivá (pp. 399-423); Ramiro Pellitero on lay secularity in our time (pp. 425-441); M. Pilar Río on the apostolic dynamism of the laity (pp. 443-469); Carla Rossi Espagnet on Mary of Nazareth as a lay Christian (pp. 471-490); and Alessio Sarais on the laity in politics (pp. 491-506). (For bibliographical details see below, Books Received.)

Ecclesiology

J 71 (2011), 7-19: Joseph Famerée: True or False Reform: What are the Criteria? The Reflections of Y. Congar. (Lecture)

F. examines Yves Congar's criteria for true reform in the Church, which F. identifies as 1. the primacy of charity and pastoral concern; 2. the communion of the whole body; 3. patience; and 4. *ressourcement*. He then assesses the continuing validity of these criteria. He believes that they are still fundamentally valid but that Congar failed to emphasize sufficiently the life of the Church as opposed to her structures, failed at that stage to recognize the importance of diversity in tradition (although F. says that he recognized this in later writings), and failed to recognize the importance of the local Church.

J 71 (2011), 20-34: Henk Witte: Reform with the Help of Juxtapositions: A Challenge to the Interpretations of the Documents of Vatican II. (Lecture)

W. believes that a key to understanding Vatican II is that its documents consist of juxtapositions between different theological approaches which help show that older traditions lead to newer ones. These juxtapositions lead to open space for

further thought. In recent times there has, in his view, been a tendency to invert the juxtapositions and regress to an earlier ecclesial mindset. However the juxtaposition can also help emphasize that neither juxtaposed element can be rejected and so highlight that the open space must be kept open.

J 71 (2011), 35-58: Catherine E. Clifford: Reform and the Development of Doctrine: An Ecumenical Endeavour. (Lecture)

C. talks about the spur to ecumenical dialogue brought about by Vatican II and how such dialogue helps self-correction in the Church. She then offers a short overview of the development of doctrine in the Church, basing herself on Lonergan. Ecumenical dialogue has helped in the reconsideration of judgements of the past on doctrinal matters. She finishes by explaining how these dialogues can contribute to the development of theology and canon law.

J 71 (2011), 59-76: Margaret O'Gara: "Seeing in a New Light": From Remembering to Reforming in Ecumenical Dialogue. (Lecture)

O'G., basing herself on various ecumenical dialogues, highlights the importance of memory. Churches have to reread history together to discover a common account and to allow the rediscovery of forgotten history. This allows Church members to repent for failures of the past and to work for reform in the future.

J 71 (2011), 77-90: Eugene Duffy: Processes for Communal Discernment: Diocesan Synods and Assemblies. (Lecture)

See below, canons 460-468.

Proc CLSA 2009, 90-99: Warren A. Brown: Collaboration in the Ministry of the Church – Sponsorship in Theory and Praxis: Part I. (Lecture)

B. explains that the Canon Law Society of America's Committee on Consecrated Life had organized a symposium of experts on the question of sponsorship. He then summarizes the views of the experts as follows: Helen Burns talked about the history of the Sisters of Mercy's developments in the field of sponsorship; Francis Morrisey explained how sponsorship developed as a canonical response to the dwindling number of religious alongside the increased demands of their specific apostolates (hospitals, universities, etc.) and that the structures must remain open to even further developments; John Beal proposed that the use of juridical structures, such as public juridical persons, and adherence to the Church's teaching in official documents of the sponsored body,

can aid the communion between the sponsor and the work, and explained some of the practicalities involved in this; William King explained the ways in which juridical persons can act as sponsors and the proper juridical relationship with superiors and inferiors; Patricia Dugan explained the civil and canonical norms governing the creation and dissolution of the sponsorship relationship; Paul Golden explained sponsorship in the context of higher education; Melanie DiPietro explained sponsorship in the context of healthcare; Patricia Smith explained the mutual expectations required in the sponsorship relationship.

Proc CLSA 2009, 100-108: Rosemary Smith: Collaboration in the Ministry of the Church – Sponsorship in Theory and Praxis: Part II. (Lecture)

S. revisits the eight "learnings" from the 2006 Canon Law Society of America book *Sponsorship in the United States Context*: the need for clarification about mutual expectations; increased collaboration amongst sponsored ministries; a member of senior management as lead person for Catholic identity and mission leader; clarification on property issues (who owns what?) between the sponsors and the sponsored; compatibility between canonical norms and civil documents; management of transitions, that is, important changes in the sponsor or the sponsored; further study of the structures of sponsorship, especially juridical persons (here she develops at some length the theme of juridical persons and the Holy See's response); and the possibility of further developments in canon law which might be better adapted to the issue of sponsorship.

RDC 60/1-2 (2010), 289-299: Rémy Lebrun: *Gemeinschaft*, *Communio*, ou le droit canonique au risque de la traduction. (Article)

Latin remains the *original* language of canon law, even if it is no longer in use as a working language. Translating canonical texts into the vernacular is thus a particularly important challenge. For example, the translation of the word *communio* in German has given rise to two antagonistic movements in the field of ecclesiology, both of which lead to a rather poor comprehension of the reality of the Church.

Ecumenism and interreligious dialogue

J 71 (2011), 35-58: Catherine E. Clifford: Reform and the Development of Doctrine: An Ecumenical Endeavour. (Lecture)

See above, General Subjects (*Ecclesiology*).

J 71 (2011), 59-76: Margaret O'Gara: "Seeing in a New Light": From Remembering to Reforming in Ecumenical Dialogue. (Lecture)

See above, General Subjects (*Ecclesiology*).

J 71 (2011), 369-400: Peter de May: Church Renewal and Reform in the Documents of Vatican II: History, Theology, Terminology. (Article)

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

LS 36 (2012), 46-75: Matthew W.I. Dunn: The CDF's Declaration *Dominus Iesus* and Pope John Paul II. (Article)

In 2000, the Congregation for the Doctrine of the Faith issued the Declaration *Dominus Iesus*, addressing what it felt were certain troubling theories among Catholic theologians regarding the salvific status of Jesus Christ and the Church. The document attracted a lot of attention – mostly negative. Many Catholics and non-Christians believed its assertions were out of step with the teachings and interfaith activity of Pope John Paul II. Some went so far as to claim the Declaration was a distortion of them. D. reviews the contents of the document as well as reactions to it, and shows that the Declaration derives directly from John Paul II himself; that it is part of his ordinary Magisterium; that it reflects his own thoughts on Christ, the Church, and the salvation of non-Catholics; and that it does not contradict his interfaith activity.

REDC 69 (2012), 329-369: Irene María Briones Martínez: Del diálogo interreligioso al matrimonio interreligioso. Disparidad de cultos y de tradiciones. (Article)

B.M. deals specifically with Christian-Muslim dialogue and intermarriage. After an introductory section on the Church's teaching of respect for other religions, she goes on to present a comparative analysis of canonical and Islamic marriage with reference to Spanish civil law and comparative law and the consequent social, cultural and juridical implications. Despite points common to both religions, parties should be made aware of deep and important differences, such as attitudes to divorce, conversion, polygamy and the status of women in marriage. It is important that Catholics have knowledge of these realities when making their decision to marry.

Family issues

AnC 7 (2011), 261-287: Michał Jóźwik: Znaczenie i rola wychowania religijnego w jednoczeniu wspólnoty rodzinnej (= Meaning and role of religious education in uniting a family). (Article)

The aim of this article is to show the role of religious upbringing in unifying a family according to the Christian concept of self-education and the teachings of John Paul II.

General introductions to canon law

Carlos J. Errázuriz M.: Corso fondamentale sul diritto della Chiesa. I: Introduzione. I soggetti ecclesiali di diritto. (Book)

This manual aims to help the student to think as a true jurist in resolving the questions of justice that arise in ecclesial life, and to interpret canonical norms correctly from the point of view of intraecclesial justice. It covers the main topics dealt with in the CIC/83, with brief references to the CCEO regarding the more characteristic features of Eastern law. The book follows a systematic rather than an exegetical approach, trying to avoid identifying Church law with the Code, not only because there are many universal and particular laws outside the Code, but above all because the central concern of the canonist is the juridical reality of the Church, the real relations of intraecclesial justice, and not the Code or other canonical norms, however valuable and important these may be as instruments of justice in the Church. This book is the first of two volumes, and includes an introduction (fundamental theory, history and formation of Church law) and the "subjects of law" in the Church (the human person, the Church as an institution, and associative groupings in the Church). The second volume will deal with juridical goods (the word of God, the sacraments, and patrimonial goods), as well as penal matters and processes, and relations between the Church and the political community. (For bibliographical details see below, Books Received.)

Law reform

Ang 89 (2012), 201-222: Piotr Skonieczny: L'evoluzione della dispensa dal celibato ecclesiastico: alla ricerca dei suoi modelli giuridici. (Article)

See below, canon 290.

J 71 (2011), 349-368: E. Christian Coppens: Misericordia Extra Codicem in Iustitia. (Lecture)

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

J 71 (2011), 401-421: Gilles Routhier: The Reform of the Catholic Church in the Context of a World Church. (Article)

R. believes that unity in the Church cannot be simple uniformity. The Church needs renewal based on adaptations appropriate to different socio-cultural conditions. R. concludes by calling for this unity-in-diversity.

J 71 (2011), 422-449: Thomas J. Green: Selected Legislative Structures in Service of Ecclesial Reform. (Article)

G. begins with some general thoughts on law reform. He then considers instruments for reform: particular councils, episcopal conferences, and diocesan synods. He concludes by offering some comments on how these bodies may assist reform in the Church.

Proc CLSA 2009, 283-299: Ian Waters: Procedural Law: Some Suggested Revisions after Twenty-Five Years. (Lecture)

W. begins by explaining in brief the ecclesiastical history of Australia and New Zealand and then the history of the procedures and structures of the Australian and New Zealand tribunals. He considers a variety of amendments to the CIC/83. He first suggests that canon 1673 be changed to remove the need for the respondent's judicial vicar to consent and for the two parties to be living in the same episcopal conference. He then suggests deleting canon 1458 as superfluous. He continues by suggesting that *aliquod actum* in canon 1598 be changed to *aliquae acta* to allow more than one act to be excluded. He suggests that the necessity for three judges in first instance and in second instance should be lightened to allow single judges in both instances in certain cases. He then suggests that the need to give copies of sentences to parties should be removed. Finally he suggests that the need for automatic review of first instance sentences be reconsidered. He concludes by suggesting that a wider review of canon law is also needed.

Ciro Mezzogori: Vocazione sacerdotale e incardinazione nei movimenti ecclesiali. Una questione aperta. (Book)

See below, canon 265.

Legal theory

AnC 7 (2011), 5-17: Tomasz Gałkowski: Prawo naturalne fundamentem każdego prawa? (= Is natural law the foundation of all law?) (Lecture)

In discussing natural law as the foundation of all law, G. focuses on three areas: man-made law, divine law, and human rights. He first addresses the question of whether the natural law exists, and if so, what exactly it is. He argues that human law is one of the forms of communication among rational human beings; that every law must measure up to universal moral standards; and that a sense of justice, right and honest law are the foundations of every man-made law.

AnC 7 (2011), 19-33: Wiesław Bar: Prawo naturalne a wady zgody małżeńskiej (= Natural law and invalidity of matrimonial consent) (Lecture)

B. begins by focusing on the current state of the study of natural law in the Church and in Catholic academic centres. The impulse for research came from John Paul II's address to the Congregation for the Doctrine of the Faith on 6 February 2004. B. then deals with the causes of invalidity of matrimonial consent, paying particular attention to the origins of canons 1098 and 1103 of the CIC/83. He ends by analysing the relationship between natural law and invalidity of consent, taking into account considerations such as respect for natural law, the ethical order, and legal protection of the act of the will.

AnC 7 (2011), 189-198: Piotr Kroczek: The Significance of the Techniques of Encoding Canonical Norms in an Act of Law, CIC 1983 as an Example. (Article)

K. looks at the methods of codifying rules of law used in the CIC/83 – i.e. "condensation", where one article contains more than one legal norm: e.g. canons 1031 §1 and 754; and "division", where one norm is divided between different articles: e.g. canons 540 §1 (syntactic division); 1376 (division of content: the canon needs to be read in conjunction with canons 1323-1327). Both methods aim to avoid repetitions in the text. Knowledge of these methods

is necessary for both legislators and interpreters. K. also provides examples of where the methods are badly applied in the Code.

FCan VI/2 (2011), 11-26: Francesco Coccopalmerio: El legislador y la legislación en la Iglesia. (Article)

In order to explain the nature of canon law, C., President of the Pontifical Council for Legislative Texts, points out that in the law of the Church there are juridical-ontological realities of divine origin, and juridical-positive realities of human origin, illustrating both with examples from the present Code of Canon Law. In the first case, the Legislator's act of will is not constitutive of the duty-right (which already exists, being of divine origin), but is only an act of knowledge of such reality, followed by an act which declares it. In the second case, the Legislator carries out an act of will which constitutes the duty-right. C. shows how the act of knowledge and declaration of a juridical-ontological reality by the Supreme Legislator of the Church (Roman Pontiff or Episcopal College) is a true act of the Magisterium. This declaration is called "canonization" or "formalization" of the divine law. In establishing juridical-positive realities, the Legislator presupposes juridical-ontological realities and applies them to concrete circumstances. For this purpose he needs to know the situation of the faithful to whom the norm is applicable and to establish the appropriate instruments for its application. In any case, the norm must always be faithful to the teaching of the Magisterium. Consequently, the positive norm will be good as long as it is suitable for the juridical-ontological reality that it wishes to apply and for the concrete circumstances to which it applies. Hence the necessity of a continuous adjustment of the positive norm to its aim, that of justice in the life of the Church. While the norm is not modified, it is possible to apply it through *aequitas*, so as to seek justice in the concrete case.

FT 22 (2011), 7-19: Péter Erdö: Il diritto amministrativo canonico: disciplina giuridica autonoma? (Article)

E. examines whether the concept of administrative law as it has developed in Hungary and certain other civil law jurisdictions can be applied correctly to the theological-institutional reality of the Catholic Church. His conclusion is that the fundamental difference that exists between civil society and the mystery of the Church makes it impossible to define administrative law as an autonomous branch of law within canon law.

IE XXIII 3/11, 583-603: Massimo del Pozzo: Quale futuro per il diritto costituzionale canonico? (Article)

While the existence of a "material Constitution of the Church" is generally accepted, its extent and content are more difficult to determine. Del P. asks whether this is simply an "academic" issue, or whether there is a real juridical dimension to it. He looks at what he classifies as the "prehistory", "spring" and "autumn" of the *Lex Ecclesiae Fundamentalis* project, before looking at its current status and setting out a number of considerations regarding its future prospects.

Comm 43 (2011), 306-311: Pope Benedict XVI: Allocutio apud Parliamentum Foederale Germaniae (Bundestag Deutschlands) die 22 mensis septembris 2011 habita. (Speech)

In this address to the German Parliament Pope Benedict XVI reflects on Solomon's request for wisdom, the importance of justice and the concept of law. German history shows that majority votes and legal positivism are insufficient. The idea of human rights arose from the cultural heritage of Europe with its foundation in belief in the Creator God.

IE XXIV 1/12, 163-181: Benedetto XVI: Discorso al Bundestag, Berlino, 22 settembre 2011 (con *nota* di Massimo del Pozzo, *L'intelligenza del diritto di Benedetto XVI*). (Address and commentary)

The text is given in Italian of Benedict XVI's address to the *Bundestag* on 22 September 2011 (see preceding entry). In his commentary, del P. highlights the most important aspects of the address from a canonical perspective. The Pope invited politicians to reconsider the foundation of juridical contemporary thinking. The widespread positivistic conception of nature and reason threatens the roots of Western civilization and the wisdom of the notion of justice as developed by Roman jurists and received by Christianity. The harmony between objective and subjective reason derives from the rediscovery of the ontological and metaphysical foundation of "that which is just", and from the development of a truly human ecology. Functionalism and formalism are the main flaws of the prevailing theory of justice in the secular sphere. Sometimes such deficiencies also affect the ecclesial sector (e.g. in the form of misguided pastoral approaches). It is those canonists who are faithful to classic realism in law who are able to contribute to the broadening of horizons in juridical thinking which the Holy Father is indicating.

RDC 60/1-2 (2010), 301-317: Rik Torfs: Sociologie du droit canonique. (Article)

Canon law carries the good news of the gospel and the spirit of communion that dwells within the Church from the juridical point of view. T. says that law cannot be the negative counterpart of the gospel; therefore the latter applies to the sources, their formulations and applications. The consequence of the way the law is carried out is very seldom a subject of study among canonists, although, according to Henri Lévy-Bruhl, juridical rules have no stable or perpetual characteristics in the eyes of the sociologist of the law.

SC 46 (2010), 119-164: John M. Huels: General Revoking Formulas in Canon Law and Their Juridical Effects. (Article)

Documents of the Holy See, both those of the Pope and those of certain dicasteries of the Roman Curia, frequently employ a general revoking formula such as "notwithstanding anything to the contrary". H. examines the various kinds of formulas in use during the past twenty years and the differing effects they may yield, especially the differences between documents of legislative power and those of executive power. The study's focus is on documents of a general character, that is, those containing laws or general administrative norms, and the effect of general revoking formulas in them on contrary laws, customs, and general administrative norms, both universal and particular, as well as contrary statutes and singular administrative acts.

SC 46 (2012), 183-229: William Daniel: The Doctrinal Contribution of Zenon Grocholewski to the Canonical Notion of Administrative Justice. (Article)

D. summarizes the contribution of a great scholar and practitioner of administrative justice, Zenon Grocholewski. In order to prepare the reader for this discussion, he explains the immediate legislative history of the regulation of this matter (1908-Vatican II), the institution and regulation of the *Sectio Altera* of the Supreme Tribunal of the Apostolic Signatura, and the basic concerns of canonical doctrine from 1968 to the early 1980s. He then offers an extensive synthesis of Grocholewski's doctrine, which is drawn from his writings on this topic published during the period 1981-2004. This synthesis addresses general questions, as well as topics of both the substantive and procedural law governing administrative justice.

Relations between Church and State

AnC 7 (2011), 87-99: Jan Dyduch: Potrójna misja Kościoła w świetle Konkordatu Polskiego z 1993 roku (= The triple mission of the Church in the concordat of 1993). (Article)

The aggressive campaign against the Church in Poland has attacked the Church's right to carry out her mission, denying, for example, the right to teach religion in schools. In this situation it is worth recalling that the Church's freedom to carry out her triple mission is guaranteed in the Polish concordat of 1993, whose guiding principle is religious freedom, thanks to which the concordat protects the development of the Church's prophetic, sanctifying and pastoral mission.

Comm 43 (2011), 24-29: Pope Benedict XVI: Lex de iure civitatis, residentiae et aditus in Statum Civitatis Vaticanae. (Document)

This *motu proprio*, dated 22 February 2011, sets out the criteria for citizenship of the Vatican City State and residence, and also the requirements for access to its territory by those who are not citizens or residents.

Comm 43 (2011), 51-69: Secretaria Status: Conventio inter Sanctam Sedem et Civitatem Hamburgensem. (Document)

This is the text in Italian and German of a convention between the Holy See and the Free Hanseatic City of Hamburg and covers in particular the teaching of religion, Catholic schools and universities, chaplaincy in institutions such as hospitals, the seal of the confessional, social works, radio and television, the juridical status of Church entities, property, cemeteries, "Church tax" and data protection issues. It is dated 29 November 2005 and replaces in certain respects earlier conventions with Prussia of 1929 and Germany of 1933.

Comm 43 (2011), 70-75: Secretaria Status: Conventio inter Sanctam Sedem et Rem Publicam Azerbaigianiae. (Document)

This gives the text in English and Azerbaijani of a convention between the Holy See and Azerbaijan dated 29 April 2011. It is brief and recognizes the freedom of the Church and the juridical personality of its entities.

Comm 43 (2011), 123-158: Status Civitatis Vaticanae: Legge concernente la prevenzione ed il contrasto di reciclaggio dei proventi di attività criminose e del finanziamento del terrorismo. (Document)

This law emanates from the Pontifical Commission for the Vatican City State and is dated 30 December 2010. It defines money laundering and the financing of terrorism and sets out detailed preventative measures. (See *Canon Law Abstracts*, no. 108, pp. 20-21; see also below, canon 360).)

Comm 43 (2011), 196-200: Nota explicativa quoad pondus iuridicum Auctoritatis Informationis Finantiariae. (Note)

This note was produced by the Authority for Financial Information but is unofficial, indicated by the sign **. It explains the background to the new law on money laundering. The most significant new element is the establishment of a single official body to oversee financial transactions within both the Vatican City State and the dicasteries of the Roman Curia. Its role is primarily as a financial intelligence unit in collaboration with similar bodies in other countries.

Comm 43 (2011), 159-168: Status Civitatis Vaticanae: Legge sulla frode e contraffazione del banconote e monete in euro. (Document)

This law covers fraud and the counterfeiting of Euro banknotes and coins.

Comm 43 (2011), 169-175: Status Civitatis Vaticanae: Legge riguardante le face, i valore e le specifiche tecnice, nonché la titolarità dei diritti d'autore sulle face nazionali delle monete in euro destinate alla circolazione. (Document)

In the light of the convention with the European Union this law sets out the technical specification of the coins issued by the Vatican and the manner in which they are put into circulation.

Comm 43 (2011), 176-184: Status Civitatis Vaticanae: Legge relativa a tagli, specifiche, riproduzione, sostituzione e ritiro delle banconote in euro e sull'applicazione dei provvedimenti diretti a contrastare le riproduzioni irregolari di banconote in euro e alla sostituzione e al ritiro di banconote in euro. (Document)

This law provides specifications of the Euro banknotes to be circulated within the Vatican City, the manner of their issue and recall, and measures to prevent counterfeiting.

Comm 43 (2011), 189-192: Giorgio Corbellini: Articulus explanans novam legem de iure civitatis, residentiae et aditus in Vaticanum a Summo Pontifice latam, ab Exc.mo Georgi Corbellini conscriptus. (Article)

C. sets out the background to the new law on Vatican citizenship and residence promulgated on 22 February 2011, replacing earlier provisions from 1929 when residence within the Vatican was less important.

Comm 43 (2011), 193-195: Carlo Carrieri Sergio Aumenta: Articulus explanans novam legem de tuendis iuribus auctoris operum intellectualium a Pontificia Commissione Status Civitatis Vaticanae latam, ab Carolo Carrieri ac Sergio F. Aumenta conscriptus. (Article)

The authors explain the new law safeguarding intellectual property rights within the Vatican, promulgated on 30 December 2010. By and large this remains in step with Italian law, but with specific safeguards for official documents of the Holy See, and the writings and image of the Holy Father.

Comm 43 (2011), 327-334: Secretaria Status: Conventio inter Sanctam Sedem et Sloveniae Rempublicam de iuridicis quaestionibus inita. (Document)

The text in Italian and Slovene of an agreement between the Holy See and the Republic of Slovenia regulating various legal issues, primarily safeguarding the legal status and freedom of the Catholic Church and its institutions.

Comm 43 (2011), 384-438: Status Civitatis Vaticanae: Ordinatio Generalis lata pro corpora addictorum Gubernatoratus Status Civitatis Vaticanae. (Document)

This set of general regulations for employees of the Governorate of the Vatican City State replaces those issued in 1995. Cardinal Lajolo sets out the principal changes in a preface.

IC 52 (2012), 75-116: María Goñi Rodríguez de Almeida: La inscripción de los lugares de culto en el Registro de la Propiedad. (Article)

This article looks at the law in Spain governing the civil registration of properties belonging to the Catholic Church.

IE XXIV 1/12, 209-232: Pontificia Commissione per lo Stato della Città del Vaticano, Legge n. CXXXII sulla protezione del diritto di autore sulle opere dell'ingegno e dei diritti connessi, 19 marzo 2011. (Document and commentary)

The text is given in Italian of the law of the Vatican City State dated 19 March 2011, dealing with the protection of authors' rights and related rights. A commentary is provided by Juan Carlos Riofrío Martínez-Villalba.

IE XXIV 1/12, 233-256: Corte di Cassazione – Sezione Unite Civile: Ordinanza 6 luglio 2011, n. 14839/11. (Document and commentary)

This is the first decision of the Italian Supreme Court to deal with the question of damages for breach of canon law by the ecclesiastical judge, in a matrimonial nullity process having civil effects. It is accompanied by a commentary by Beatrice Serra.

J 71 (2011), 91-119: Sean O. Sheridan: *Gaudium et Spes*: The Development and Implementation of the Church's Role in Evangelization in the Pastoral Constitution on the Church in the Modern World. (Lecture)

See below, canons 807-814.

PS XLVII 139 (2012), 43-66 and **PS XLVII 141 (2012), 657-706: Edward R. Karaan – Isaias Antonio D. Tiongco: The Catholic Church, Temporal Goods and Church-State Relations – Parts I and II.** (Article)

See below, canon 1254.

RDC 60/1-2 (2010), 319-353: Thierry Rambaud: La séparation des Églises et de l'État en Allemagne et en France: regards croisés. (Article)

France and Germany follow two different notions of the role of religion in the public sphere. This discrepancy was made clear when the project for a European Constitution was drafted, regarding the possible reference to the Christian heritage of Europe. However the German model of separation/cooperation, albeit different from the French, shares some common characteristics with it.

REDC 69 (2012), 279-328: Pablo Martín de Santa Olalla Saludes: La Santa Sede y la Conferencia Episcopal ante el cambio político en España (1975-1978). (Article)

S.O. examines a crucial period in modern Spanish history, the transition to democracy after the death of General Franco (1975) and the part played by both the Holy See and the Spanish Episcopal Conference. In the preceding years attempts had been made by the Franco regime to renew the existing 1953 concordat, attempts which were rejected by a new generation of post-Vatican II bishops appointed by Paul VI. The bulk of S.O.'s article deals with the negotiations between the Spanish State and the Catholic Church (both the Holy See and the episcopal conference) which led to the basic accords (1976-1979) replacing the 1953 concordat.

Religious freedom

IC 52 (2012), 15-74: Agustín Motilla de la Calle: La protección de los lugares de culto en las organizaciones internacionales (especial referencia a la jurisprudencia del Tribunal Europeo de Derechos Humanos). (Article)

One of the major concerns in international human rights organizations is the protection of places of worship from attacks approved of or promoted by governments. The first part of this article analyses documents from the United Nations, European Union and Council of Europe, which reveal the main "hot-spots" of religious intolerance around the world. The second part focuses on European Court of Human Rights cases dealing with places of worship.

IE XXIII 3/11, 815-836: Corte Europea dei Diritti dell'Uomo, Grande Camera: Sentenza del 18 marzo 2011, *Lautsi contro Italia*, (con *nota* di Stefan Mückl, *Crocifissi nelle aule? La sentenza definitiva di Strasburgo dopo una controversia lunga*). (Sentence and commentary)

Part of the text of the judgement of the European Court of Human Rights in the case of *Lautsi* v. *Italy* is given in unofficial Italian translation. The case concerned the displaying of religious symbols in State schools, specifically the crucifix, which was objected to by a woman of Finnish origin whose children attended an Italian school. M. traces the development of the case through the different levels up to the Grand Chamber of the European Court of Human Rights, which held that a crucifix on a wall was an "essentially passive symbol" which did not violate the European Convention on Human Rights. He comments on the principles underlying the decision.

Social issues

Ang 89 (2012), 245-256: Enrico Giarnieri: Alcune considerazioni circa le unioni omosessuali tra la "società naturale" dell'art. 29 e le "formazioni sociali" dell'art. 2 della Costituzione Italiana. (Article)

G. sets out the reasons why homosexual unions cannot be equated to marriage under Italian constitutional law.

Comm 43 (2011), 312-314: Pope Benedict XVI: Allocutio ad Repraesentantes Communitatis Muslimae apud Nuntiaturam Berolinensem die 23 mensis septembris 2011 habita. (Speech)

The Pope speaks to members of the Muslim community in Germany on the foundations of law in a culturally diverse and pluralist society.

Comm 43 (2011), 341-364: Secretaria Status: Responsum Domino Eamon Gilmore, *Tánaiste* et a negotiis publicis necnon commercio moderando provehendoque Ministro Hiberniae quod *Cloyne Report* datum. (Reply)

This is the text (in English) of the Holy See's response to the comments made by the Irish Deputy Prime Minister on the publication of the Cloyne Report. The reply addresses first the critique contained in the report concerning the "Framework Document", and then Mr Gilmore's speech. After this it outlines the Church's response to child abuse, denying that the Holy See has been indifferent to the plight of those abused.

HISTORICAL SUBJECTS

1st millennium

FCan VI/2 (2011), 105-115: Miguel Falcão: O Concubinato: evolução histórica da sua relevância canónica. (Article)

Concubinage, as a non-marital conjugal union, has been the object of reprobation, repression or tolerance on the part of canon law. F. presents the historical evolution of its canonical relevance. In the first three centuries, the Church pronounced only on the morality of the marital status of the faithful, according to whether or not the perpetual fidelity between the man and the woman, that is, unity and indissolubility, were respected. Of course when it became possible for two people to marry, the Church expressed its disapproval of concubinage. With Constantine and the Christian emperors, laws were promulgated to remove concubinage in favour of marriage; this was also because the crisis of the third century had mitigated the social differences which had previously led to concubinage. In medieval times there was a tendency to eradicate concubinage from the life of the faithful, including single people, once the obstacles of a social nature to the marriage of any person had disappeared. Concubinage was severely punished with excommunication, even for single people, by the Council of Trent. The CIC/17 continued to consider the concubinage of a Christian, whether married or single, as an offence, but softened the penalty for pastoral reasons. The CIC/83 does not include any penalty for concubinage by unmarried or married persons, even though it is a serious sin, and if notorious, involves certain ecclesiastical consequences (see for example canons 915, 1007, 1184 §1, 3º; 1185).

Classical period

FCan VI/2 (2011), 105-115: Miguel Falcão: O Concubinato: evolução histórica da sua relevância canónica. (Article)

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

FT 22 (2011), 109-127: Szabolcs Anzelm Szuromi: Medieval Canonical Sources and Categories of Singular Administrative Acts. (Article)

S. shows how singular administrative acts in current Latin canon law have an ancient tradition dating back to Roman law, and that the canonical norms

relating to them have broadened continuously, especially in the later Middle Ages and the modern era. He also points out that despite an essential transformation in the theoretical conceptions behind these acts and the division of the pertinent legal norms, the categories, concepts, concession, interpretation and cessation of the acts dealt with in canons 35-93 of the CIC/83 have changed relatively little in relation to what can be found in the medieval sources of law.

J 71 (2011), 316-333: James A. Brundage: Canonists versus Civilians: The Battle of the Faculties. (Article)

B. describes the beginning of the formal academic study of law in the 1100s. There soon developed a division between the study of canon law and that of civil law, which resulted in the division into two separate faculties. These faculties developed into a severe rivalry, which B. describes in some detail.

J 71 (2011), 334-348: Elizabeth Makowski: Cloister Contested: *Periculoso* as Authority in Late Medieval *Consilia*. (Article)

M. describes a series of medieval legal opinions – *consilia* – about the obligation of the cloister as imposed by Boniface VIII's decree *Periculoso*.

J 71 (2011), 349-368: E. Christian Coppens: Misericordia Extra Codicem in Iustitia. (Lecture)

C. considers the use of *misericordia* in classical canon law. It is never used in the current Code in the sense which C. refers to. He examines various ideas in modern canon law to see if they are just, and highlights changes that would make the law more just.

RDC 60/1-2 (2010), 155-170: Jean Werckmeister: Le manuscrit 673 de Saint-Gall: un Décret de Gratien primitif? (Article)

Is the Sankt Gallen Stiftsbibliothek cod. 673 the *Urdekret* (or *Ur-Gratian*) of the *Decretum Gratiani*? To answer this question and thus restore the proper chronological order of the three recensions of the *Decretum Gratiani* that are known to us (the Sankt Gallen version being the shortest, the "short" one being found in the Florence, Paris, Admont and Barcelona manuscripts, and the "long" one in the roughly 600 other listed manuscripts), W. studies the treatise on marriage (*Causae* 27 to 36), closely examining the *paleae*, the number of canons in the various recensions, the canons themselves, the *dicta*, and finally the more recent texts to be found in the other versions.

RDC 60/1-2 (2010), 171-219: Elodie Hartmann: La prohibition de l'étude et de l'exercise de la médecine et de la chirurgie par les clercs. (Article)

Born out of the monastic *scriptoria* of the 5th century, the links between the healing arts and the Church become stronger and more complex in the 12th, when canon law, at the same time as organizing medical studies in the universities, was striving to exclude clerics from the practice of medicine and surgery. The aim was to prevent clerics from taking part in a secular activity not compatible with their status and to keep them away from the shedding of blood inherent in such activity. However, as a result of the interest shown by clerics in the healing arts, and the necessity of responding to the needs of the people, the prohibitions and sanctions became at the same time both more pragmatic and more complex.

REDC 69 (2012), 13-26: Carlos Larrainzar: Nueva edición de la *Summa super quarto libro Decretalium* de Juan de Andrés. (Article)

L. presents a re-edition of the *Summa super quarto libro Decretalium* by Juan de Andrés (1270-1348). This particular work was published, edited, and corrected many times since its first appearance, both in manuscript and in print, with the addition of indices, text divisions and other editorial revisions. There are at least 15 incunabula and many more during the course of the 16th century. L. chooses the Leipzig incunabulum (1492-1495) as the edition nearest to the original. He supplements the text with an explanation of his own editorial methodology.

16th-19th centuries

FCan VI/2 (2011), 119-172: Fabio Vecchi: Burocrazia e giustizia fiscale nello Stato Pontificio secentesco. Il rapporto funzionale tra la Reverenda Camera Apostolica e le Nunziature e Collettorie nel Regno Ispano-Portoghese. (Article)

Immunities and privileges granted to the Church by Portugal were notably limited during the 17th century. Significant changes are also be found in the organization of ecclesiastical offices. V. describes the relationships of the Portuguese collectories and nunciatures with the Papal Curia, in particular the Apostolic Camera, throughout the 17th century. He focuses on the great professional capacity shown by the Apostolic Camera in relation to the fiscal courts of the collectory, involving a management and accounting organization comparable to that of modern States.

RDC 60/1-2 (2010), 221-253: Jeanne-Marie Tuffery-Andrieu: Le droit canonique source du Code civil de 1804 en matière de mariage? (Article)

In 1804, in the wake of the concordat, the French *Code civil* chose to detach the religious field from the political. It thus betrays the beliefs of Portalis, the main hand behind the *Code civil*. Civil marriage is defined as a contract and no longer as a sacrament, a view which in the eyes of the Church was deemed to lead to the downfall of the family. The author however argues that Portalis treated canon law as a genuine source for the *Code civil*, in regard to both the contracting of marriage and its dissolution.

REDC 69 (2012), 37-96: Justo García Sánchez – Beatriz García Fueyo: Cristóbal Gutiérrez de Moya, Canonista salmantino del siglo XVI, y su doctrina sobre el proceso penal. (Article)

The subject of this article, Cristóbal Gutiérrez de Moya (1520-1591), held the chair of canon law at the University of Salamanca. No printed works of his are known, but a number of his writings have been preserved in manuscript. The joint authors of this article focus their attention on his exposition of the criminal process, concentrating on the nature and structure of the introductory *libellus* as well as some aspects of claims for damages. They quote extensively from the manuscripts (in Latin and 16th century Spanish), and in appendices they provide the text of two cases and a long extract from Gutiérrez's writings on the criminal process.

1917 Code

AA XVII (2011), 29-75: Alejandro W. Bunge: La administración en la Iglesia después del Código de 1917. (Article)

B. sets himself the task of examining the subject of administration in the Church since the promulgation of the CIC/17. He does so thematically, but alluding to historical events and persons as their relevance requires. His main sections are divided as follows: the origin and nature of the power of governance in the Church; the static and dynamic aspects of administrative power; the theological and juridical basis of administrative power; and the broad and strict senses of administrative power (the administrative act). He examines the place of administrative law within the wider field of canon law, the protection of the rights of the faithful, and administrative justice. In the end administration in the Church is directed towards the supernatural aim of salvation and in this it differs fundamentally from any State or civil law concept of administration.

FCan VI/2 (2011), 105-115: Miguel Falcão: O Concubinato: evolução histórica da sua relevância canónica. (Article)

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

RMDC 18 (2012), 7-44: Luis de Jesús Hernández M.: Oficios eclesiásticos incompatibles en la Iglesia particular. (Article)

See below, canon 152.

20th century

QDE 25 (2012), 6-18: Mirjam Kovač: Bibliografia di p. Jean B. Beyer, S.I.; Dissertazioni dottorali dirette da p. Jean B. Beyer, S.I. (Bibliography)

These lists continue, complete and update the previous bibliography of Beyer's writing and the list of doctoral theses directed by Beyer, published in *Periodica* 74 (1985) 19-35 (see *Canon Law Abstracts*, no. 55, pp. 11-12).

QDE 25 (2012), 55-64: Giangiacomo Sarzi Sartori: A dieci anni dalla morte di Padre Beyer. (Article)

S., a former pupil of Beyer, offers a memoir which highlights the welcome he gave, his teaching style, the inspiration he provided for the establishment of *Quaderni di Diritto Ecclesiale*, and the Christian witness of his life.

QSR 21 (2011), 149-167: Matteo Nacci: Il Cardinale Michele Lega: profile storico giuridico. (Lecture)

N. offers an appreciation of Cardinal Michele Lega (1860-1935), Prefect of the Apostolic Signatura from 1914 to 1920 and of the Sacred Congregation for the Discipline of the Sacraments from 1920 to 1935. He sets out Lega's many accomplishments as teacher, author, judge and devoted servant of the Church, and as a person who combined passion for the law with a passion for the human person and for the Christian, as is especially evident from his contributions to the work of drafting the first Code of Canon Law and his pastoral activity as bishop, carried out simultaneously with his work in the Sacred Congregation.

Second Vatican Council and revision of the CIC

Comm 43 (2011), 209-219: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Sextum canonum schema de procedura administrativa a relatore paratum post Consultorum Sessionem diebus 5-7 mensis februarii 1973 habitam. (Report)

This is the text of 39 draft canons on administrative procedure produced by the *Relator* Pio Ciprotti on 30 March 1973.

Comm 43 (2011), 220-237: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Ad sextum canonum schema de procedura administrativa animadversiones Consultorum. (Report)

These are the comments of the consultors on Ciprotti's draft text of administrative procedure. The comments are presented individually rather than as a synthesis.

Comm 43 (2011), 238-257: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Documentum "motu proprio" propositum de procedura administrativa ad Secretariam Status transmissum. (Report)

The text of a draft *motu proprio* entitled *Administrativae Potestatis*, promulgating a law establishing administrative procedure, accompanied by the text of 39 canons and transitional norms, was submitted to the Secretary of State together with an explanatory introduction by Cardinal Felici on 8 November 1973. It was intended to come into effect immediately and remain in place until the promulgation of the new Code of Canon Law.

Comm 43 (2011), 439-440: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa" – Nota quoad commercium epistularum inter Secretaria Status et Pontificiam Commissionem CIC recognoscendo circa publicationem schematis "De procedura administrativa". (Note)

An interchange of letters concerning the proposed section of the revised Code on administrative procedure was printed in *Comm* 42 (2010), 389-395 (see *Canon Law Abstracts*, no. 107, pp. 32-33). This note sets these documents in the

context of a wider correspondence on this issue outlining the content of some of these other letters.

Comm 43 (2011), 441-467: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa" – Coetus studii "De processibus" – Series Altera Sessio VII[a] (diebus 14-19 maii 1979 habita). (Report)

The business of this session was to coordinate the text of the revised norms on administrative procedure prepared in 1973 with other parts of the draft Code. Each draft canon is followed by various comments and then a revised *schema* of those draft canons approved. A significant number were suppressed or transferred elsewhere because they had been envisaged as part of a free-standing document to be promulgated separately in anticipation of the new Code.

J 71 (2011), 369-400: Peter de May: Church Renewal and Reform in the Documents of Vatican II: History, Theology, Terminology. (Article)

M. begins by highlighting the need for continual renewal in the Church. He points out the important texts from Vatican II, both in the documents and in the interventions of the Fathers. He then looks at the historical background to the terminology of renewal. He concludes by considering how these ideas have influenced ecumenical dialogue.

QDE 25 (2012), 50-54: Tiziano Vanzetto: Lo Schema sugli Istituti di vita consacrata proposto da P. J. Beyer. (Note)

V. comments on the 1977 *schema* for consecrated life proposed by the Pontifical Commission for the Revision of the Code of Canon Law, and reviews Beyer's contributions to and reflections on that *schema*, whose title and chapter headings are reproduced.

Luis Navarro – Fernando Puig (eds.): Il fedele laico. Realtà e prospettive. (Book)

See above, General Subjects (*Compilations*).

CODE OF CANONS OF THE EASTERN CHURCHES

General

Pablo Gefaell (ed.): Cristiani orientali e pastori latini. (Book)

See above, General Subjects (*Compilations*).

Historical

Comm 43 (2011), 258-280: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis ecclesiasticis" (Sessio II). (Report)

This report of the working party on the revision of the Eastern Code in the areas of laity, temporal goods, benefices and ecclesiastical offices covers their discussion 12-17 May 1975. The first session looked briefly at the canonical status of the laity. The remainder of the session focused on the definition of "ecclesiastical office", the requisite qualities, the provision or election to office and loss of office.

Comm 43 (2011), 468-501: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis eclesiasticis" (Sessio III). (Report)

This session for the revision of the Eastern Code took place 22 March-1 April 1976. As agreed at the two preceding sessions, the subject matter included preliminary canons on the laity, and associations of the faithful, both generally and specifically. In the end they concluded that the latter section be omitted completely and left to specific statutes for individual associations, with the possibility that individual Churches *sui iuris* might wish to incorporate such a section in particular law.

CCEO 1

Comm 43 (2011), 315-316: Pontificium Consilium de Legum Textibus: Nota explicativa quoad can. 1 CCEO. (Note)

The Pontifical Commission explains the meaning of "express" with regard to situations in which the CCEO is intended to apply also to the Latin Church. A minority of canonists understand this to mean "explicit" but a majority include "implicit" when the meaning emerges reasonably from the context and is to be contrasted to "tacit". The Council argues that the Latin Church should be understood as included by analogy each time the CCEO refers to a Church "*sui iuris*" in the context of relationships between Churches.

CCEO 1

SC 46 (2012), 75-96: Jobe Abbass: *CCEO* Canon 1 and Absolving Eastern Catholics in the Latin Church. (Article)

The issue of the interrelationship of the Eastern and Latin Codes continues to provoke conflicting opinions just as it did in articles written soon after the promulgation of the CCEO. In this article, A. examines whether or not, in the case of Easterners confessing reserved sins to a Latin priest, the Latin priest is obliged by CCEO canons 727-729, the unique Eastern norms on reserved sins. The answer to this question ultimately depends upon one's interpretation of CCEO canon 1. According to A., the legislator intended the Code's first canon to state that, in interecclesial (Latin-Eastern) relations, Eastern canons may well oblige the Latin Church where that is expressly (*expresse*), both explicitly and implicitly, established. Part 1 of the article endeavours to illustrate this by way of the legislative history of CCEO canon 1 as well as the mind of the Eastern draftsmen in relation to many other Eastern norms. With particular regard to the question of Easterners confessing to Latin priests, part 2 emphasizes that, while there is considerable conformity of the Codes regarding penance, CCEO canons 727-729 are distinctively unique to the Eastern legislation and implicitly (*ex natura rei*) concern Latin priests in these cases. Apart from other considerations which might argue for validity, if a Latin priest absolves an Eastern penitent of a reserved sin, he does so at least illicitly since CCEO canons 727-729 also oblige as part of the Church's one body of canonical legislation.

CCEO 3

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See below, CIC canon 2.

CCEO 7

Ius III 1/12, 35-82: Natale Loda: Project for a New Evangelization of the Archiepiscopal Syro-Malabar Church. (Article)

L. starts from the general principle that the Church is missionary by nature, looking at missionary activity and vocabulary, the new evangelization, and evangelization in the CCEO, before examining more closely the problem of territoriality in the context of *Pastor Bonus* and the Oriental Churches. The argument is made to break away from the idea that everywhere apart from the traditional territories of the Eastern Churches belongs to the Latin Rite. The current legislation reflects a time when they were much weaker and needed help from the Latins rather than being able to evangelize elsewhere. The new evangelization calls for a common effort by both Eastern and Latin Churches.

CCEO 10

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See below, CIC canon 2.

CCEO 16

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See below, CIC canon 2.

CCEO 29-34

IE XXIII 3/11, 689-702: Miroslav Konštanc Adam: Ascrizione a una chiesa *sui iuris* e passaggio da una chiesa *sui iuris* a un'altra nella normativa vigente. (Lecture)

See below, CIC canons 111-112.

CCEO 192-193

AC 52 (2010), 13-20: **Dimitrios Salachas: Accueil éparchial des chrétientés réfugiées ou migrantes.** (Article)

The Instruction *Erga migrantes caritas Christi* (2004) outlines the Church's duty of pastoral care to migrants. The Church does not distinguish between "good" and "bad" migrants, legal or undocumented. Eastern Catholic migrants

deserve the particular care of the Church, which should ensure access to their liturgical, theological, spiritual and canonical patrimony, a duty that falls on Latin-rite diocesan bishops (canon 383 §2) when there is no eparch. Both Codes promote mobility of clergy caring for the needs of migrants (CCEO canons 361, 362, 366; CIC/83 canons 271, 269).

CCEO 192-193

AC 52 (2010), 25-33: Olivier Echappé: Réflections sur l'Instruction *Erga migrantes caritas Christi* (3 mai 2004) du Conseil pontifical pour la Pastorale des migrants et des personnes en déplacement. (Article)

The Apostolic Constitution *Exsul familia Nazarethana* (1952) was issued in response to the post-World War II migrations; the Vatican II Decree *Christus Dominus* emphasized the pastoral care of migrants; the *motu proprio Pastoralis migratorum cura* and the related Instruction *Nemo est, de pastorali migratorum cura* were issued in 1969. In 1970 Paul VI set up the Pontifical Council for the Pastoral Care of Migrants and Itinerant People (cf. also *Pastor Bonus*, no. 150). The Instruction *Erga migrantes caritas Christi* (2004) dealt with the human/religious, ecumenical, interreligious, juridical and pastoral aspects of migration. It emphasizes the duty of States to sign up to international agreements and the protection of the family.

CCEO 192-193

AC 52 (2010), 35-53: Astrid Kaptijn: Immigrants accédant à des statuts d'autochtones, avec Églises pleinement constituées en canonicité catholique romaine: l'exemple des catholiques orientaux. (Article)

From the 19th century until now, the migration of Eastern Catholics from their homelands has been a notable feature. The pastoral response of the Church to this depends on whether it is seen as a temporary or permanent reality. With the exception of the Coptic Church, the Ethiopian Church and the Syro-Malankara Church in India, Eastern Churches now have exarchates or eparchies outside their territory. In some instances, the majority of members now live in the *diaspora*. Can these Churches not be fully integrated into Church life in the *diaspora*?

The obligation of Eastern Catholics to observe their own rite implies that they will preserve their relationship with their own Church. The Church has a corresponding duty to make it possible for these faithful to fulfil their obligation. There is one exception: disciplinary laws issued by the synod of bishops of a patriarchal Church oblige only within the territory of that Church (cf. *Dignitas*

Connubii, art. 16 §2). Eastern Catholics who live in a place where there is no Eastern-rite eparch must accept the local Church authority, even of the Latin rite (CCEO canon 916 §5). In some instances, the Holy See has erected Ordinariates for Eastern Catholics. In all cases these faithful do not change rite (CIC/83 canon 112 §2). K. sets out the structures for Eastern Catholics who have their own hierarch and for the ordination of clergy. Finally she deals with the situation of Eastern Catholics who have a fully-constituted hierarchy outside their own territory.

CCEO 192-193

AC 52 (2010), 55-70: Élias Sleman: *Communicatio in spiritualibus* et confessionalisme libanais. Croisements de civilisations et cohabitation plurireligieuse. (Article)

John Paul II's statement that Lebanon was "a message, not just a country" reflects his view that the presence of Christians in a multi-faith setting is a new form of evangelization. S. reflects on the practice of *communicatio in sacris* and *communicatio in sacralibus* in Lebanon.

CCEO 192-193

AC 52 (2010), 71-95: Georges Grigoriţa: La pastorale des immigrants dans l'Église orthodoxe. Réflexions sur la base de l'actuel statut d'organisation et de fonctionnement de l'Église orthodoxe roumaine. (Article)

The presence of bishops of different Orthodox Churches in the same *diaspora* city, which first occurred in the USA in 1921, contravenes the sacred canons (1st Ecumenical Council of Nicea, 325 AD, canon 8) and can lead to conflict. G. outlines the ecclesial meaning of central Orthodox concepts: autocephaly, synodality and ecclesiastical autonomy. He also outlines the structure of the Romanian Orthodox Church and its pastoral care of its people inside and outside the country.

CCEO 252

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

A. believes that the Eastern canons on the laity cannot be compared with the Latin ones. In some instances the Eastern canons allow the laity a greater role, in others a lesser role, than the Latin Code. He believes that one of the reasons behind the difference is the emphasis on ecumenism and collaboration with the

Orthodox found in the CCEO, the drafters of which tried to preserve common Eastern traditions. He particularly looks at the eparchial chancellor, ministry of Holy Communion, lay participation in parish pastoral care, assistance at marriage, and lay judges. In each case he compares the Latin and Eastern norms. He concludes with a table giving the comparison of canons between the two Codes for various offices.

CCEO 263

J 71 (2011), 295-315: John A. Renken: Finance Councils and Finance Officers in the Latin and Eastern Codes: A Comparative Study. (Article)

See below, CIC canons 492-494.

CCEO 300

PCF XIII (2011), 75-97: John A. Renken: The *Munus* of an "Interim Parish-Leader". (Article)

See below, CIC canon 541.

CCEO 373

FCan VI/2 (2011), 27-45: Pablo Gefaell: El celibato sacerdotal en las Iglesias Orientales: historia, presente y futuro. (Article)

The teachings of Vatican II affirm the multiple relationships of fittingness between celibacy and priesthood. In addition, the last two Popes established the core of such fittingness in the sacramental identification of the priest with Jesus Christ Head and Spouse of the Church. This idea demands the justification of the discipline of married priesthood as existing in many Eastern Churches since Christianity's early centuries. There are several reasons for holding that in the early Church the married clergy made a promise of perfect and perpetual continence, because the fittingness of priestly celibacy was intuited. However, given that it is unreasonable to oblige a married man to continence, the subsequent evolution of the discipline took two directions: in the West, gradually, only unmarried candidates tended to be chosen, while in the East there was an option to allow the use of marriage to married clergy. Therefore, the current discipline on married clergy configures a certain legitimate state, but it does not as clearly reflect the spousal aspect of the configuration with Christ produced by the sacrament of priesthood as does the celibate state.

CCEO 393

IE XXIII 3/11, 605-626: Federico Marti: La legislazione vigente sulla presenza di clero cattolico orientale nei territori dell'Occidente. (Article)

The discipline regarding the presence of Eastern Catholic clergy was set out in the decrees of the Sacred Congregation for the Eastern Church *Qua sollerti alacritate* of 23 December 1929 and *Non raro accidit* of 7 January 1930. These were the fruit of progressively extending to all Eastern Catholics the dispositions originally issued for the Ruthenian faithful who had moved to the USA. The first of these decrees dealt with Eastern missionaries in America and Australia; the second, far less complex, dealt with transfers of clergy for purposes other than that of spiritual assistance to Eastern Catholics of the *diaspora*. M. looks in detail at the legislation currently in force.

CCEO 399-409

Comm 43 (2011), 258-280: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis ecclesiasticis" (Sessio II). (Report)

See above, CCEO (*Historical*).

CCEO 399-409

Comm 43 (2011), 468-501: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis eclesiasticis" (Sessio III). (Report)

See above, CCEO (*Historical*).

CCEO 399-409

Luis Navarro – Fernando Puig (eds.): Il fedele laico. Realtà e prospettive. (Book)

See above, General Subjects (*Compilations*).

CCEO 410-572

Ius III 1/12, 99-123: Jobe Abbass: Revising the Eastern Canons on the consecrated life. (Article)

A. suggests a number of areas where improvements might be made in the light of twenty years' experience. After examining the question of female representation on the study group for revision he considers the following questions: defining the proper law of an institute of consecrated life (cf. CIC/83 canon 587); impediments (CCEO canon 450 2° & 3°); apostolate (cf. CIC/83 canons 673-680); permission to be absent from a religious house (cf. CIC/83 canon 665 §1); exclaustration (CCEO canons 489 §1 and 548 §1, cf. CIC/83 canon 686 §1); effects of dismissal (CCEO canon 502, cf. CIC/83 canon 701); readmission to a religious institute (CCEO canon 493 §2, cf. CIC/83 canon 690 §1).

CCEO 501

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

Certain reports of the *coetus de coordinatione* of the Pontifical Commission for the Revision of the Eastern Code have not been published. To highlight the benefits of publishing these reports, A. examines seven CCEO canons changed by the *coetus*, for reasons that remain unknown. These are: canon 501 (recourse by a religious from a decree of dismissal); canon 517 (admission to noviciate); canon 810 (the impediment of public propriety); canon 835 (dispensation from canonical form); canon 881 (Sunday obligation); canon 934 §1 (the requirement for consent/counsel for a superior); canon 1087 §2 (appointment of lay judges).

CCEO 517

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 581

Ius III 1/12, 13-34: Dimitrios Salachas: Missionary Action and Mission Territory. (Article)

S.'s article has two sections, dealing with missionary action and mission territory respectively. Under the first he examines the missionary mandate of the

Church, the juridical concept of the "mission *ad gentes*", catechist missionaries, missionary action proper, and the ecclesial criterion of implantation and rooting of a Church. Under the second he focuses on mission territory and lands. He concludes with suggestions drawn from the Special Synod of Bishops for the Lebanon (1995) and proposal 19, referring to the Gulf States, to be discussed at the Special Synod for the Middle East (October 2012).

CCEO 584

Ius III 1/12, 3-11: Cherian Thunduparampil: Mission and the Syro-Malabar Church. (Editorial)

Both Codes describe the Church as missionary by nature. The Editor of *Iustitia* introduces a number dedicated to the missionary role of the Syro-Malabar Church in the context of the new evangelization and transmission of the Catholic faith. He explains the history of eleven "mission dioceses" established outside the Church's traditional territory. Two of these, Kalyan and Chicago, cater primarily to the needs of Syro-Malabar migrants, but the others are located elsewhere in India and are missionary in nature.

CCEO 584-585

Ius III 1/12, 35-82: Natale Loda: Project for a New Evangelization of the Archiepiscopal Syro-Malabar Church. (Article)

See above, CCEO canon 7.

CCEO 593

Ius III 1/12, 83-98: Sajan George Thengumpally: Migration as A Tool of Evangelization. (Article)

The mandate to spread the gospel is ever new, and throughout history has responded to changing circumstances. Migration as a tool was recognized by the establishment of *Propaganda Fide*. T. looks at the phenomenon of migration, the reasons and its spread. He lists the territories currently under the jurisdiction of *Propaganda Fide.* However, *Pastor Bonus*, no. 85, recognizes that this is not to the prejudice of the Congregation for Eastern Churches and allows for the establishment of hierarchical structures outside the traditional territories. T argues that establishing pastoral structures for migrants will foster mission.

CCEO 671

AC 52 (2010), 99-133: Georges-Henri Ruyssen: Normativité particulière sur la *communicatio in sacris*: compétence de chaque Évêque et des Conférences des Évêques en matière de partage eucharistique. (Article)

See below, CIC canon 844.

CCEO 671

AC 52 (2010), 135-142: Ioan-Vasile Leb: L'immigration et la question de l'admission aux Sacrements. (Article)

The IV Pan-Orthodox preconciliar conference (Chambésy 2009) decided to set up new assemblies of bishops in certain parts of the world to deal with issues of Orthodox believers in the *diaspora*. The aim is to promote the unity of the Orthodox Church, to exercise an ordered ministry of their faithful and to give common witness in the world. For example, in 2009 the assembly of Orthodox bishops in France signed an accord with the Romanian embassy in Paris to work together in the service of Romanian migrants. In October 2006 the mixed commission of Greek Orthodox bishops in Germany and the German Catholic episcopal conference published common texts on the Eucharist, baptism, confession, anointing, marriage, ordination and the veneration of the saints. In 2003 a similar document was produced between the commission of Orthodox Churches in Germany and the council of the Evangelical Church in Germany. The resistance of Orthodox Churches to intercommunion underlines their belief that Eucharistic communion is inextricably linked to ecclesial communion.

CCEO 709

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

CCEO 727-729

SC 46 (2012), 75-96: Jobe Abbass: *CCEO* Canon 1 and Absolving Eastern Catholics in the Latin Church. (Article)

See above, CCEO canon 1.

CCEO 810

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 828

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

CCEO 835

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 853-861

Luigi Sabbarese – Elias Frank: Scioglimento *in favorem fidei* del matrimonio non sacramentale. Norme e procedura. (Book)

See below, CIC canons 1142-1149.

CCEO 881

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 934

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 936-978

Comm 43 (2011), 258-280: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis ecclesiasticis" (Sessio II). (Report)

See above, CCEO (*Historical*).

CCEO 936-978

Comm 43 (2011), 468-501: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus studiorum "De laicis, de bonis temporalibus, de beneficiis ecclesiasticis et de officiis eclesiasticis" (Sessio III). (Report)

See above, CCEO (*Historical*).

CCEO 942

RMDC 18 (2012), 7-44: Luis de Jesús Hernández M.: Oficios eclesiásticos incompatibles en la Iglesia particular. (Article)

See below, CIC canon 152.

CCEO 1087

J 71 (2011), 173-200: Jobe Abbass: The Missing Link in the Legislative History of the CCEO Canons. (Article)

See above, CCEO canon 501.

CCEO 1087

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

CCEO 1498

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See below, CIC canon 2.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

2

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

Starting out from the observation that the notion of liturgical law is too restrictive and heavily tinged with legal positivism, Le T. stresses the juridical dimension of the sacred. This allows one to see beyond simple liturgical rubrics and to look at all the juridical relationships which exist in the Church, not only in relation to the celebration of the sacraments and sacramentals, but also as regards sacred times and places, ministers, vessels and vestments; and at a deeper level, the whole set of relationships of rights and duties that arise among the faithful within this vast area. Le T. comments in detail on the numerous legislative provisions which have appeared since the promulgation of the Latin and Eastern Codes. The book is divided into three main parts. The first part deals with historical aspects (formation of the liturgy and of juridical norms on liturgical matters; the different liturgical books; developments in the modern and contemporary eras); the second part with the juridical dimension of the sacred and canon law (the relationship of canon law and liturgical law; the sources of norms on liturgical matters; the regulatory authority; methodological considerations and the application of juridical realism to the liturgical domain); and the third part with the rights and duties of the faithful in liturgical matters (the place of the faithful in the liturgy; rights and duties in respect of the sacraments in general; rights and duties in respect of each individual sacrament; other rights in respect of salvific goods; and a final chapter on the sacramental nature of the Church). (For bibliographical details see below, Books Received.)

6

AA XVII (2011), 179-200: Sebastián Terráneo: Sentido y significado de la historia para el canonista. (Article)

T. sets out to show how useful and effective a knowledge of the history of canon law can be for its present-day practitioners. The current Code recognizes this importance in respect of canonical tradition (canon 6 §2), a concept not explicitly present in the CIC/17. T. comments on the need for a truly scientific historical method, and looks at the development and progress of that science and the conditions and requirements for the historian who approaches this subject. Knowledge of the history of canon law allows a deeper appreciation of the present law and a clearer understanding of its application.

16-17

REDC 69 (2012), 419-424: Benedicto XVI: Alocución a la Rota Romana, 21 de enero de 2012. Texto en español y comentario (Myriam Cortés Diéguez). (Address and commentary)

This is the Spanish text of Benedict XVI's address of 21 January 2012 to the Roman Rota, with commentary. Pastoral concerns may not override, still less overturn, the norms of law. A primary aspect of the administration of justice in the Church is the interpretation of the law. Only the Supreme Lawgiver can deliver an authentic interpretation, which is to be distinguished from authoritative interpretations made by ecclesiastical administrative or judicial institutions and binding only on those for whom decisions or sentences are made. There is a fundamental unity between the truths of faith and the canon law of the Church, founded as it is on natural law and divine-positive law. Canon law can never be seen as the application of purely human and subjective norms. *Sentire cum Ecclesia* must remain a guiding principle in the interpretation and application of the law.

16-17

RMDC 18 (2012), 161-169: Alocución del Papa Benedicto XVI la Rota Romana, 21 de enero de 2012. (Address and commentary)

Spanish text of the Pope's address to the Rota of 21 January 2012 (see preceding entry), with a commentary by Luis de Jesús Hernández M.

19

QSR 21 (2011), 17-30: Raymond Leo Burke: La collaborazione tra Segnatura Apostolica e Rota Romana per la retta amministrazione della giustizia nella Chiesa, con particolare attenzione alla simulazione del consenso matrimoniale. (Lecture)

See below, canons 1442-1445.

34

IC 52 (2012), 191-234: John J.M. Foster: Reflexiones canónicas acerca de *Universae Ecclesiae*, Instrucción sobre la Aplicación de *Summorum Pontificum*. (Article)

See below, canon 838.

35-47

AA XVII (2011), 29-75: Alejandro W. Bunge: La administración en la Iglesia después del Código de 1917. (Article)

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

35-93

FT 22 (2011), 109-127: Szabolcs Anzelm Szuromi: Medieval Canonical Sources and Categories of Singular Administrative Acts. (Article)

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

76

AnC 7 (2011), 101-112: Ginter Dzierżon: Kontrowersje wokół definicji legalnej przywileju zawartej w kan. 76 §1 Kodeksu Prawa Kanonicznego z 1983 roku (= Controversy over the legal definition of a privilege included in canon 76 §1 of the CIC/83). (Article)

D. looks at the doctrinal dispute arising from the introduction of a legal definition of a privilege in canon 76 §1. He points out that there is no longer a category of privileges of a general character in the current legal order, since privileges can now be gained only through a specific administrative act. Such an act, however, is atypical since it is usually given by the legislator. Taking into consideration that in canon law legislative, executive and judicial powers are concentrated in one person, it should be assumed that the decision itself is made by the legislator through his executive power. Mercy shown to a person through the power of privilege does not in any case contradict the equality of the faithful in the community of the Church, because through a decision of this type a competent authority wishes to address the needs of someone who finds himself in specific conditions. D. also points out that the recipients of a privilege can only be members of the Catholic Church, since non-Catholics are not within the jurisdiction of the Church legislator.

87

AA XVII (2011), 119-146: José M. Serrano Ruiz: Cuestiones actuales del derecho procesal canónico. (Article)

See below, canons 1717-1728.

111-112

IE XXIII 3/11, 689-702: Miroslav Konštanc Adam: Ascrizione a una chiesa *sui iuris* e passaggio da una chiesa *sui iuris* a un'altra nella normativa vigente. (Lecture)

In the light of canon 111 of the CIC/83 and the corresponding canons in the CCEO, A. analyses the pastoral issues involved in a valid transfer from one Church *sui iuris* to another. Canon 32 of the CCEO forbids a Catholic from any such transfer without the consent of the Apostolic See. The Legislator issued a *rescriptum ex audientia Ss.mi* on 26 November 1992 to facilitate the process in the case of a member of the Latin Church wishing to pass to an Eastern Church *sui iuris* having its own eparchy in the same territory. A. also considers the transfer from one Church *sui iuris* to another at the time of marriage.

152

RMDC 18 (2012), 7-44: Luis de Jesús Hernández M.: Oficios eclesiásticos incompatibles en la Iglesia particular. (Article)

H. looks at incompatibility of offices in the CIC/17 and CIC/83, comparing canon 156 of the CIC/17 with canon 152 of the CIC/83. After pointing out that there are certain incompatibilities which do not necessarily derive from any legal norm, he looks at the specific prohibitions in the CIC/83 (canons 423 §2; 478 §2; 1436 §1; 1420 §1; 636 §1; 1447), examining the similarities and differences between these canons and those of the CIC/17, as well as the canonical effects and the cessation of incompatibilities in both Codes. A final section is dedicated to canon 942 of the CCEO.

BOOK II, PART I: CHRIST'S FAITHFUL

204

FT 22 (2011), 163-176: Gábor Tamás Juhász: Equality and inequality of "Christ's faithful" from a perspective of philosophy and theology of canon law. (Article)

Setting out from canon 204 §§1-2, J. attempts to clarify the meaning of the equality and inequality among Christ's faithful, arising respectively out of the sacraments of baptism and order, and the ways in which the lay and ordained members of the People of God participate in the priestly, prophetic and kingly office of Christ.

204

Proc CLSA 2009, 12-24: Loughlan Sofield: Canon Law and Collaboration (Lecture)

S. begins by expressing his view on the pastoral nature of canon law ministry in the contemporary Church. He seeks to explain how canon law ministry can be collaborative, presenting in detail two related models of collaborative ministry: one from the USCCB, the other the author's own. He concludes by considering how listening and compassion can help build collaboration.

204

QDE 25 (2012), 19-49: Gianfranco Ghirlanda: Genio di un canonista: Jean Beyer, S.I. (Article)

G. reflects on some of the characteristic originality in Beyer's thought, developing his reflections on the Church as the People of God and the way in which canon law must remain open to the action of the Spirit; on the essence of consecrated life as a response to divine love made according to the charism of each institute; and on the ecclesial structures appropriate for the charisms of the new associations and movements.

208-231

Alvaro del Portillo: Fidèles et laics dans l'Église. Fondement de leurs statuts juridiques respectifs. (Book)

This work arose out of the lengthy *votum* which del P. presented to the group of consultors of the Pontifical Commission for the Revision of the Code of Canon Law responsible for examining the *schema* of canons on the rights and duties of the faithful and laity in the Church. Del P. tackles a problem which was very much to the fore in the deliberations of the Second Vatican Council: the theological and canonical identity of these two concepts – "faithful" and "lay person" – which were generally treated as synonymous in ecclesiastical parlance but which were ontologically distinct. This *votum* was to have a decisive impact on the preparation of the project for the new ecclesiastical legislation. In his preface to the book, Cardinal Julián Herranz, Emeritus President of the Pontifical Council for Legislative Texts, states that del P. pondered over the question of whether a specific vocation and juridical condition of the lay person was added to his vocation and general juridical condition as a baptized "faithful"; and the response which del P. gave in his *votum* was "decidedly positive. The lay person's vocation", Herranz continues, "is certainly that of the Christian faithful, the *christifidelis* – the baptismal calling to holiness and apostolate – but it is lived out in the midst of the structures and ordinary circumstances of secular life … del Portillo had very much in mind the ecclesiology of Vatican II and especially the Constitution *Lumen Gentium*, which considered 'secularity' – a concept very different from and even opposed to that of the 'secularization' of sacred persons or things – as a specific theological component of the identity of the lay Christian: ... '[T]he laity, by their very vocation, seek the kingdom of God by engaging in temporal affairs and by ordering them according to the plan of God. They live in the world, that is, in each and all of the secular professions and occupations' (*Lumen Gentium*, 31) … [L]ay Christians who are in full ecclesiastical communion have all the rights and duties that correspond to them as 'faithful', but it was also necessary to specify certain rights and duties that pertain to them as 'lay faithful'. It comes as no surprise therefore that that weighty and extensive *votum* should have had such an impact on the definitive formulation of the canons on the faithful and the laity, both in the current 'Code of Canon Law' promulgated in 1983, and indirectly in the later 'Code of Canons of the Eastern Churches' promulgated in 1990." (For bibliographical details see below, Books Received.)

213

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

215

AC 52 (2010), 239-247: Olivier Échappé: La reconnaissance du droit d'association par les droits civil et canonique: une problématique. (Article)

The right of association in canon law arises from baptism and the mandate to participate in the mission of the Church, individually or with others. Canon law distinguishes between public associations set up by the hierarchy to serve ends proper to the hierarchy, and private associations set up by the faithful by virtue of their own autonomy. The hierarchy is entitled to exercise vigilance over the latter.

215

AC 52 (2010), 249-256: Hervé Miayoukou: L'émergence en droit canonique des associations privées de fidèles. (Article)

As opposed to the pre-Vatican II practice, the right to found private associations is seen to arise from the mission of each baptized person, not as a concession by the hierarchy. Canon law distinguishes three kinds of association of the faithful: *de facto* associations, those whose statutes have received *recognitio* (cf. canon 299 §3) and associations enjoying juridical personality, whose statutes have received a *probatio* from the ecclesiastical authority (cf. canon 322 §2).

219

AkK 180 (2011), 92-117: Bernd Dennemarck: Eheschließung trotz Kirchenaustritt? Rechtliche Neuorientierung nach dem Motu Proprio *Omnium in mentem*. (Article)

See below, canon 1086.

221

AA XVII (2011), 77-99: Ariel David Busso: Consideraciones acerca de la defensa de los derechos. (Article)

See below, canon 1720.

221

IE XXIII 3/11, 668-686: Paola Buselli Mondin: Il diritto di difesa in ambito disciplinare. (Comment)

See below, canon 1445.

224-231

Luis Navarro – Fernando Puig (eds.): Il fedele laico. Realtà e prospettive. (Book)

See above, General Subjects (*Compilations*).

225

Ang 89 (2012), 493-515: Bruno Esposito: Il contributo dei laici cattolici in ambito giuridico per la nuova evangelizzazione: le utili indicazioni di san Tommaso d'Aquino. (Article)

E. looks at the contribution which lay Catholics may make in the juridical sphere, basing his considerations on the thought of St Thomas Aquinas in relation to the meaning and importance of justice, law (*ius*) and laws (*leges*). In the first part of the article he describes the current situation of national and international legal systems and politics; he then looks specifically at St Thomas's thought; and in the final part he deals with the role of lay Catholics in the world of law and politics in creating a just juridical order that contributes to the achieving of the common good.

228

Proc CLSA 2009, 1-11: Susan K. Wood: Baptism: Common Call to Service (Lecture)

See below, canon 849.

230

Proc CLSA 2009, 1-11: Susan K. Wood: Baptism: Common Call to Service (Lecture)

See below, canon 849.

230

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

231

Comm 43 (2011), 335-338: Secretaria Status: Rescriptum "ex audientia Ss.mi" quoad normas respicientes augmentum biennale salarii. (Rescript)

See below, canon 360.

231

Comm 43 (2011), 339: Secretaria Status: Rescriptum "ex audientia Ss.mi" quoad normas respicientes tuitionem dignitatis personae. (Rescript)

See below, canon 360.

241-242

Proc CLSA 2009, 109-130: Craig Cox: Psychology and Priestly Formation: Blessings and Tensions. (Lecture)

C. begins by introducing *Pastores Dabo Vobis* and offers a very short history of the requirement for human maturity in ordinands from the New Testament through Trent to the 1917 and 1983 Codes. He then considers the history of the Vatican's wary attitude to psychology. This leads to a consideration of the 2008 document *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood*, issued by the Congregation for Catholic Education. C. first assesses the canonical status of these guidelines – he concludes that they are normative but not actual legislation. He highlights that this means that the local programmes of priestly formation, which are true particular laws, have precedence but the two should be read as complementary, and he explains how they can be used together. He points out certain specific issues that must be kept in mind: that psychology has its limits; that informed consent is important; that the distinction between the internal and external forum must be maintained; that healthy sexuality needs to be reinforced; that the good of both the Church and the individual must be maintained; and that the norms for seminarians can offer useful lessons for the formation of deacons and lay ministers.

247

Proc CLSA 2009, 109-130: Craig Cox: Psychology and Priestly Formation: Blessings and Tensions. (Lecture)

See above, canons 241-242.

265

Ciro Mezzogori: Vocazione sacerdotale e incardinazione nei movimenti ecclesiali. Una questione aperta. (Book)

Presented here is M.'s thesis dealing with the question of the incardination of clerics in ecclesial movements, something not currently allowed in canon law. From this situation a number of critical points arise: there are priests whose vocation has arisen and matured within a movement and who struggle to reconcile their commitment to the movement with the fact of their belonging as clerics to a particular Church; there are movements that require their own priests to carry out sacred ministry within the movement or to assist in its governance; and there are diocesan bishops who are responsible for priests whose life and ministry are inspired by the pursuit of a collective charism, which can lead to tensions within the particular and local Church and which in fact limits the possibilities available to bishops in making diocesan appointments. In seeking a solution to this problem two principal lines of research have been undertaken. One attempts to reconcile the different demands within the framework of the existing law; the other asks whether it might be possible to grant movements the faculty to incardinate their clerical members. (For bibliographical details see below, Books Received.)

276

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

277

FCan VI/2 (2011), 27-45: Pablo Gefaell: El celibato sacerdotal en las Iglesias Orientales: historia, presente y futuro. (Article)

See above, CCEO canon 373.

279

AA XVII (2011), 9-28: Carlos Baccioli: La formación permanente de los sacerdotes. (Article)

B. emphasizes first of all the importance of ongoing formation of priests as outlined in the texts of Vatican II and *Pastores Dabo Vobis* of John Paul II. His next section looks at specific areas of formation: theological, spiritual, human, pastoral, juridical-canonical, and pastoral-psychological. Those responsible for ongoing formation, apart from the individual priest, are the bishops or religious superiors, not only in providing opportunities such as study days, retreats, etc., but also by ensuring the presence of suitable teachers and leaders through encouraging some members of the presbyterate to undertake further studies. All priests, from the recently ordained to the more mature or elderly, can benefit from ongoing formation. B. concludes by commenting on some of the means and resources which can be used to achieve this task.

281

Proc CLSA 2009, 150-167: Patrick R. Lagges: Canonical Issues of Remuneration and Sustenance for Priests Accused of Sexual Misconduct. (Lecture)

L. begins by offering a historical background on the financial support of accused clergy from New Testament times through Gratian and Trent to the CIC/17. He then sets out the present situation based on Vatican II and the CIC/83. He notes the difference between "remuneration"', applicable to those who have not yet been penalized, and "sustenance" provided to those who have been penalized. L. notes the practical issues that arise, such as just how much to pay, and matters of insurance and employment. He recommends each diocese to produce particular law dealing with these issues.

285

PCF X (2008), 111-140: Luis Navarro: The Ban on Priests from Active Participation in Political Parties and Assumption of Public Office. (Article)

N.'s reflections were motivated by an election in the Philippines when several priests ran for public office and one was elected as governor of his province. The main problem was how to allay the concerns and answer the questions raised by concerned faithful. N. deals with the confusion caused in the Christian community and the media when clerics in several countries joined national and local political parties without authorization from the competent ecclesiastical authority. On the one hand, this is seen as meddling in what is properly the lay

sphere and even a violation of the separation of Church and State. On the other hand, some see active participation in the political sphere as tantamount to one's Christian duty to bring the message of the gospel into the society where one lives. N. sets the argument in a brief historical context, a context which provides examples of what was in some instances a necessary involvement of clerics in politics. He then analyses the current legislation, canons 285 §3 and 287, which are directly linked to the matter of participation of clerics in public life. He concludes that both canons prohibit active participation but at the same time allow for some exceptions. Finding the correct balance between what is permissible and what is prohibited is the crux. N. also examines the topic of the involvement of the Church in public action. In order to understand what is the right kind of intervention in public life by clergy, he emphasizes the need to distinguish accurately between the official and public action of the Church, that of the pastors as ministers of the Church, that of the clergy as citizens, and that of the lay faithful. While recognizing the boundaries, it is important that the Church have the freedom to denounce injustice and the violation of human rights. (See also the following entry, and *Canon Law Abstracts*, no. 103, pp. 58-59.)

285

PCF X (2008), 293-312: Hermogenes E. Bacareza: Priests and Religious Involved in Public Office: Implications. (View)

Regarding the prohibition on priests and religious from running for public office, B. explains that the prohibition of canon 287 §2 is not absolute and that there are exceptions to the rule, but that "true sharing" with civil power is definitely forbidden. This is because of conflict of interest as well as the danger of priests and religious jeopardizing their clerical duties. However, in extreme situations, when the good of the Church is prejudiced and there is no one else to serve, the competent ecclesiastical authority may allow a priest or religious to run for office. The CIC/17 prohibited unnecessary involvement of clerics in legislative, administrative, and judicial office, but with some legitimate exceptions. The prohibition becomes more restrictive in canon 285 of the CIC/83, which now includes not just bishops, priests, and deacons, but also members of religious institutes (canon 672) and of societies of apostolic life (canon 739). The norms of the CIC/83, various Papal statements, conciliar documents, and documents of the Roman Curia, all reflect the consistent and clear stance of the Church in this matter.

287

PCF X (2008), 111-140: Luis Navarro: The Ban on Priests from Active Participation in Political Parties and Assumption of Public Office. (Article)

See above, canon 285.

287

PCF X (2008), 293-312: Hermogenes E. Bacareza: Priests and Religious Involved in Public Office: Implications. (View)

See above, canon 285.

290

Ang 89 (2012), 201-222: Piotr Skonieczny: L'evoluzione della dispensa dal celibato ecclesiastico: alla ricerca dei suoi modelli giuridici. (Article)

S. examines the historical evolution of dispensations from ecclesiastical celibacy, indicating the relevant juridical models (the so-called "law in books"). As an introduction, he presents the factors that have had an influence on models for dispensation, i.e. the interrelation between the substantive and the procedural norms, the theological nature of the priesthood and diaconate, and empirical or sociological elements. He then proceeds to present many juridical models for dispensation from clerical celibacy. First, he distinguishes these models in terms of the art of legislation: the models pertaining to an individual or a general norm, the global model and the models for uniform and diverse legislation. Next, juridical models are presented with reference to the substantive norms: the discretionary model and that depending on juridical titles. As for the latter he deals with general and specific titles; strict, broad or medium; dependent on a declaration of nullity of the clerical obligations relating to sacred ordination or autonomous. Finally there is a presentation of the juridical models of dispensation from ecclesiastical celibacy with reference to procedural norms: the judicial models (the judicial and the judicial-administrative process) and the administrative models (the informative-administrative model and the administrative process). At the end of this part of the study he outlines the procedural models currently in force. In conclusion, he argues for a re-examination of the present legislation in order to arrive at the promulgation of a single uniform law concerning the granting of dispensations.

290-292

AnC 7 (2011), 199-233: Piotr Skonieczny: Skutki prawne reskryptu papieskiego udzielającego dyspensy od obowiązku celibatu kapłańskiego (= Legal effects of a Papal rescript dispensing from the obligation of celibacy). (Article)

S. deals with the legal effects of a rescript from the Pope dispensing from clerical celibacy. He arranges these effects into three groups: the principal effects connected with the loss of the clerical status (canon 292); special prohibitions, not connected with the loss of clerical status (art. 5 of the Substantive Norms *Praeterquam aliis* of 1980); and the effects attached to the model Papal rescript of 2001. S. notes that this 2001 model modifies the 1980 norms, especially in relation to the so-called prohibitions. The rescript itself also foresees the solution to the problem of when the Papal rescript takes effect. S. also laments the lack of promulgation of the model Papal rescript of 2001.

290-292

QDE 24 (2011), 415-436: Andrea Migliavacca: Le facoltà speciali concesse alla Congregazione per il clero. (Article)

M. examines the special faculties granted to the Congregation for the Clergy in 2009 to enable them to grant a penal dismissal from the clerical state, together with a dispensation from the obligation of celibacy. M. sets the circular letter informing Ordinaries of this grant in its context, examining the situations where the use of these faculties is envisaged, and then reviews the procedures the letter lays down. He concludes by making observations on the problems of imposing perpetual penalties in this way, noting especially concerns about the right to self-defence, the possibility of recourse and prescription (See also *Canon Law Abstracts*, no. 108, pp. 123-124, and the references given there.)

290-293

QDE 24 (2011), 387-414: Marino Mosconi: Il vescovo davanti al sacerdote che abbandona il ministero. (Article)

See below, canon 384.

304

AC 52 (2010), 271-284: Miguel Delgado Galindo: Les statuts des associations de fidèles. (Article)

Statutes provide for the constitution, structure, organization and functioning of an association. Fundamental to such statutes is the "private agreement" (canon 299) by which the members join the association.

305

AC 52 (2010), 257-270: Miguel Delgado Galindo: L'exercice de la vigilance de l'autorité ecclésiastique à l'égard des associations de fidèles. (Article)

The duty of vigilance in regard to associations of the faithful is part of the *munus regendi* of a bishop. A bishop should take account of the approval already given by another bishop, an episcopal conference or the Holy See. Two principles implicit in vigilance – authority and the right of association of the faithful – can be reconciled within an ecclesiology of communion. A pastoral visit, whether ordinary or extraordinary, is a key instrument in the exercise of vigilance.

313

AkK 180 (2011), 37-63: Andreas Weiß: Geistliche Bewegung oder gnostische „Sekte mit frommem Augenaufschlag"? Nicht nur kanonistische Anmerkungen zu kirchlichen Aktivitäten um das Engelwerk. (Article)

A circular letter from the Congregation for the Doctrine of the Faith (CDF) to the presidents of the national episcopal conferences dated 2 October 2010 reported that *Opus Sanctorum Angelorum* was recognized as a public association of the Catholic Church with juridical personality as set out in canon 313 (see *Canon Law Abstracts*, nos. 75, p. 27; 107, p. 67). The relevant decree had been promulgated on 7 November 2008 by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. This step was surprising in so far as *Opus Angelorum* had, following a thorough examination of its membership as represented by teachers and practitioners from the 1970s to the l990s, been reprimanded several times by the CDF. This essay traces the history of the movement and tries to clarify whether, following the CDF's objections, the "ongoing developments" in *Opus Angelorum* make the CDF's about-turn plausible and justify the present classification of *Opus Angelorum* as a spiritual movement.

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

331

IC 52 (2012), 5-12: Péter Erdö: El principio del primado y su formulación técnica en el derecho canónico. El canon 331 del Código de Derecho Canónico a la luz de sus fuentes. (Lecture)

E. examines the sources of canon 331 of the CIC/83. Although this canon does not specifically refer to the "primacy" of the Pope, nevertheless such primacy constitutes a constant and fundamental element of the Church's constitution. Specific juridical developments in the exercise of the primacy include the institutional forms of the functioning of the primacy in relation to episcopal collegiality, and also in relation to the fact of full communion, in that both the CIC/83 (canon 11) and the CCEO (canon 1490) introduce the principle whereby "merely ecclesiastical laws bind those who were baptized in the Catholic Church or received into it, and who have a sufficient use of reason and, unless the law expressly provides otherwise, who have completed their seventh year of age". While the CIC/17 theoretically bound all the baptized, the CIC/83 restricts this obligation, with realism and ecumenical sensitivity, to Catholics only. This change was introduced, and could only have been introduced, by means of an act of primacy of jurisdiction. Changes of such theoretical importance demonstrate the Church's capacity to find new institutional solutions based precisely on the Papal primacy.

342-348

AnC 7 (2011), 113-131: Tomasz Rozkrut: Zebranie Synodu Biskupów według Regulaminu z 2006 roku (= Assemblies of the synod of bishops according to the 2006 regulations). (Article)

The synod of bishops is an institution which, having its roots in the Second Vatican Council, forms the image of the postconciliar Church. Hence it is undoubtedly one of the most significant contributions of the Council to the organizational structure and administrative system of the Church, as is confirmed by the large number of assemblies of the synod of bishops (ordinary general, extraordinary general, and special) which have taken place during the postconciliar period. The synod of bishops has played an important role in the pontificates of the postconciliar Popes, in particular the long pontificate of John Paul II (1978-2005). The present pontificate also shows that Pope Benedict XVI attaches great importance to this institution, convoking it regularly. In this article R. deals with the *Ordo Synodi Epsicoporum* approved by Benedict XVI

in 2006. These new regulations demonstrate how well organized this postconciliar institution is, from a juridical viewpoint.

360

Comm 43 (2011), 17-23: Pope Benedict XVI: Litterae Apostolicae Benedicti XVI Motu Proprio die 30 decembris 2010 datae ad praecavendas et impediendas activitates contra legem in rebus finantiariis ac monetariis necnon Statutum Auctoritatis Informationis de re Finantiaria (AIF). (Document)

By this *motu proprio* the Pope applies to the dicasteries of the Roman Curia the law separately promulgated for the Vatican City State to combat money laundering and the financing of terrorism. The "Authority for Financial Information" is constituted with authority over the dicasteries, and has delegated judicial authority in the event of any criminal activity in this sphere. (See above General Subjects (*Relations between Church and State*); see also *Canon Law Abstracts*, no. 108, pp. 20-21.)

360

Comm 43 (2011), 45-48: Secretaria Status: Ordinatio Commissionis pro disciplina Curiae Romanae. (Document)

This documents sets out a disciplinary Code for those employed by the Roman Curia.

360

Comm 43 (2011), 49: Secretaria Status: Rescriptum ex audientia Ss.mi delegans Secretarium Status ad ferendas normas respicientes "Caritas internationalis". (Document)

This rescript dated 17 January 2011 delegates authority to the Secretary of State to resolve questions arising from the public juridical personality of *Caritas Internationalis*.

360

Comm 43 (2011), 335-338: Secretaria Status: Rescriptum "ex audientia Ss.mi" quoad normas respicientes augmentum biennale salarii. (Document)

This rescript sets the biennial pension increase for the personnel of the Roman Curia, Vatican City State and other entities dependent on the Holy See.

360

Comm 43 (2011), 339: Secretaria Status: Rescriptum "ex audientia Ss.mi" quoad normas respicientes tuitionem dignitatis personae. (Document)

This rescript gives definitive approval to provisional norms covering health care for employees of the Holy See.

360

Comm 43 (2011), 340: Secretaria Status: Rescriptum "ex audientia Ss.mi" quoad integrationem Ordinationis Generalis Romanae Curia. (Document)

This rescript adds a section to the General Regulations of the Roman Curia providing for absence from work in order to give testimony before an ecclesiastical or civil court.

360

Comm 43 (2011), 50: Secretaria Status: Rescriptum ex audientia Ss.mi quoad art. 126 *Ordinationis generalis Romanae Curiae.* (Document)

This rescript, dated 7 February 2011, inserts an additional article 126 *bis* into the Regulations of the Roman Curia and requires requests from dicasteries for special faculties to be channelled through the Secretariat of State to ensure that other dicasteries and the Pontifical Council for Legislative Texts are properly consulted.

360

IE XXIII 3/11, 789-798: Segretaria di Stato: Rescritto di approbazione dell'art. 126 bis del "Regolamento Generale della Curia Romana", 7 febbraio 2011 (con *nota* di Eduardo Baura, *La procedura per ottenere facoltà speciali dal Romano Pontefice da parte dei Dicasteri della Curia Romana*). (Document and commentary)

The Italian text is given of the rescript *ex audientia Ss.mi* referred to in the preceding entry. In his commentary on the document, B. deals with aspects of its promulgation, before moving on to the details of the new procedure for obtaining extraordinary faculties.

360-361

Ius III 1/12, 125-151: Michael Vattappalam: Reformations in the Roman Curia. (Article)

V.'s article falls into three sections. In the first he discusses the early development of the Roman Curia: *presbyterium*; synod or council; offices staffed by palace clergy; *consistorium*; congregations. Part 2 covers the major documents reorganizing the Roman Curia: *Immensa aeterni Dei* (1588); *Sapienti Consilio* (1908); *Regimini Ecclesiae Universae* (1967); *Pastor Bonus* (1988). The final section looks at various changes in structure and responsibility made since then.

360-361

Ius III 1/12, 153-157: Pope Benedict XVI: Apostolic Letter in the form of *Motu Proprio* "Ubicumque et semper" of the Supreme Pontiff Benedict XVI Establishing the Pontifical Council for Promoting the New Evangelization. (Document)

By this *motu proprio* dated 21 September 2010 the Pope establishes a new dicastery, the Pontifical Council for Promoting the New Evangelization. He sets out the rationale drawing upon the Apostolic Exhortation *Christifideles Laici*, and then in four articles the purpose of the Council and its primary tasks with a basic structure in accordance with *Pastor Bonus* and the General Regulations of the Roman Curia. The text is in English.

372

Comm 43 (2011), 76-80: Congregatio pro Doctrina Fidei: Decretum erectionis Ordinariatus Personalis Nostrae Dominae Walsinghamensis (Decree of Erection of the Personal Ordinariate of Our Lady of Walsingham). (Document)

This is the text of the decree (in English) whereby, in accordance with *Anglicanorum Coetibus*, the Congregation for the Doctrine of the Faith erects the Personal Ordinariate of Our Lady of Walsingham within England and Wales for former Anglicans wishing to be received into full communion; it is dated 15 January 2011. (See *Canon Law Abstracts*, no. 108, pp. 64-65, and the references to previous issues given there.)

372

IE XXIV 1/12, 13-49: Eduardo Baura: Gli ordinariati personali per gli ex-anglicani. Aspetti canonici della risposta ai gruppi di anglicani che domandano di essere ricevuti nella chiesa Cattolica. (Article)

B. looks at the regulatory framework established by the Apostolic Constitution *Anglicanorum Coetibus* for the pastoral care of groups of faithful coming from Anglicanism and, more particularly, the nature of the personal Ordinariates provided for this purpose. He starts by reviewing some of the problematic issues at the formal level in *Anglicanorum Coetibus* and the Complementary Norms issued by the Congregation for the Doctrine of the Faith. He then compares personal Ordinariates with other already existing personal ecclesiastical circumscriptions. He focuses on the extent of the Ordinary's jurisdiction, to determine if it is cumulative with that of the diocesan bishops, or exclusive, trying to understand the meaning to be given to the provision that the Ordinary exercises power "jointly" with that of the bishops, and comparing this solution with that of the Churches *sui iuris*. He explores the legal position of the faithful in the dioceses in which they live, and examines the consequences of the voluntary nature of membership of these Ordinariates.

372

J 71 (2011), 201-233: Duane L.C.M. Galles: *Anglicanorum Coetibus* – Some Canonical Investigations on the Recent Apostolic Constitution. (Article)

G. begins by considering the different forms of circumscriptions in the Church. He then looks at the constitution in more detail: its liturgical focus; its provisions on membership; the law governing the Ordinariates; the governing dicastery; the institutions; the shape; the role and appointment of the Ordinary;

the relations with the local Church; the clergy; the internal ordering of the Ordinariates; the tribunal, the curia, and the seminary.

372

SC 46 (2012), 5-50: John A. Renken: The Personal Ordinariate of the Chair of Saint Peter: Canonical Reflections. (Article)

On 1 January 2012, the Congregation for the Doctrine of the Faith (CDF) established the Personal Ordinariate of the Chair of Saint Peter, whose territory coincides with that of the United States Conference of Catholic Bishops. On that dame day, Pope Benedict XVI appointed the Reverend Jeffrey Neil Steenson as its first Ordinary. R. addresses the various canonical issues related to the establishment and governance of this personal Ordinariate as they are identified in *Anglicanorum Coetibus*, the Complementary Norms of the CDF, and the decree of erection of the personal Ordinariate in the United States.

375

PCF X (2008), 251-272: Oscar V. Cruz: Bishops as Proclaimers of Justice. (Article)

C. explains the virtue of justice, then the three species of justice: commutative, legal, and distributive. The integration of these three constitutes social justice, and the non-observance of any one of them brings about injustice. Justice is a "fundamental societal imperative" in a world of human relationships and interactions, and injustice spawns deep and lasting community antagonisms, even civil war. It is the root cause of public and private dissent, division, complaints, and desperation. It is the very antithesis of the peace, order, and harmony which flourish wherever justice prevails. For this reason, it is the pastoral concern of bishops to work in collaboration with the proper religious and civil authorities, to bring about justice and peace in society. C. then explains, in three sections, the genesis of the bishops' role as "proclaimers of justice". Section I outlines how this stems from their designation as teachers of doctrine, priests of sacred worship, and ministers of governance (canon 375 §1). Section II deals with bishops as shepherds of the Lord's flock, a role which requires them to be prophetic leaders, advocates for justice, and defenders of human rights. Section III highlights the reasons why the Church must not stand idly by in the building and preservation of a just, social order. C. is concerned that the teaching ministry of the Church, despite its catechetical, preaching, and formation programmes, does not clearly include the ministry for justice in its official pastoral commitment, although he concedes that, at the present time, this is both difficult and dangerous.

384

Proc CLSA 2009, 150-167: Patrick R. Lagges: Canonical Issues of Remuneration and Sustenance for Priests Accused of Sexual Misconduct. (Lecture)

See above, canon 281.

384

QDE 24 (2011), 387-414: Marino Mosconi: Il vescovo davanti al sacerdote che abbandona il ministero. (Article)

M. surveys the response of the bishop to the moment of crisis in ministry and his attempts to help the priest remain faithful, the need to formally recognize that ministry has been abandoned and the consequences that flow from this, the sanctions which may result (depending on the facts of the abandonment), the actions to take in response to the request to depart from the clerical state, and the continuing care the bishop owes to the priest who has left the clerical state.

385

RMDC 18 (2012), 170-200: Congregación para la Educación Católica (Pontificia Obra para las Vocaciones Sacerdotales): Orientaciones pastorales para la promoción de las vocaciones al ministerio sacerdotal, 25 de marzo de 2012. (Document)

The Spanish text is given of the *Pastoral Guidelines for Fostering Vocations to Priestly Ministry* issued by the Congregation for Catholic Education (Pontifical Work for Priestly Vocations) on 25 March 2012. The document has three main sections, dealing with the pastoral care of vocations to priestly ministry in today's world, the vocation and identity of the ministerial priesthood, and suggestions for pastoral ministry for priestly vocations.

437

N XLIX 5-6/12, 289-293: Magister Liturgicorum Celebrationum Summi Pontificis: Ritus Benedictionis et Impositionis Palliorum. (Liturgical text)

The revised text for the imposition of the pallium is given with a short explanatory preface in Italian as to why the ceremony has been repositioned from after the homily to before Mass. The rationale is that the former position could give the impression that it was a sacramental rite.

439-468

J 71 (2011), 422-449: Thomas J. Green: Selected Legislative Structures in Service of Ecclesial Reform. (Article)

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

460-468

J 71 (2011), 77-90: Eugene Duffy: Processes for Communal Discernment: Diocesan Synods and Assemblies. (Lecture)

D. begins by considering the nature of the diocesan synod and communion in the local Church. He then looks at the synod as a process of discernment, and concludes by offering some comments on the importance of highlighting the spiritual as well as the juridical aspect of synods.

469

AA XVII (2011), 147-177: Mauricio Landra: La comisión judicial diocesana. Un organismo de la Curia, servidora práctica de los tribunales y expresión de la dimensión jurídica de la Iglesia particular. (Article)

L. draws on practice in Argentina to consider the establishment and function of diocesan judicial commissions in those dioceses which share one interdiocesan tribunal. Such a commission is not a tribunal, nor does it attempt to supplant the interdiocesan tribunal. Its task is simply the gathering of evidence, interrogation of parties and witnesses, authentication of documents, carrying out notifications and some other procedural acts. It would carry out such tasks entrusted to it by its own and other tribunals and by the diocesan bishop. L. comments briefly on the possible make-up of members and their functions within the commission and offers some practical suggestions as to its running and management. In an appendix he provides numerous formularies for many of the tasks it may be asked to undertake.

482

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

486-491

REDC 69 (2012), 97-114: Eutimio Sastre Santos: Borrador de un esquema orgánico de los archivos diocesanos. (Article)

S.S. provides the draft version of the statutes for the establishment and administration of diocesan archives, in this case those being proposed for the diocese of Segovia in Spain. Diocesan archives cover not only those of the curia but both cathedral and parish archives as well as those of the other diocesan associations and bodies. Given the importance on a national level of historic ecclesiastical documents, attention must be paid not only to the norms of canon law and of the episcopal conference but also, in this case, Spanish national and local community law.

489

Proc CLSA 2009, 168-175: Patrick T. Shea: Records Management and Canon 489, Part One: Civil Law Concerns. (Lecture)

S. begins by distinguishing between "privilege" – the right not to hand a document over to the State – and "confidentiality" – the obligation not to hand over personal information. He notes that the Pennsylvania courts have refused to respect the secrecy of the diocesan secret archives, although State courts have tended to respect the confidentiality of tribunal records. He mentions difficulties in protecting records due to obsolete technologies and automatic deletions; and notes some of the legal complications of failing to hand over records in response to court orders. To protect dioceses, there should be a document retention policy, explaining what must be retained and for how long.

489

Proc CLSA 2009, 175-180: Christine Taylor: Records Management and Canon 489, Part Two: Canon 489, A Contemporary Review. (Lecture)

T. looks at the question of the secret archives. She begins by offering a commentary on canon 489, and then sets out the benefits of secrecy and privacy and what sorts of records should be conserved in the secret archives. She concludes by considering access to electronic records.

489

Proc CLSA 2009, 180-184: John J. Treanor: Records Management and Canon 489, Part Three: Canon 489 from an Archivist / Records Manager's Perspective. (Lecture)

T. begins by discussing the terminological problems, where "secret" can have more sinister connotations than the Legislator intended. He then suggests that dioceses do not normally have a proper archival policy and need to develop one so that the documents are properly maintained. This requires trained archivists and the use of electronic records management tools.

489

Proc CLSA 2009, 185-189: Manuel Viera: Records Management and Canon 489, Part Four: The Tribunal Archive. (Lecture)

V. considers the laws on tribunal archives from the CIC/83, CCEO, *Provida Mater*, the Norms of the Rota, and the Apostolic Signatura. Penal law acts must be destroyed ten years after a condemnatory sentence; in other penal cases the acts must be preserved for the life of the accused, in case the matter is reopened or similar accusations arise. In marriage cases there is no clearly binding law but similar concerns apply: marriage cases are never *res iudicata* and so the case might be reopened at some point in the future.

492-494

J 71 (2011), 295-315: John A. Renken: Finance Councils and Finance Officers in the Latin and Eastern Codes: A Comparative Study. (Article)

R. compares the Latin and Eastern Codes' provisions about financial administration. He begins by comparing the membership and functions of diocesan finance councils, then the diocesan finance officer, patriarchal finance officers, and, finally, parochial finance councils. He concludes by noting that there are significant differences as well as similarities between the two Codes.

502

QDE 25 (2012), 189-195: Alberto Perlasca: Permanenza e sostituzione di un membro del Collegio dei consultori (can. 502 §1). (Article)

P. addresses the authentic interpretation of canon 502 §1 given in 1984 by the then Pontifical Council for the Authentic Interpretation of the Code of Canon Law. He examines the second element of the response (that the bishop has to

nominate more members if the total membership falls below six) in the context of possible diocesan statutes for the college, comparing the solutions adopted in the dioceses of Rome and Milan. If such statutes provide an exact number of members (as do those of Milan) then P. argues that the bishop does have an obligation to nominate a new member.

515

AC 52 (2010), 203-219: Alphonse Borras: Paroisse et territoire: l'émergence actuelle de « pôles paroissiaux ». (Article)

While it is not the essential element of a parish, territory (domicile) provides an objective basis of belonging. *Christus Dominus*, no. 30, outlines the Vatican II vision of parish. The action of God involves the gathering of a people, the proclamation of the Word, the celebration of the Eucharist as sacrifice of salvation and the presiding presence of an ordained minister; these elements make a parish an ecclesial reality. What are specific to a parish are its stable existence and the proper pastor who is responsible for the pastoral care of parishioners.

515

Ang 89 (2012), 517-526: Szabolcs Anzelm Szuromi: La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali. (Article)

The fundamental framework for the pastoral service of Christ's faithful from the 6th century onwards has become the parish system, based on the principle of territory. The Council of Trent (1545-1563) regulated precisely the obligatory division of every diocese into parishes, which gives grounds for calling the parish a basic unit of the community of Christ's faithful entrusted to its own parish priest, who provides its pastoral attention. The various religious institutes and spiritual movements can be bound to the pastoral activity of a particular parish in different ways. There are religious institutes which are characterized by the significant emphasis they have on pastoral service and on parish activity. Nevertheless the competent territorial diocesan bishop has authority over these parishes too, regarding the fulfilment of the parochial obligations and rights. The distinctive peculiarity of the religious institute's own parish is a fruitful combination of the institution's particular spirituality and the various spiritual tendencies of the parochial faithful. The pastor – whether diocesan, religious, or belonging to another spiritual movement – has to take care of the entire community of the entrusted faithful as their proper shepherd.

515-516

PCF XII (2010), 199-204: Javier González: Elevation of a Quasi-Parish to a Parish. (View)

In answer to a question concerning the requirements and procedures for a quasi-parish to qualify for parish canonical erection, G. clarifies the differences between a quasi-parish and a parish; he then describes the establishment of a parish; and finally, the elevation of a quasi-parish to canonically-erected parish status. The present law of the Church recognizes a quasi-parish as equivalent in law to the parish. The essential factor that distinguishes the quasi-parish from the parish is that because of special circumstances it has not yet been established as a parish. The CIC/83 does not say anything about those special circumstances, but commentators on canon 526 §1 speak of intrinsic and extrinsic circumstances. Intrinsic circumstances would include lack of a fixed community, absence of precise boundaries, lack of a permanent priest to take charge of pastoral care, insufficient material means, etc. Extrinsic circumstances would suggest opposition by civil authorities to the erection of new parishes. G. recommends that, since the quasi-parish is equivalent in law to a parish, the norms regarding the latter are to be applied to it. After discussing the elements that define a parish, he recommends that the priest in charge of the quasi-parish should first look at the special circumstances that led to his community being erected as a quasi-parish rather than as a parish. He will need to demonstrate that it now possesses the juridical and pastoral criteria to become a parish

515-552

SC 46 (2012), 165-182: Normand Provencher: L'avenir des paroisses au Canada: Impasses et voies d'avenir. (Article)

P. addresses the future of parishes in Canada, especially French Canada, in the light of the current situation: the progressive decline in Sunday practice, the advanced age of priests fewer and fewer in number, and the lack of vocations. To respond to pastoral needs, parishes are being united, churches are being sold, lay persons are becoming involved in ministries, and priests from other countries are being welcomed. All this is happening in a religious and cultural context profoundly marked by modernism and postmodernism. The parish has a future if pastoral care is not reduced to liturgical celebrations, and if it introduces initiatives to proclaim the gospel to adults and youth who are familiar with new means of communication. In addition to providing services, the parish is called to be a community where the laity exercise true responsibilities. The parish remains one of the most effective institutions for evangelization. It allows the Church to be made visible in local settings. The parish still has a future, but

in a pastoral setting much larger and more diverse, that of the diocese and even of groups of dioceses.

516-517

PCF XIII (2011), 267-278: Jaime R. Achacoso: A Canonical Foundation for Basic Ecclesial Communities. (View)

A. deals with the growing phenomenon of basic ecclesial communities (BECs) in the Philippines, He cautions against confusing the frequently-used label "new way of being Church" with the more accurate term "way of being Church", to describe BECs, and he explains why this is so important. He believes that we can find the canonical basis of the BECs in the hierarchical structure of the Church as it is laid down by the Second Vatican Council and later expressed in juridical terms by the CIC/83. His analysis leads him to the conclusion that canon 517 §2 provides a possible legal basis for the BECs. In order, then, for the BECs to be really "a way of being Church", they must form part of the pastoral care of souls, emanating from the diocesan bishop, but passing through an ordained minister (a priest), who is endowed with the powers and faculties of a parish priest (hence, a proper pastor of souls). For this to be done properly, further study and particular legislation by the Philippine hierarchy is essential. The ideal would be a canonical definition of the BEC, together with norms outlining its function, and guidelines for the constitution and conduct of BECs.

517

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

529

PCF XII (2010), 205-207: Javier González: Imposition of Ecclesiastical Penalties by a Parish Priest? (View)

In response to a question raised, G. clarifies that parish priests do not have the power to impose ecclesiastical penalties on their parishioners. The most they can do, apart from informing their bishop, is to correct the faithful prudently if in certain matters they are found wanting (canon 529 §1). The CIC/83 does not mention parish priests in the list of ecclesiastical authorities who have power to impose a penalty. Nor are parish priests mentioned in the canons dealing with the remission of penalties.

535

AA XVII (2011), 221-234: José Luis Kaufmann: La Iglesia memoriza y respeta a los contrayentes y sus familias: los certificados y los archivos. Las diligencias posteriores. (Lecture)

This is the text of a lecture given at the Canon Law Faculty of the Pontifical Catholic University of Argentina as part of a course entitled, "The Sacrament of Marriage in the Church and in Society". It deals with the practical matters of recording marriages, keeping and safeguarding sacramental registers, the data to be entered and possible additional annotations.

535

QDE 25 (2012), 202-218: Gianluca Marchetti: I registri dell'ingresso nella vita cristiana. (Article)

M. examines the registration of baptism and confirmation, offering guidance about how to treat some of the unusual situations that may arise, and also looks at the possibility of the registration of first Communion and how to record the various steps of the catechumenate laid down in the Rite of Christian Initiation of Adults.

541

PCF XIII (2011), 75-97: John A. Renken: The *Munus* of an "Interim Parish-Leader". (Article)

R. examines the practical implications of canon 541 in the event of the appointment of an interim parish-leader in a parish which has become vacant or whose *parochus* has become impeded. He traces the development of canon 541 from canon 472 of the CIC/17. Corresponding to the latter is canon 513 of the *motu proprio Cleri sanctitate,* of Pope Pius XII (1957). R. compares and contrasts CIC/83 canon 541 and CCEO canon 300 as they apply to this situation. The disciplines of the Latin and Eastern Churches are essentially the same in this regard. R. then examines the various canons that help to identify the *munera* of an interim parish-leader; and goes on to examine the most significant issues that arise in the application of canon 541. All this highlights the need for diocesan bishops to identify the interim parish-leader in their particular law so that eventualities such as a vacant parish or an impeded *parochus* can be provided for smoothly.

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

573

QDE 25 (2012), 19-49: Gianfranco Ghirlanda: Genio di un canonista: Jean Beyer, S.I. (Article)

See above, canon 204.

584

AC 52 (2010), 167-180: Jean-Paul Durand: Extinctions et suppressions canoniques des monastères, instituts religieux et societés de vie apostolique. (Article)

See below, canon 616.

605

QDE 25 (2012), 19-49: Gianfranco Ghirlanda: Genio di un canonista: Jean Beyer, S.I. (Article)

See above, canon 204.

616

AC 52 (2010), 167-180: Jean-Paul Durand: Extinctions et suppressions canoniques des monastères, instituts religieux et societés de vie apostolique. (Article)

Members of an institute that has been suppressed do not lose their religious consecration. The Church retains a duty of care to them, as well as a duty to protect the patrimony of the institute. All members should be consulted.

667

J 71 (2011), 334-348: Elizabeth Makowski: Cloister Contested: *Periculoso* as Authority in Late Medieval *Consilia*. (Article)

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

677

AkK 180 (2011), 37-63: Andreas Weiß: Geistliche Bewegung oder gnostische „Sekte mit frommem Augenaufschlag“? Nicht nur kanonistische Anmerkungen zu kirchlichen Aktivitäten um das Engelwerk. (Article)

See above, canon 313.

678

Ang 89 (2012), 517-526: Szabolcs Anzelm Szuromi: La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali. (Article)

See above, canon 515.

680-681

Ang 89 (2012), 517-526: Szabolcs Anzelm Szuromi: La parrocchia e gli Istituti di vita consacrata e le Società di vita apostolica, nonché la presenza di alcuni movimenti spirituali. (Article)

See above, canon 515.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

749-750

Comm 43 (2011), 380-383: Fernando Ocáriz: Articulus explanans adhaesionem Concilio Vaticano II, post quinquaginta annos ab indictione, ab ill.mo Fernando Ocáriz conscriptus. (Article)

The author is implicitly but clearly addressing not simply the 50th anniversary of Vatican II but also the difficulties and objections raised by the followers of Archbishop Lefebvre. In the first part of the article he speaks in general terms of the adherence owed to the Magisterium, referring not only to the teaching of Vatican II but also *Mysterium Ecclesiae* (1973), the Profession of Faith (1989) and *Donum veritatis* (1990). In the second part he addresses the question of interpretation and the hermeneutics of rupture or reform and continuity. That Vatican II was a "pastoral" Council does not imply that its documents are not doctrinal in content. In the end only the Magisterium can decide on the authentic interpretation of its documents.

749-753

SC 46 (2012), 51-74: Dominique Le Tourneau: L'adhésion au Magistère ecclésiastique. (Article)

Le T. attempts to define magisterial infallibility. The notion of infallibility is relatively new in theology. It began to emerge during the debate on the radical poverty of the Franciscans. Proclaimed as dogma at Vatican I, it was better explained by Vatican II. The ecclesiastical Magisterium focuses on matters *de fide et moribus*. Le T. distinguishes between the direct object and the secondary object of the ecclesiastical Magisterium, which require distinct degrees of adherence to Catholic truth. He studies the *obsequium intellectus et voluntatis* due to the Magisterium, and addresses the fundamental right of theologians to freedom in research, which must be preserved, but without authorizing their right to "dissent".

759

AkK 180 (2011), 64-91: Thomas Meckel: Neuere Entwicklungen im Bereich der rechtlichen Regelung der Missio Canonica für Religionslehrer/innen und der kirchlichen Studienbegleitung in den deutschen Diözesen. (Article)

See below, canons 804-805.

767

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

781

Ius III 1/12, 3-11: Cherian Thunduparampil: Mission and the Syro-Malabar Church. (Editorial)

See above, CCEO canon 584.

788

QDE 25 (2012), 202-218: Gianluca Marchetti: I registri dell'ingresso nella vita cristiana. (Article)

See above, canon 535.

804-805

AkK 180 (2011), 64-91: Thomas Meckel: Neuere Entwicklungen im Bereich der rechtlichen Regelung der Missio Canonica für Religionslehrer/innen und der kirchlichen Studienbegleitung in den deutschen Diözesen. (Article)

In 1973, the plenary assembly of the German Bishops' Conference approved the guidelines and general regulations governing the granting of the *missio canonica* and the academic *mandatum.* In order to become legally binding, these had to be issued as particular law by the diocesan bishops for their respective dioceses, since the German Bishops' Conference had no legislative competence in this area at that time. The present article examines how this was implemented in German dioceses, especially in those established in the eastern part of Germany after reunification. In many dioceses, updated guidelines on the *missio canonica* and the *mandatum* have been issued for the training of prospective religion teachers; some of these guidelines are examined in the article.

807-814

IE XXIV 1/12, 51-71: Iñigo Martínez-Echevarría: L'ispirazione cristiana con garanzia ecclesiastica nell'ambito universitario: gli accordi di garanzia dottrinale e morale. (Article)

M.-E. proposes a new approach to the teachings of John Paul II and Benedict XVI on the relationship that the Church is called to have with universities, seeking to identify its fundamental juridical characteristics. He studies, from a juridical point of view, the main elements of the ecclesiastical authority's role in guaranteeing doctrinal and moral teaching in Catholic universities; and he explores other juridical models of ecclesiastical guarantee which canon law provides for universities.

807-814

J 71 (2011), 91-119: Sean O. Sheridan: *Gaudium et Spes*: The Development and Implementation of the Church's Role in Evangelization in the Pastoral Constitution on the Church in the Modern World. (Lecture)

S. begins by considering the state of Church-world relations before *Gaudium et Spes*, and then looks at how *Gaudium et Spes* developed. He concludes by examining how *Gaudium et Spes* has influenced *Ex Corde Ecclesiae*.

815-821

Comm 43 (2011), 89-104: Congregatio de Institutione Catholica: Decretum super reformatione studiorum ecclesiasticorum Philosophiae. (Document)

This decree, dated 28 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.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

Comm 43 (2011), 105-120; also **N XLVIII 5-6/11, 271-279: Pontificia Commissio "Ecclesia Dei": Instructio ad exsequendas Litteras Apostolicas *Summorum Pontificum* a S.S. Benedicto PP. XVI Motu Proprio Datas (lingua latina una cum versione italica).** (Document)

The Instruction *Universae Ecclesiae*, dated 30 April 2011, begins by summarizing the background to the *motu proprio Summorum Pontificum* of 2007 and the faculties granted to the Pontifical Commission *Ecclesia Dei.* It then provides a number of clarifications covering the competence of diocesan bishops, the "group of the faithful", suitable priests, liturgical and ecclesiastical discipline (not mixing the two forms), confirmation and holy orders, the breviary, the *Triduum Sacrum*, religious communities, the Roman Pontifical and the Roman Ritual.

838

Comm 43 (2011), 121-122: Pontifica Commissio "Ecclesia Dei": Nota explicativa de itinere in exaranda Instructione *Universae Ecclesiae* peracto. (Note)

See preceding and following entries. This note explains the background to the Instruction *Universae Ecclesiae.*

838

IC 52 (2012), 191-234: John J.M. Foster: Reflexiones canónicas acerca de *Universae Ecclesiae*, Instrucción sobre la Aplicación de *Summorum Pontificum*. (Article)

In 2011, the Pontifical Commission *Ecclesia Dei* issued the Instruction *Universae Ecclesiae* on the application of Benedict XVI's *motu proprio Summorum Pontificum*. F. briefly examines the organization of the Instruction and its juridical weight before studying the document in more detail. Following the arrangement of the Instruction, he begins his analysis of the text itself by looking at the introduction, which is rooted in the Pope's *motu proprio* and accompanying letter to bishops, and the competence of the Pontifical Commission *Ecclesia Dei*. He provides commentary on the specific norms of the Instruction according to the following areas: the competence of diocesan bishops; the notion of the *coetus fidelium*; the *sacerdos idoneus*; liturgical and

ecclesiastical discipline; confirmation and holy orders; the *Breviarium Romanum*; the Sacred Triduum; rites of religious orders; and the use of the *Pontificale Romanum* and *Rituale Romanum*.

838

N XLVIII 7-8/11, 418-423: J. Sierra-López: Caeremoniale Episcoporum. (Article)

After a brief outline of the history of the "Ceremonial of Bishops", and mentioning some changes made to the 1984 edition in 1995, the author lists a number of additional minor changes made in the 2008 edition, mostly in the references to the General Instruction of the Roman Missal.

838

N XLVIII 9-10/11, 548-569: A. Ward: The Western Experience of the Vernacular before the Second Vatican Council. (Article)

W. provides a brief outline of the use of the vernacular in the West before Vatican II, starting with the Roman Rite prior to the Council of Trent, an example of which is the use of a Turkish translation among the Mongols at the beginning of the 14th century. He looks briefly at the attempt to introduce a Chinese Missal, and eventual permission for Arabic and Armenian versions of the Dominican Missal for use in Persia. There was also the reprinting of the Old-Slavonic Roman Missal for use in Croatia. A new wave started in 1935 with the approval of vernacular translations of the Roman Ritual for use in Vienna. *Mediator Dei*, while reproving unauthorized use, opened the way for a wider consideration; and in the 1950s, German- and English-language rituals were approved.

838

N XLVIII 11-12/11, 603-636: A. Ward: The Vernacular in the Western Liturgy at the Second Vatican Council and After. (Article)

W. takes the text of *Sacrosanctum Concilium*, no. 36, as his starting point, and looks at the rapid spread of vernacular versions – by 1978, liturgical books in 343 languages had been approved. He considers the characteristics of a liturgical vernacular, and the 1969 Instruction *Comme le prévoit.* He then moves on to the Instructions *Varietates legitimae* (1994) and *Liturgiam authenticam* (2001). He concludes with a look back to the Vatican Council's document and a more general overview of developments and their significance.

838

N XLIX 3-4/12, 65-109: Benedict XVI: Schreiben von Papst Benedikt XVI an den Erzbishof von Freiburg und Vorsitzen der Deutschen Bischofskonferenz, Dr. Robert Zollitsch. (Letter)

The Pope writes to the President of the German Conference of Bishops on the subject of the translation of the Mass with reference to the phrase *pro multis* in the Eucharistic Prayer. The letter is dated 14 April 2012 and is given successively in German (pp. 65-71), French (pp. 72-77), English (pp. 78-83), Italian (pp. 84-89), Spanish (pp. 90-96), Portuguese (pp. 97-103) and Polish (pp. 104-109). The letter is intended to forestall the appearance of a new edition of the Mass book *Gotteslob* with an uncorrected translation.

844

AC 52 (2010), 99-133: Georges-Henri Ruyssen: Normativité particulière sur la *communicatio in sacris*: competence de chaque Évêque et des Conférences des Évêques en matière de partage eucharistique. (Article)

Since *communicatio in sacris* is an important area of ecumenism, it is important that bishops of an area be of one mind. Hence canon 844 §5 gives episcopal conferences power to legislate within the limits of the general law of the Church and also divine law (cf. *Orientalium Ecclesiarum*, no. 26). R. analyses treatment of *communicatio in sacris* in the context of mixed marriages in the Ecumenical Directory (1993) and the guidelines of several episcopal conferences.

844

AC 52 (2010), 135-142: Ioan-Vasile Leb: L'immigration et la question de l'admission aux Sacrements. (Article)

See above, CCEO canon 671.

BOOK IV, PART I, TITLE I: BAPTISM

849

Proc CLSA 2009, 1-11: Susan K. Wood: Baptism: Common Call to Service (Lecture)

W. considers the interaction of the common and ministerial priesthood and their common foundation in baptism. She begins by looking at the scriptural sources and then at how Vatican II interpreted these as a call to mission. She notes how baptism is at the source of being Church and being a priestly community. She concludes by asking how a theology of law ministry will develop to see it as a genuine ecclesial ministry rooted in baptism rather than holy orders.

849-878

Proc CLSA 2009, 243-282: Therese Guerin Sullivan: Canonical Supports for Collaboration in Sacramental Ministry. (Lecture)

S. begins by setting out the foundation for the participation of the laity in Christ's priestly office, the preparation of lay ministers in the United States Conference of Catholic Bishops' norms, and the basis for participation and collaboration in the canons. She then considers the role of the clergy and the laity in sacramental preparation, the administration of the Eucharist, and the preparation and celebration of marriage.

875-878

QDE 25 (2012), 202-218: Gianluca Marchetti: I registri dell'ingresso nella vita cristiana. (Article)

See above, canon 535.

BOOK IV, PART I, TITLE II:
THE SACRAMENT OF CONFIRMATION

894-896

QDE 25 (2012), 202-218: Gianluca Marchetti: I registri dell'ingresso nella vita cristiana. (Article)

See above, canon 535.

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

899

RDC 60/1-2 (2010), 255-288: Jean-Luc Hiebel: Cinq ans après *Redemptionis Sacramentum*: Eucharistie et droit cannoique, question de droit? (Article)

H. says that it is hard to assess the reception of the Instruction *Redemptionis Sacramentum* of 25 March 2004. There are not a great many sociological and pastoral instruments that would allow an objective view of the Eucharistic practice of a shattered contemporary Catholic world. This judgement, he argues, should not stop us from tackling the real problem: how to regulate a sacrament such as the Eucharist? He asks whether the present rules are up to the task.

903

QDE 25 (2012), 106-122: Massimo Mingardi: L'Eucaristia: la celebrazione e la custodia. (Lecture)

M. addresses a number of questions concerning the Eucharist which might arise in the diocesan curia. He examines the issuing of a *celebret*, the rules about bination and trination, the discipline surrounding extraordinary ministers of Holy Communion, the Eucharistic matter as applied to coeliacs and alcoholics, the place in which Mass can be celebrated, the place in which the Blessed Sacrament may be reserved, the Corpus Christi procession, and finally the problems connected with the *delicta graviora* which involve the profanation of the Eucharist.

905

QDE 25 (2012), 106-122: Massimo Mingardi: L'Eucaristia: la celebrazione e la custodia. (Lecture)

See above, canon 903.

910

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

910

Proc CLSA 2009, 243-282: Therese Guerin Sullivan: Canonical Supports for Collaboration in Sacramental Ministry. (Lecture)

See above, canons 849-878.

910

QDE 25 (2012), 106-122: Massimo Mingardi: L'Eucaristia: la celebrazione e la custodia. (Lecture)

See above, canon 903.

910

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

915

Comm 43 (2011), 372-379: Joseph Ratzinger: Articulus explanans doctrinam Ecclesiae quoad receptionem Communionis eucharisticae ex parte fidelium qui divortio digressi ad alterum matrimonium transierunt ab Em.mo Card. Iosepho Ratzinger anno 1998 conscriptus. (Article)

This article originally served as an Introduction to a volume published by the Vatican Press entitled *Sulla pastorale dei divorziati risposati,* in *Documenti e Studi* 17, and has been republished with regard to objections made to the doctrine of the Church concerning divorce and remarriage. In particular the following points are addressed: a supposed more flexible approach in the New Testament; the practice of the Eastern Churches; the meaning and role of *epikeia*. The original article is enhanced by three footnotes.

915

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

917

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

932

QDE 25 (2012), 106-122: Massimo Mingardi: L'Eucaristia: la celebrazione e la custodia. (Lecture)

See above, canon 903.

934

QDE 25 (2012), 106-122: Massimo Mingardi: L'Eucaristia: la celebrazione e la custodia. (Lecture)

See above, canon 903.

951

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

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

960-991

N XLVIII 9-10/11, 507-547: Andrea D'Auria: I doveri e i diritti del fedele rispetto alla confessione. (Article)

D'A. explores the sacrament of penance from the point of view of the respective rights and duties of the penitent, and covers the following topics: the obligation of individual and integral confession; general absolution; the duties of the penitent in general absolution; the proper place for confessions and right to anonymity; the right to choose a confessor; the right not to be harmed; whether there is a right to receive absolution; the duty to provide for the hearing of confessions; the obligation of satisfaction; the good disposition of the penitent; the obligation of integral confession; the obligation of annual confession; some final observations. (See also *Canon Law Abstracts*, no. 107, p. 76.)

961

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

964

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

980

SC 46 (2012), 75-96: Jobe Abbass: *CCEO* Canon 1 and Absolving Eastern Catholics in the Latin Church. (Article)

See above, CCEO canon 1.

980

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

983

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

984

AnC 7 (2011), 133-147: Tomasz Rakoczy: Ochrona tajemnicy spowiedzi. Zakaz wyjawiania okoliczności uciążliwych dla penitenta (= Protection of the sacramental seal. Prohibition on using knowledge acquired in confession to the detriment of the penitent). (Article)

R. deals with canon 984 §1 which states: "The confessor is wholly forbidden to use knowledge acquired in confession to the detriment of the penitent, even when all danger of disclosure is excluded." R.'s primary focus is on the sacramental seal, including not only direct or indirect violation of the seal, but also every circumstance which could harm the penitent. He looks at arguments for departing from the prohibition: concern for the better celebration of the sacrament of penance; consultation with another confessor in case of necessity; revelation of the sin for the purpose of obtaining the faculty to remit; conversation with the penitent about confession, at the penitent's request. The Roman Congregations and Blessed John Paul II have warned confessors against the imprudent revelation of knowledge acquired through confession. The problem remains serious and requires permanent vigilance on the part of bishops, including the use of canonical penalties.

991

SC 46 (2012), 75-96: Jobe Abbass: *CCEO* Canon 1 and Absolving Eastern Catholics in the Latin Church. (Article)

See above, CCEO canon 1.

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

1004

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

BOOK IV, PART I, TITLE VI: ORDERS

1008

N XLIX 3-4/12, 170-171: Congregatio de Cultu Divino et Disciplina Sacramentorum: Responsa at dubia proposita. (Reply)

It is not permitted for deacons to join with priests in renewing priestly promises at the Mass of Chrism. The focus is on the priestly order shared by bishop and *presbyterium* whereas deacons are called not to priesthood but ministry.

1008-1009

RTL 43 (2012), 49-78: Alphonse Borras: Les diacres d'après les nouveaux canons 1008 et 1009 §3. (Article)

The *motu proprio Omnium in Mentem* modified canon 1008 of the CIC/83 and added a third paragraph to canon 1009. These changes concern the sacrament of order which B. examines from the point of view of the diaconal ministry. In the light of the teachings of Vatican II and its later developments, B. presents an exegesis of the new canons. Although he regrets the lack of juridical conceptualization, he does not think that one should overestimate the theological consequences. Nevertheless he is glad that "service" now constitutes the common denominator of the ordained ministry. Deacons are enabled to serve the ecclesial body of Christ so that it may accomplish its mission in the world. The concern for doctrinal coherence is necessary but not sufficient: it remains to be seen for what *concrete* purpose one ordains deacons.

1015

QDE 25 (2012), 75-105: Marino Mosconi: L'idoneità al sacramento dell'ordine (requisiti e verifica) e gli atti relativi al suo conferimento. (Lecture)

M. examines the implications for the diocesan curia of the ordination of secular clergy. He first looks at the competence of the bishop to ordain (with notes on dimissorial letters for religious and bishops ordaining outside their own diocese); and then (after a brief review of the structures of the seminary) at the procedural steps to take during formation: the admission to the seminary, the scrutinies, and the work of a diocesan commission to examine suitability and the decision of the bishop. He then looks at the substantial requirements to be fulfilled by the candidate, the checks to be made for impediments and irregularities, and the actions which must precede ordination. He recommends a

personal file for each candidate, and lists the documents that it should or could contain. He then looks at the celebration of the ordination and the formalities of registration, certification and information that follow it, and concludes with a survey of post-ordination formalities such as faculties to hear confession and the appointment to an office.

1025

QDE 25 (2012), 75-105: Marino Mosconi: L'idoneità al sacramento dell'ordine (requisiti e verifica) e gli atti relativi al suo conferimento. (Lecture)

See above, canon 1015.

1029

Proc CLSA 2009, 109-130: Craig Cox: Psychology and Priestly Formation: Blessings and Tensions. (Lecture)

See above, canons 241-242.

1040-1046

AnC 7 (2011), 289-312: Marek Zaborowski: Przeszkody do przyjęcia i wykonywania święceń w Kodeksie Prawa Kanonicznego z 1983 roku (= Irregularities and impediments to receiving or exercising sacred orders according to the CIC/83). (Article)

The purpose of canons 1040-1046 of the CIC/83, dealing with irregularities and impediments to orders, is to protect and respect the sanctity and dignity of the sacrament. From Apostolic times the Church has always endeavoured to ensure that priests should bear characteristics corresponding to so great a dignity. In addition, concern for the appropriate spiritual formation of future priests is one of the important questions affecting the Church today.

1050-1051

QDE 25 (2012), 75-105: Marino Mosconi: L'idoneità al sacramento dell'ordine (requisiti e verifica) e gli atti relativi al suo conferimento. (Lecture)

See above, canon 1015.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AnC 7 (2011), 67-83: Henryk Stawniak: Nierozłączność między umową i sakramentem w małżeństwie ochrzczonych (= Inseparability between contract and sacrament in marriages of the baptized). (Lecture)

As a result of the crisis of faith affecting most of the baptized, as well as the secularist movements, the centuries-old principle of the inseparability of contract and sacrament in marriages of the baptized is called into question and criticized, even by canonists. S. sets out the essential elements of the principle of inseparability, and looks at some of the difficulties and pastoral demands it gives rise to.

1055

REDC 69 (2012), 149-161: Giannamaria Caserta: Alcune osservazione sulla rilevanza della sacramentalità matrimoniale del dettato teologico-canonico conciliare e codiciale. (Article)

C. examines the concept and consequences of the sacramental dignity of marriage in the light of both theological and canonical principles as found in Vatican II and the CIC/83. Canon 1055 declares that a marriage contracted between baptized persons is *ipso facto* a sacrament; the contract and the sacrament are inseparable. This reality is founded on Pauline theology as expressed in Ephesians. Sacramentality is not simply a property of marriage (such as unity or indissolubility) but belongs to its supernatural ontological essence. It refers not only to the mutual and lifelong commitment between husband and wife but also to their supernatural union to God. This three-way union is directed towards the perfection and sanctification of the spouses through a bond which is a reciprocal, exclusive and indissoluble communion. The sacramental effect is not dependent on the will or intention of the spouses. The valid contract is itself the sacramental sign.

1055-1056

EA 47 (2012), 101-122: J. Silvio Botero G.: El matrimonio nace… el matrimonio muere… Dos posiciones de cara al fracaso conyugal. (Article)

This article arose from a comparison of the vision of Benedict XVI and that of an Italian newspaper (*Il Corriere della Sera*) with respect to marriage. B. says that the Catholic Church looks at marriage at its inception, while the State looks

at marriage in its final moments. The Catholic Church has traditionally defended the indissolubility of marriage, while the civil law, in general, looks at the possibility of divorce. B. attempts to resolve the conflict, setting out various alternatives that consider the possibility of reconciling the law with what he considers to be pastoral considerations, especially in relation to indissolubility.

1057

AnC 7 (2011), 35-47: Andrzej Wócjik: Konsens naturalnie wystarczający: jego konsekwencje prawne i moralne (= Naturally sufficient consent: its legal and moral consequences). (Lecture)

W. analyses the notion of naturally sufficient consent, placing it within the context of the juridical notion of matrimonial consent. In distinguishing between the two concepts he describes the effect of naturally sufficient consent in the case of lack of canonical form and in that of the existence of a diriment impediment. This effect – the habitual state of the will as the necessary basis for a *sanatio in radice* and the factual circumstances in which it may appear – is the next object of his analysis. The final part sets out the usefulness of the notion of naturally sufficient and persisting consent for finding a suitable link between the concepts of impossibility of fulfilling and incapacity to assume the essential obligations of marriage.

1057

QSR 21 (2011), 127-147: Laura Sgrò: La questione del *defectus libertatis internae* in quanto capo autonomo di nullità nella giurisprudenza Rotale. (Article)

See below, canon 1095 2º.

1058

AkK 180 (2011), 92-117: Bernd Dennemarck: Eheschließung trotz Kirchenaustritt? Rechtliche Neuorientierung nach dem Motu Proprio *Omnium in mentem*. (Article)

See below, canon 1086.

1058

QDE 24 (2011), 500-505: Pierantonio Pavanello: Licenze e dispense matrimoniali. (Lecture)

P. considers the nature of dispensations and permissions, and briefly examines the means of applying for them in a matrimonial context. These reflections are then applied to consideration of the problem of a canonical marriage in Italy which is not intended to have civil effect in Italian law.

1060

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

1063-1072

AA XVII (2011), 203-220: Hugo Héctor Cappello: La preparación inmediata para el matrimonio. (Lecture)

This is the text of a lecture given at the Canon Law Faculty of the Pontifical Catholic University of Argentina as part of a course entitled, "The Sacrament of Marriage in the Church and in Society". In a society which is moving away from religious values and standards C. underlines the importance of the initial welcome and reception given to couples who still approach the Church for the celebration of their marriage. He goes on to consider the need for a serious and conscientious prematrimonial catechesis and an explanation of the canonical-juridical requirements for marriage. He concludes that many invalid marriages could be avoided if these measures were responsibly carried out in practice.

1063-1072

AA XVII (2011), 285-297: Hugo Héctor Cappello: La preparación al matrimonio y el examen matrimonial. Comentario al discurso de Benedicto XVI a la Rota Romana (22 de enero de 2011). (Commentary)

This is the text of a *lectio brevis* delivered by C. at the Canon Law Faculty of the Pontifical Catholic University of Argentina. After glossing the main points of the Pope's address of 22 January 2011 (see next page) he dedicates most of his study to the premarriage preparation of couples. He emphasizes the pastoral intent of the present canonical legislation and the importance of a responsible and conscientious approach to the conducting of the prenuptial enquiry in order

to identify clearly the status and intentions of the parties and so avoid, as far as possible, the celebration of invalid marriages.

1063-1072

Proc CLSA 2009, 243-282: Therese Guerin Sullivan: Canonical Supports for Collaboration in Sacramental Ministry. (Lecture)

See above, canons 849-878.

1066

QDE 25 (2012), 134-154: G. Paolo Montini: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See below, canon 1086.

1066-1067

Comm 43 (2011), 7-12: Pope Benedict XVI: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos die 22 mensis ianuarii 2011 prolata. (Allocution)

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.*

1066-1067

QSR 21 (2011), 11-15: Allocuzione di Sua Santità Benedetto XVI alla Rota Romana, 22 gennaio 2011. (Address)

The Italian text is given of the Pope's address to the Rota of 22 January 2011 (see preceding entry).

1066-1067

IE XXIII 3/11, 703-722: José Ignacio Alonso Pérez: La celebrazione del matrimonio canonico di coloro che hanno formalizzato una convivenza non matrimoniale civilmente riconosciuta. (Article)

See below, canon 1071.

1067

QDE 25 (2012), 219-228: Gianluca Marchetti: Annotazioni sugli atti da premettere alla celebrazione del matrimonio. (Article)

M. reviews the documentation which needs to be assembled before a marriage, looking at the occasions when a parish priest may need to refer to the diocesan curia. He pays particular attention to the situation in Italy.

1071

AnC 7 (2011), 149-187: Piotr Majer: Zakaz asystowania przy małżeństwie tułaczy (kan. 1071 §1, 1º KPK) (= The prohibition on assisting without permission at a marriage of *vagi*). (Article)

The prohibition in canon 1071 §1, 1º on assisting, without the permission of the local Ordinary, at a marriage of *vagi* (those who have neither domicile nor quasi-domicile anywhere) is explained by the difficulty of checking the free status of persons unknown to the parish priest. After providing a brief history of this norm, which goes back to the Council of Trent, M. analyses canon 1071 §1, 1º and its applicability in the current circumstances, above all in situations involving migrants and itinerants, giving examples of the provisions issued by certain episcopal conferences. The requirement of the local Ordinary's permission for marriages of *vagi* and others in similar situations is a norm of elementary prudence, aimed at preventing abuses and fraud on the part of those who attempt to celebrate marriage whilst outside their usual place of residence, even if they cannot be classified as *vagi* in terms of canon 100. Given today's notable increase in social mobility and the possibilities of checking – with greater certainty than in the times of Trent – the free status of the contracting parties on the basis of documents (especially the baptismal certificate), M. argues that the focus of canon 1071 §1, 1º needs to be altered and its application extended, so that it becomes a useful instrument for verifying the free status of those persons who find themselves in special circumstances because of their domicile, residence or national provenance. What is needed above all is particular canonical regulation for processing prenuptial enquiries when the parties come from different countries.

1071

IE XXIII 3/11, 703-722: José Ignacio Alonso Pérez: La celebrazione del matrimonio canonico di coloro che hanno formalizzato una convivenza non matrimoniale civilmente riconosciuta. (Article)

The introduction of new legal forms of non-matrimonial unions such as civil partnerships has given rise to some new canonical considerations, particularly to do with the permission which is required from the Ordinary to assist at the marriages referred to in canon 1071 §1, 2° and 3°. A.P. considers that canon 1071 §1, 2° (requiring permission for marriages which cannot be recognized by the civil law or celebrated in accordance with it) does not directly apply to Catholics who may have formalized a non-matrimonial civil union, whereas canon 1071 §1, 3° (requiring permission for marriages where a previous union has created natural obligations towards a third party or towards children) may well apply to Catholics who have previously lived in some sort of civil union with a third party. He points out the difference between a prohibition and an impediment, and in this light looks at various matters relating to the permission to be obtained from the Ordinary. He then examines canons 1066 and 1067 dealing with the obligation to ensure that nothing stands in the way of the valid and lawful celebration of the marriage, and the questions to be asked of the parties.

1071

PCF X (2008), 313-320: Higinio Velarde: The Registration of Authority to Solemnize Marriage with the Civil Registrar General. (View)

This article hinges on the concern generated when the National Statistics Office (NSO) of the Philippines, through the Regional Director, in mid-2007, requested that priests "show proof of attendance in a Full-Course Orientation Seminar conducted by the NSO" before being granted a certificate of registration and authority to solemnize marriages. This request was of particular concern to priests whose authorization as solemnizers was due to expire at the end of 2007. In the case of some dioceses, the communication came too late and a special course had to be organized for early January 2008. V. sets out to examine the matter in the light of civil and canonical legislation on marriage, in order to come up with a course of action that is in line with the Church's teaching on marriage and the Church's policy of compliance with civil legislation; all this to allay any doubts and confusion amongst the faithful and the clergy with regard to the distinction between marriage as a sacrament and marriage as a civil contract.

1071

QDE 24 (2011), 500-505: Pierantonio Pavanello: Licenze e dispense matrimoniali. (Lecture)

See above, canon 1058.

1073

QDE 24 (2011), 500-505: Pierantonio Pavanello: Licenze e dispense matrimoniali. (Lecture)

See above, canon 1058.

1086

AkK 180 (2011), 92-117: Bernd Dennemarck: Eheschließung trotz Kirchenaustritt? Rechtliche Neuorientierung nach dem Motu Proprio *Omnium in mentem*. (Article)

Since the promulgation of the *motu proprio Omnium in mentem*, all Catholics have been bound by the canonical form of celebration of marriage. By a declaration of departure from the Catholic Church the believer loses neither the natural right to marriage nor the right to freedom in choosing a state in life given in canon 219. Whether or not a church wedding is possible for such Catholics depends on the legal consequences of the declaration of departure from the Church. If one takes the view of the German Bishops' Conference that the declaration of departure is a declaration of schism, and that the person is thereby excommunicated, then marriage in a Catholic church is impossible. However, D. argues that in a particular case there may be reasons for granting a dispensation from canonical form, taking into account both the natural right to marriage and the protective purpose of the form of celebration of marriage. At the present time only two categories of Catholics who have left the Church are precluded from contracting a valid marriage, but a later convalidation may still be possible.

1086

QDE 25 (2012), 134-154: G. Paolo Montini: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

M. begins by looking at the effect of the changes made by *Omnium in mentem* on the canons to do with marriage. He then argues that it does not have retroactive effect, and hence that its entry into effect should be carefully dated: he argues for 8 April 2010. He then looks at marriages celebrated before that

date, in the light of the Pontifical Council for Legislative Text's circular letter of 2006 on the subject. M. argues that this letter was not a law, nor did it authoritatively define the necessary legal elements of an act of defection, nor did it have retroactive force. It follows that marriages between 27 November 1983 and 8 April 2010 which should have observed canonical form but did not, and in which some form of formal act of defection was involved, may not be treated by the premarriage investigation but have a *species matrimonii* and must be subject to a judicial process.

1086

QDE 25 (2012), 155-177: Massimo Mingardi: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

M. sets the changes made by *Omnium in mentem* in historical context, and looks critically at the reasons offered for the change in discipline. He sees three fundamental principles operating: the inseparability of contract and sacrament in the marriages of the baptized, the natural right to marry, and the need for some level of faith to contract a sacramental marriage; he also suggests that these three cannot all be compatible in cases where the faith is rejected. M. also looks at the complications caused by declarations made to State officials to avoid a Church tax. In conclusion, he evaluates the change made, suggesting that the original dispositions of the CIC/83 were in principle preferable, and that the new law offers no way to recognize a freely-made personal choice (however regrettable) or to ensure that people are responsible for the choices that they make.

1086

QDE 25 (2012), 229-243: Gianluca Marchetti: I matrimoni misti: la preparazione. (Article)

M. reviews, in the light of the Italian situation, the different possibilities which may present themselves first in the context of a marriage in which the other party is a baptized non-Catholic, and then one in which the other party is not baptized. In both cases he looks at the context of preparation and questions surrounding canonical form, and examines the various duties which fall to the parish priest and to the diocesan curia.

1095 2º

AnC 7 (2011), 249-259: Seweryn Świaczny: Nerwica natręctw a kanoniczny konsens małżeński (= Neurosis of obsessions and canonical marital consent). (Article)

Among the groups of psychic diseases that cause not only disorders of mind and will, but also of the whole personality, are obsessions. While under their influence the human person is unable to concentrate on the subject of marital consent: he or she is unable to assess the value of harmony, or the will is so weak because of the obsession that there is no freedom of choice. When the force of the obsession reaches a high degree, it paralyzes the person's everyday life. This disease has such an influence that the person suffering from it is unable to lead a conjugal life; it is a constant distraction and prevents any thought of striving for mutual improvement or the upbringing of children.

1095 2º

J 71 (2011), 272-294: John G. Johnson: The Impact of Threats of Suicide on Marital Consent. (Article)

See below, canon 1103.

1095 2º

PCF X (2008), 383-400: A Leap from Error to Grave Lack of Due Discretion. Decision *coram* Stankiewicz, 2006 (Madrid, Spain). (Sentence)

The male petitioner, 23 years old, and the female respondent, aged 17, were married in 1953. Despite difficulties the marriage lasted 22 years and the couple had three children. When the respondent met a younger man, the couple separated and were granted a civil divorce in 1975. The petitioner filed a case with the first instance tribunal on 17 May 1988, on the ground of error of person (canon 1097 §1). The *libellus* was rejected on account of minor errors. In September 1990, the petitioner filed another *libellus*, this time on the ground of grave lack of due discretion on the part of the respondent. This *libellus* was accepted and the ground formulated accordingly (canon 1095 2º). The respondent was cited, but did not appear in court and was therefore declared absent. She did write a letter, stating her absolute lack of interest in the case and adding that the intention of the petitioner in the process of nullity of marriage was also her intention. The petitioner and three witnesses were interviewed. A report from a *peritus* was not demanded or required *ex officio.* The defender of the bond was heard and the first instance judges returned a *constat* verdict. The acts were transmitted to the metropolitan appellate tribunal. The full normal

hearing of canon 1682 §2 was omitted. The defender of the bond was heard and the second instance tribunal gave a *non constat* decision on 27 April 1994. The petitioner appealed against this decision to the higher court and the acts of the case were sent to the national appellate matrimonial tribunal. An advocate was assigned to the petitioner. No procedural irregularities or violations of the right of defence were identified either at second instance or in the omission of a decree remitting the case for ordinary examination after the first affirmative sentence (canon 1682 §2). The ground was formulated as follows: whether the nullity of the marriage was due to defect of internal liberty on the part of the respondent (canon 1095 2º). At the insistence of the petitioner's advocate, a supplementary instruction was carried out at third instance. The respondent now made her deposition. In the absence of a *peritus* for the respondent or for the acts of the case, the petitioner's advocate was designated *ex officio* as expert to supplement the investigation. In his report, derived entirely from the acts of the case, and in the absence of medical, clinical, and psychological reports, the *peritus* detected no signs of any grave psychic anomaly in the respondent, either during the engagement period or during the marriage, that would have rendered her incapable of making a valid matrimonial consent. Having considered the pertinent law and the facts of the case, the Prelate Auditors of the *turnus*, on 28 June 2001, rendered a negative decision, declaring that there was no evidence of nullity of marriage on account of defect of internal liberty on the part of the respondent.

1095 2º

QSR 21 (2011), 127-147: Laura Sgrò: La questione del *defectus libertatis internae* in quanto capo autonomo di nullità nella giurisprudenza Rotale. (Article)

In examining Rotal approaches to the question of lack of internal freedom as an autonomous ground of nullity, S. sets out jurisprudence favouring such autonomy, and the larger body of jurisprudence arguing against it.

1095 2º-3º

FCan VI/2 (2011), 65-81: Carlos J. Errázuriz M.: El sentido y el contenido esencial del *bonum coniugum*. (Article)

E. begins by explaining several reasons for considering the exclusion of the *bonum coniugum* to be problematic as a ground for the nullity of a marriage. Next he situates the question in the context of several fundamental convictions concerning the essence of marriage. In particular, he insists that the conjugal bond is not identical to matrimonial life, and that the *bonum coniugum* pertains

to the question of the existence of the marriage. As a result, the exclusion of the *bonum coniugum* requires a positive act of the will that affects the very ordering of the marital union to the *bonum coniugum.* E. concludes with a consideration of the possibility of exclusion of the *bonum coniugum* independently of the *tria bona*.

1095 2º-3º

QSR 21 (2011), 71-82: Antoni Stankiewicz: Defectus actus psychologici consensus matrimonialis in causis ob gravem defectum discretionis iudicii et incapacitatem assumendi essentiales matrimonii obligationes (can. 1095, nn. 2-3). (Sentence)

The Latin text is given of the *in iure* section of a decision *coram* Stankiewicz of 12 November 2008 exploring the various ways in which psychic incapacity has been approached by both older and more modern Rotal jurisprudence, which includes analysing the distinct faculties of discretion of judgement, the extension of lack of discretion of judgement to dysfunctions of the elective faculty, the lack of the object of consent as the basis of the incapacity of assuming the essential obligations of marriage, and the possible relationship between a defect in the psychological act of consent and the incapacity to assume the essential obligations. The final part deals with the role of experts in cases under canon 1095 2º-3º.

1095 3º

AnC 7 (2011), 35-47: Andrzej Wócjik: Konsens naturalnie wystarczający: jego konsekwencje prawne i moralne (= Naturally sufficient consent: its legal and moral consequences). (Lecture)

See above, canon 1057.

1095 3°

REDC 69 (2012), 373-401: Tribunal Eclesiástico de la Archidiócesis de Madrid: Ponente – D. José Luis Sánchez-Girón Renedo. Nulidad de matrimonio: incapacidad de asumir y simulación parcial. (Sentence)

The courtship lasted some seven to eight years, the marriage 17 years, with the birth of three daughters. The alleged grounds were inability to assume the essential obligations of marriage and subordinately partial simulation by exclusion of indissolubility, both grounds in the male petitioner. In his *in iure* section S.G.R.. emphasizes the need for the presence of the exclusory will at the

moment of consent and the presence of a definite *causa simulandi*. As far as the inability to assume is concerned, the ability to establish a genuine *totius vitae consortium* is important and the proven existence of a psychic anomaly is essential. However, it is the canonical requirement concerning the inability to assume the essential obligations of marriage rather than simply the presence of a psychic anomaly which is paramount in any case of alleged marriage invalidity. The examination of the evidence was unable to find sufficient proof for either of the grounds proposed.

1095 3°

RMDC 18 (2012), 139-158: Decisio R.P.D. Kenneth E. Boccafola. Sentencia definitiva del 19 de julio de 2001. (Sentence)

In a case complicated by conflicting evidence from the parties as to the difficulties encountered during the ten years of their married life together, and also by differing conclusions from two experts as to the presence or otherwise of a psychic anomaly in the male petitioner, B. presents a detailed analysis of each of the legal requirements in canon 1095 3°: 1. "the impossibility of assuming"; 2. "because of causes of a psychological nature"; 3. "the essential obligations of marriage". He concludes, on the particular facts of the case, and on the basis of a third expert's report, that the marriage was null on account of the inability of the male petitioner to assume the essential obligations of marriage.

1095-1098

PCF XII (2010), 271-275: The Law and Jurisprudence on Sexual Abuse: *Species Facti* and *In Iure* sections of a Procurator-Advocate's Brief. (Sentence)

Given here are the *species facti* and *in iure* sections of the procurator-advocate's brief on the ground of sexual abuse in a marriage case in the USA. The couple in question had an adopted child of Chinese descent. Both parents loved the little girl. The father had "some homosexual tendencies" which his wife had ignored over time. In the context of a bad thunderstorm and in the absence of her mother, the little girl was terrified and fled to her father for protection. Allegedly, he fondled her in a manner amounting to sexual abuse. She complained to her aunt, a sister of the father. This aunt had been at odds with her brother for some time and so now had an opportunity to "settle scores". She accused her brother of "immoral behaviour". It emerged that this was the third time the little girl had been sexually abused by her father, but she had not complained about it previously. The mother was informed and she, in turn, reported the matter to the local bishop. He made some enquiries, but not wishing

to handle the case because he knew the family well, he handed it over to the diocesan marriage tribunal for investigation. The doubt was formulated for a case of marriage nullity on the ground of homosexuality on the part of the father. The sole judge gave a negative decision. The wife appealed to the National Appeal Tribunal and the doubt was formulated with child sexual abuse as the new ground of nullity. The procurator-advocate wrote the law and jurisprudence brief presented here on the ground of child sexual abuse in the marriage.

1098

AnC 7 (2011), 19-33: Wiesław Bar: Prawo naturalne a wady zgody małżeńskiej (= Natural law and invalidity of matrimonial consent) (Lecture)

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

1098

Proc CLSA 2009, 62-89: John P. Beal: Determining Error: Hot New Ground or Recycled Old Ground? (Lecture)

B. begins by noting the weakening in recent times of the traditional presumption that everyone intends to marry as the Creator designed it. How does this growing error about the dissolubility of marriage affect the validity of marriage? There are two Rotal approaches: one looks on the error as the root of simulation *contra bonum sacramenti*; the other looks at it as a distinct ground of error determining the will. In the first approach the error must not remain in the intellect but must move into the will, the presumption being that it does remain in the intellect. Stankiewicz is one of the most influential proponents of the second approach, which holds that it is not enough to prove deep-seated error: the one marrying must: a. hold that marriage in general ought to be dissolved when it fails; and b. have persuaded himself or herself that in this concrete case too the marriage ought to be dissolved should it fail. B. then presents a variety of Rotal cases on these grounds. He explains how in the North American culture it is difficult to find proof since America does not have the same streak of *laïcité* as European culture and so lacks the same vehement rejection of Catholic values. Four points should be looked at: religion; experience of divorce; immersion in the culture of individualism; applying erroneous ideas to marriage. B. concludes by noting that the assessment of facts in the Rotal sentences is often baffling. This stream of Rotal thought suggests that determining error is a dead end.

1099

SC 46 (2012), 97-118: Francis G. Morrisey: L'erreur déterminant la volonté (canon 1099). (Article)

Canon 1099 on error affecting the will has been the object of numerous interpretations and is the result of a lengthy historical evolution. Given the prevalence in some parts of the world today of what could be called a "divorce mentality", it can be asked to what extent such mentalities can affect a person's will so that the object of matrimonial consent in relation to indissolubility becomes distorted. Rotal jurisprudence has looked at this situation in various ways. It seems now that more and more of the Rotal judges and others are considering canon 1099 to constitute a separate ground of nullity. Various commentators have studied the question, but there is not yet unanimity on the subject.

1101

AA XVII (2011), 267-282: Gregorio Erlebach, ponente: Sententia definitiva nullitatis matrimonii, 14 iunii 2002. Comentario de Hugo Adrián von Ustinov. (Sentence and commentary)

The original Latin text is provided of this Rotal sentence *coram* Erlebach, delivered on appeal at second instance, the grounds being "*ob defectum consensus ex utraque parte*"; at first instance the phrase "*ai sensi del can. 1101 §2*" had been added. Given the very generic nature of this *contestatio litis*, the Rotal *turnus* had to consider the four possible specific grounds: a. total absence of consent; b. exclusion of marriage itself; c. exclusion of some essential element of marriage; d. exclusion of some essential property of marriage. The marriage had taken place in the context of a young couple (aged 19) and an unexpected pregnancy. In the examination of the evidence it was shown, especially from the depositions of the female petitioner herself, that nullity could not be proven in either party on any of the abovementioned grounds. In his commentary U., among other points, underlines the importance of determining in a clear and specific form the exact and specific *caput nullitatis* on which the marriage is being challenged.

1101

PCF X (2008), 321-338: Exclusion of *Bonum Prolis* and *Bonum Coniugum.* Decision coram Serrano, 23 January 2004 (Czech Republic). (Sentence)

At the outset, the reader is reminded that the events of this marriage must be viewed in the context of the political situation within the Czechoslovak Republic

between 1950 and 1960. Peter and Jana were co-workers and in a relationship. Jana became pregnant before Peter was forced into military service for political reasons. Because of this, the pregnancy was terminated by abortion. There was a second pregnancy while Peter was still on punitive military service. In order not to dash their hopes of having a child, they married civilly, and later, on 15 March 1951, they married according to the canonical form. Jana had allegedly informed Peter that she did not wish to be affectively involved with him because of his rude behaviour and because of the kind of life he was leading. After the birth of their child and after Peter had returned from military service, the situation worsened, and the couple divorced in 1955. On 14 April 1958, Peter entered into a civil marriage. Together with his new wife and two children, he now wished to become a full member of the Church. On 5 August 1993, almost 40 years after the divorce was granted, he petitioned the ecclesiastical tribunal of his place of residence to have his marriage to Jana declared null. The first instance tribunal joined the issue in a generic way under the doubt about the exclusion of the good of offspring in accordance with canon 1101 §2 of the CIC/83 and canon 1086 §2 of the CIC/17, and pronounced that there was proof of nullity in the marriage. It seems that both the instruction and the argumentation in the sentence were marked by the same "generic ambiguity" that characterized the case from the beginning. The case was forwarded to the second instance tribunal, where there was also a lack of clarity. The limited proofs were treated in a single page and there was no critical analysis. In addition the ground of exclusion of indissolubility was added although it had not been dealt with in the preceding sentence. With "two disparate and somewhat illegitimate decisions", the case was referred to the Roman Rota. Many difficulties arose here because of the substitution of judges and the successive designation of advocates, one of whom delayed the process considerably. The ground was finally determined as exclusion of the good of offspring on the part of the respondent. A new ground – exclusion of the good of the spouses on the part of the respondent – was also added, to be dealt with as if in first instance. This latter ground required a new instruction through interviews with the parties and one witness. On 23 January 2004, the Rotal judges, having weighed everything in law and in fact, found no proof of exclusion of the good of offspring or of the good of the spouses on the part of the respondent. They rendered a negative decision on both grounds.

1101

Proc CLSA 2009, 62-89: John P. Beal: Determining Error: Hot New Ground or Recycled Old Ground? (Lecture)

See above, canon 1098.

1101

QDE 24 (2011), 449-472: Sonia Reggi: Interpretazione dell'atto positivo di volontà nella giurisprudenza rotale. (Lecture)

R. surveys the interpretation by the Rota of the phrase "a positive act of the will" from its roots in the work of Gasparri before 1917, through the period before Vatican II and the work of the Rota between the Council and 1983, to look at Rotal jurisprudence after the new Code, ending with a review of the most recent cases. R. looks at the early insistence on a positive act as something clear, though possibly implicit, and surveys how "positive" has come to be seen as a processual requirement, which proves the existence of the act of will rather than qualifying its nature. R. then looks at the particular issues of divorce and indissolubility and sexual immorality and fidelity.

1101

REDC 69 (2012), 247-277: Vicente Benedito Morant: Simulación del matrimonio. Aspectos Registrales. (Article)

M.'s subject is simulation of marriage in the specific context of marriages of convenience for the purpose of obtaining residence, visa, nationality or related benefits. He considers this increasingly common phenomenon, due to growing migration and movements of population, in both the civil and canonical spheres. He is dealing with Spanish civil law which recognizes marriages celebrated in the Catholic Church. It also requires for all marriages a prenuptial enquiry conducted separately with each party before any marriage can be authorized. This puts a special responsibility on the interviewer to ensure that no fraud or simulation is being attempted, a responsibility which falls on the priest in the case of Catholic marriages. After the celebration of marriage it must be registered with the civil authority by either the couple or in the case of canonical marriage by the parish priest. M. advocates a tighter control at this stage with another enquiry or investigation by the civil authority to weed out any fraudulent or simulated marriages. Any such marriages revealed at that stage should be erased from the parish registers as non-existent.

1103

AnC 7 (2011), 19-33: Wiesław Bar: Prawo naturalne a wady zgody małżeńskiej (= Natural law and invalidity of matrimonial consent) (Lecture)

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

1103

J 71 (2011), 272-294: John G. Johnson: The Impact of Threats of Suicide on Marital Consent. (Article)

J. looks at Rotal jurisprudence on the influence of the threat of suicide on marital consent. He has uncovered 14 relevant Rotal decisions, five affirmative and nine negative. The Rota considered cases as force and fear, and decided that suicide could not cause fear because it could not be a bad thing for the other party, only for the suicidal person, although this has been overturned in more recent jurisprudence. J. offers some practical advice about what tribunals should look for in these cases. He concludes by considering the possibility of using canon 1095 2° but believes that Rotal jurisprudence would seem to exclude that possibility.

1112

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

1112

Proc CLSA 2009, 243-282: Therese Guerin Sullivan: Canonical Supports for Collaboration in Sacramental Ministry. (Lecture)

See above, canons 849-878.

1117

AkK 180 (2011), 92-117: Bernd Dennemarck: Eheschließung trotz Kirchenaustritt? Rechtliche Neuorientierung nach dem Motu Proprio *Omnium in mentem*. (Article)

See above, canon 1086.

1117

QDE 25 (2012), 134-154: G. Paolo Montini: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See above, canon 1086.

1117

QDE 25 (2012), 155-177: Massimo Mingardi: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See above, canon 1086.

1117

QDE 25 (2012), 178-188: Paolo Bianchi: La circolare del 13 marzo 2006 del Pontificio consiglio per i testi legislativi alla prova di un caso concreto. (Article)

B. examines a hypothetical case of a Catholic who abandons the Church to become a Baptist minister, marries between 1983 and 2006, then returns to the Church, and whose marriage subsequently fails. He looks at the concept of a formal act of abandonment (arguing that one existed in this case) and the effect of the 2006 circular letter on the case. His conclusion is that such a marriage cannot simply be declared invalid by reason of defect of canonical form.

1124

AkK 180 (2011), 92-117: Bernd Dennemarck: Eheschließung trotz Kirchenaustritt? Rechtliche Neuorientierung nach dem Motu Proprio *Omnium in mentem*. (Article)

See above, canon 1086.

1124

QDE 25 (2012), 134-154: G. Paolo Montini: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See above, canon 1086.

1124

QDE 25 (2012), 155-177: Massimo Mingardi: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See above, canon 1086.

1124

QDE 25 (2012), 178-188: Paolo Bianchi: La circolare del 13 marzo 2006 del Pontificio consiglio per i testi legislativi alla prova di un caso concreto. (Article)

See above, canon 1117.

1124-1127

QDE 25 (2012), 229-243: Gianluca Marchetti: I matrimoni misti: la preparazione. (Article)

See above, canon 1086.

1142

REDC 69 (2012), 443-445: Benedicto XVI: Carta Apostólica en forma de m. pr. *Quaerit Semper*, 30 de agosto de 2011. (Documentation)

The Spanish translation is given of the *motu proprio* of Benedict XVI *Quaerit Semper* which modifies the Apostolic Constitution *Pastor Bonus* by transferring certain competences of the Congregation for Divine Worship and the Discipline of the Sacraments concerning the procedure in cases of the dissolution of a marriage *ratum et non consummatum* and cases of nullity of sacred orders to a newly-formed department of the Roman Rota. For commentary, see below, canons 1697-1706.

1142-1149

Luigi Sabbarese – Elias Frank: Scioglimento *in favorem fidei* del matrimonio non sacramentale. Norme e procedura. (Book)

From Apostolic times the Church has exercised the power of dispensing in favour of the faith, according to the indications of St Paul in 1 Cor 7:12-15. With the passing of time, it became necessary to widen and update the Pauline privilege to the different situations which had given rise to new spiritual demands, especially in mission lands. The Papal Constitutions of the 16th century represent a significant example of the Roman Pontiff's exercise of vicarious power, for situations linked to the specific missionary context. In the 20th century the number of cases of dissolution of non-sacramental marriages in favour of the faith increased to the point of their requiring their own set of norms, issued in 1934, updated in 1973 and definitively approved in the norms *Potestas Ecclesiae* issued by the Congregation for the Doctrine of the Faith in

2001. Knowledge and the correct application of *Potestas Ecclesiae* help to tackle a problem of major importance in the life of the Church, not only for mission territories, but also for the territories of new evangelization or for those regions in which a powerful secularization has led to the problem of marriages of non-baptized. Starting out from some preliminary and historical notions, S. and F. offer a commentary on the current norms. They pay particular attention to the procedures for instructing the process of dissolution of marriages in which at least one of the parties is not baptized, or, if both are baptized, where they have not consummated the marriage during the whole period of conjugal life. The book also includes a practical section setting out different cases and the procedures to be followed. (For bibliographical details see below, Books Received.)

1156-1165

AnC 7 (2011), 49-65: Piotr Steczkowski: Małżeństwo cywilne katolików – jego walor kanoniczny i możliwość uważnienia (= Civil marriage of Catholics – its canonical significance and possibilities of validation). (Lecture)

Canon law treats civil marriages of Catholics not as invalid, but as non-existent. They do not have the status of *matrimonium putativum*, because of the lack of the required canonical form. A civil marriage cannot be convalidated in a simple way (*sanatio simplex*). This doctrine has been recently reaffirmed by the Roman Rota. It can only be retroactively validated (*sanatio in radice*) because the act of the competent authority includes the necessary dispensation from canonical form.

1160

PCF XII (2010), 217-269: Defective Convalidation (Decision *coram* Turnaturi), 1 March 2002. (Sentence)

On 25 August 1956, the male petitioner, a Catholic, and the respondent, who was baptized in the Presbyterian Church but was a member of the Episcopalian Church at the time, contracted marriage before an Episcopalian minister in an Episcopalian church. On 15 July 1957, they convalidated their marriage in the Catholic Church at the request of the petitioner and with the agreement of his wife. The couple "seemed compatible although there were some tensions regarding religious affiliation and observance." It emerged that the petitioner had agreed to marriage in an Episcopalian church for fear of losing the woman he had decided to marry. The marriage was happy until 1971, when he fell in love with his wife's first cousin. The couple separated in 1972. On 25 February

1994, the man petitioned the first instance tribunal for a declaration of nullity, without specifying particular grounds. The *libellus* was admitted on 26 February 1994 in accordance with canon 1507 §1. On 5 July 1994, the formula of doubt was determined on the following grounds: 1. incapacity to assume the essential obligations of marriage due to causes of a psychic nature in both parties (canon 1095 3°); 2. defect of canonical convalidation of the marriage (CIC/83 canon 1160 and CIC/17 canon 1137). On 5 December 1994, the sole judge determined that there was proof of nullity only on the ground of invalid convalidation. The respondent appealed to the Roman Rota. On 15 December 1995, the Rota remitted the case to an ordinary examination in the new instance in accordance with canon 1682 §2. The petitioner's advocate requested that the Rota carry out a supplementary instruction, which was done through a new hearing of the petitioner only. Having received the advocates' submissions for both parties and that of the defender of the bond, the Rotal judges determined the ground as "defect of canonical convalidation of the marriage". A lengthy and detailed exposition of the law and the facts led to the decision, on 1 March 2002, that there was no proof of nullity of marriage in the case due to defect of convalidation.

1161-1165

AnC 7 (2011), 35-47: Andrzej Wócjik: Konsens naturalnie wystarczający: jego konsekwencje prawne i moralne (= Naturally sufficient consent: its legal and moral consequences). (Lecture)

See above, canon 1057.

1161-1165

IE XXIV 1/12, 99-112: José Ignacio Alonso Pérez: Circa l'eventuale convalidazione matrimoniale della convivenza non matrimoniale civilmente riconosciuta. (Article)

The requirement introduced by the Council of Trent of canonical form for the validity of a Catholic marriage cannot be taken as an absolute: a dispensation may be obtained, and its absence may be "sanated". What is of absolute importance is that there should be a true matrimonial will. Such will is lacking in civilly-recognized non-matrimonial unions; hence a union of this type may not be convalidated.

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

1172

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

1176

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

1199

QDE 25 (2012), 65-74: Giuliano Brugnotto: Il giuramento (can. 1199). (Article)

B. examines the Biblical and moral questions surrounding oaths and the canonical history of the practice; he then explains each of the elements in the definition offered in the present Code, going on to draw some further distinctions between various types of oath, and concluding with a consideration of the conditions for the validity of an oath.

BOOK IV, PART III: SACRED PLACES AND TIMES

1205

AkK 180 (2011), 118-132: Harald Tripp: Kanonistische Anmerkungen zur Einrichtung von Kolumbarien in Kirchengebäuden. (Article)

The article takes up a topical theme in relation to columbaria – sacred spaces for keeping urns containing cremated remains – in church buildings. The remodelling of a church into such a sacred space is, with due regard to sociological conditions, possible subject to certain canonical requirements. T. explains the meaning of the term *locus sacer* in theology, liturgy and canon law, before setting out a recommended procedure for the establishment of columbaria, which are considered to be canonically equivalent to cemeteries. According to this analysis, a change in the practical use of a church building also means a change in its canonical character. The erection of a columbarium within a church building calls for the deconsecration and rededication of the relevant part of the building as a cemetery. There must be a clear separation of the liturgical space from the cemetery within a church building.

1205

IC 52 (2012), 15-74: Agustín Motilla de la Calle: La protección de los lugares de culto en las organizaciones internacionales (especial referencia a la jurisprudencia del Tribunal Europeo de Derechos Humanos). (Article)

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

1205

IC 52 (2012), 75-116: María Goñi Rodríguez de Almeida: La inscripción de los lugares de culto en el Registro de la Propiedad. (Article)

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

1205-1234

IC 52 (2012), 117-170: Antonio S. Sánchez-Gil: Práctica administrativa canónica en materia de iglesias y lugares sagrados. La experiencia de la Iglesia en Italia y en la Diócesis de Roma. (Article)

S.-G. examines canonical administrative activity in relation to buildings and other places of worship (churches, oratories, private chapels and shrines) and the actual practice in Italy, on the basis of the norms in the CIC/83 and the Instructions issued by the Italian Bishops' Conference. He analyses the elements and effects of the *deputatio ad cultum* (assignment of the place to divine worship: canon 1205), the *reparatio iniuriae* (reparation of harm in the case of profanation: canon 1211) and the *reductio ad usus profanos* (making over to secular usage: canon 1212), and goes on to look at practice concerning concerts, visits, exhibitions, etc., as well as the awarding of licences and approvals to places of worship. After studying the Italian juridical-pastoral system as a whole he focuses specifically on the diocese of Rome and its particular practice in relation to the construction of new churches.

1222

AkK 180 (2011), 118-132: Harald Tripp: Kanonistische Anmerkungen zur Einrichtung von Kolumbarien in Kirchengebäuden. (Article)

See above, canon 1205.

1230-1234

PCF X (2008), 273-292: Manuel S. Monsanto: Shrines: Their Canonical Configuration in line with the Code of Canon Law. (View)

The CIC/17 did not deal with the subject of shrines. With a new interest in erecting shrines and in pilgrimages to shrines, the CIC/83 deals with the subject in canons 1230-1234, giving the canonical definition of a shrine; the different kinds of shrines; shrine statutes and the competent authority to approve them; the reasons why certain privileges may be granted to shrines; the spiritual services provided at shrines; and the obligations with regard to works of art donated to them. In 2001 the Congregation for Divine Worship and the Discipline of the Sacraments published its *Directory on Popular Piety and the Liturgy*, in which it offered some guidelines for the pastoral activities conducted at shrines in order to reflect a correct understanding of the relationship between liturgy and popular piety. In the first section of his study, M. analyses the relevant canons. He then lists the provisions put in place by the Catholic Bishops' Conference of the Philippines (CBCP) for national shrines, particularly

the conditions for the approval of their statutes. He has some personal reservations about certain omissions from these provisions. In Section II of the study, M. looks at the classification of shrines – diocesan, national, and international – and notes the absence of a "regional" category, outlining the canonical implications of such an entity were it to exist. He looks at the conditions laid down by the CBCP for a diocesan shrine to become a national shrine and he offers some personal comments on these. Section III deals with the services offered at shrines and the importance of providing these in accordance with the canonical and liturgical norms. Section IV deals with special privileges accorded to shrines by the competent authority of the particular shrine. M. concludes with a brief summary of the main points of his study.

1240-1242

AkK 180 (2011), 118-132: Harald Tripp: Kanonistische Anmerkungen zur Einrichtung von Kolumbarien in Kirchengebäuden. (Article)

See above, canon 1205.

1246

N XLVIII 3-4/11, 166-192: N. Giampetro: Il "Giorno del Signore". Il recupero della Domenica nel corso del XX secolo. (Article)

St Pius X in his calendar reform had put renewed emphasis on the importance of the Sunday liturgy. Renewed study of this question was initiated by Pius XII in 1939. The reforms of St Pius X still left Sundays displaced by first and second class feasts, which could occur quite close together. G. sets out the development of thought in various documents of the Sacred Congregation for Rites leading to the simplification of the calendar in 1955 and the revised rubrics of 1960. He then looks at the teaching of *Sacrosanctum Concilium* and how this led to the reform of the calendar in 1969, and concludes with a brief mention of Pope John Paul II's Apostolic Letter *Dies Domini* of 1998.

1247

IC 52 (2012), 171-190: Massimo del Pozzo: Univocidad del precepto dominical y «carácter positivo» del descanso del trabajo. (Article)

The secularization and worldliness of Western society has dramatically compromised respect for Sundays and holy days as times of rest, a shift which may also impoverish the practice of faith and erode the dignity of the person. In

the light of an analysis of the historical development of abstention from work, del P. addresses the key features of the issue from the perspectives of continuity in the celebration of the Lord's Day and the positive content of ecclesiastical law in this regard. The current legal formulation (canon 1247) allows a clear understanding of the links between worship, joy and relaxation. The source and fundamental purpose of the Sunday and holy day obligation is participation in the sacrifice of the Eucharist. A positive approach to one's use of time prevents "sabbathization" and facilitates the cultivation of spiritual values and solidarity. A return to the meaning of obligation that is neither too lax nor too strict will result in giving due praise to the Creator and to sanctify one's rest, which is an integral part of sanctifying one's ordinary work.

1248

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254

PCF XIII (2011), 99-168: Edward R. Karaan: The Catholic Church's Right to Temporal Goods: An Analysis in the Light of Church–State Relations as regards Temporal Goods. (Article)

The Catholic Church forms one complex reality, possessing divine and human elements. As a spiritual reality and at the same time organized as a visible society in the world, it uses temporal goods for the fulfilment of its spiritual mission. The Church's right to acquire, retain, administer, and alienate temporal goods finds juridical expression in canon 1254 §1, the correct interpretation and understanding of which should be based on the doctrinal perspective of Vatican II, relevant Old and New Testament texts, and the Universal Declaration of Human Rights (1948). The question, therefore, for K. is: "what are the foundations of the inherent and independent right of the Catholic Church to own temporal goods according to the teachings of Vatican II?" The argument is based on this and on two sub-questions: "What are the current teachings of the Church on Church-State relations, particularly concerning the Church's patrimonial right? Are such teachings tenable in our society today?" K. develops his argument under the following headings: 1. the thesis of *Ius Publicum Ecclesiasticum*; 2. the foundations of the Catholic Church's right to temporal goods; 3. Church-State relations concerning temporal goods. He concludes that, independent of any civil authority, the Catholic Church has an inherent right to possess and to use temporal goods for the furtherance of its mission, and that this right is an essential dimension of the inalienable right to religious freedom, which should be legally protected by the political community as a civil right.

1254

PS XLVII 139 (2012), 43-66 and **PS XLVII 141 (2012), 657-706: Edward R. Karaan – Isaias Antonio D. Tiongco: The Catholic Church, Temporal Goods and Church-State Relations – Parts I and II.** (Article)

According to divine-positive law argument, the Church's right to temporal goods necessarily emanates from its visible structure as willed by Christ. The Church has had this right since its inception, and it is not the result of any political concession on the part of the civil authority. The natural law argument demonstrates that the Catholic Church has the inalienable right to own property, which is universally established as corresponding to the nature of the human person. *Gaudium et Spes* affirms that the Church's right to temporal goods proceeds precisely from its autonomous and independent structure. But there

exists a close link between the Church and the political community with regard to temporal goods. This reality demands a sound collaboration between the two communities especially because both are in the service of the personal and social vocation of the same human beings. *Dignitatis Humanae* asserts that the Church's right to temporal goods is one of the fundamental manifestations of the natural right of religious communities to religious freedom which should be under the legal protection of the State. The right to religious freedom is not fully respected when the State imposes restrictions on the Church's right to temporal goods. Moreover, religious freedom functions as a means to achieve the *libertas Ecclesiae.* The Catholic Church's right to temporal goods as an essential content of the right of religious freedom is protected by international law. By means of international juridical instruments the Church, through the Holy See as a subject of international law, asserts, maintains and defends its patrimonial right and at the same time achieves better relations with various political communities. However, the Holy See should be guided by the principles of Vatican II on Church-State relations to avoid the behaviour of preeminence before political communities. The thesis of *Ius Publicum Ecclesiasticum* is no longer espoused by the Magisterium of the Church.

1265

AA XVII (2011), 235-246: Jorge Antonio Di Nicco: Canon 1265 del Código de Derecho Canónico: aplicación de su normativa en una causa tramitada por ante la justicia civil argentina. (Article)

Di N. gives a detailed account of a dispute between the organizer of a lottery, who agreed in a contract with a parish priest to raise funds in the parish for Caritas, and the local diocesan bishop, who had prohibited the said lottery. The case was taken to the civil courts, the nub of the matter being the authority of the bishop in the law of Argentina to prevent the holding of a parish lottery. The case was decided in favour of the bishop based on the fact that Argentinian civil law recognizes the Catholic Church as a public juridical person not only nationally but in its various territorial divisions (dioceses and parishes), legal representation, however, being attributed solely to the bishop. A particular law of the episcopal conference of Argentina requires written permission of the Ordinary for any lottery or fundraising activities in parishes (and also a 10% contribution to the diocese of funds raised). This permission not having been obtained, the civil law found against the litigant and in favour of the bishop.

1299-1310

PCF X (2008), 69-110: John A. Renken: Pious Wills and Pious Foundations. (Article)

Book V of the CIC/83, which deals with the Temporal Goods of the Church, has, in Title IV, twelve canons – 1299-1310 – which deal with pious wills and pious foundations. R. provides a detailed commentary on these canons. Basic to an understanding of the canons is an accurate understanding of the particular terminology involved – persons, pious causes, pious wills, pious trusts, pious foundations, etc., – and the distinctions between them. R. advises that since these canons have implications for the Church and civil society, both civil and canon lawyers need to be familiar with their requirements and collaborate correctly in their implementation.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1399

Comm 43 (2011), 317-320: Pontificium Consilium de Legum Textibus: Schema recognitionis Libri VI Codicis Iuris Canonici. (Document)

In 2008 the Pope asked the Pontifical Council for Legislative Texts to set up a study group to work on revising Book VI of the CIC/83. Their work was circulated to the usual consultative organs in July 2011. Published here is the introduction, setting out the rationale, criteria and purposes of the revision of this section of the Code.

1335

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

1341-1342

PCF XII (2010), 205-207: Javier González: Imposition of Ecclesiastical Penalties by a Parish Priest? (View)

See above, canon 529.

1341-1352

RMDC 18 (2012), 45-74: Mario Medina Balam: Criterios para la aplicación de las penas canónicas. (Article)

The administration of justice, including the determining of guilt and the imposition of penalties (cf. canon 1401 2°) is centred on the individual Christian faithful and the entire body of Christ. Hence at the moment of imposing a penalty, careful consideration needs to be given not only to the appropriateness of the penalty in relation to the crime committed, but also the consequences that ensue both for the offender and for the community. This is the purpose of the canons in Title V of Book VI, Part I of the CIC/83, which M.B. analyses in this article.

1367

Dominique Le Tourneau: La dimension juridique du sacré. (Book)

See above, canon 2.

1382

Comm 43 (2011), 30-33: Pontificium Consilium de Legum Textibus: Declaratio de recto applicando can. 1382 CIC. (Document)

The CIC/83 prescribes a *latae sententiae* excommunication for a bishop who consecrates a bishop without pontifical mandate and for the person consecrated. This declaration sets out the theological context, what the delict involves, and also mitigating circumstances. It is possible for fear or grave inconvenience to diminish culpability but nonetheless grave scandal can be caused to the faithful. Those concerned know in their hearts the degree of their culpability. The Holy See will take this into account together with expressions of repentance in lifting the excommunication.

1382

Comm 43 (2011), 365: Secretaria Status: Declaratio Sanctae Sedis quoad ordinationem episcopalem in dioecesi Chatimensem (Leshan) peractam. (Document)

The Holy See does not recognize the unlawful ordination of Rev. Lei Shiyin as Bishop of Leshan on 29 June 2010 and warns those involved in the consecration of the penalties to which they are exposed. The text of the declaration is in English.

1382

Comm 43 (2011), 366: Secretaria Status: Declaratio Sanctae Sedis quoad ordinationem episcopalem in dioecesi Scianteuvensi (Shantou) peractam. (Document)

The Holy See does not recognize the unlawful ordination of Rev. Huang Bingzhang as Bishop of Shantou on 14 July 2011, not least because there was already a legitimate bishop in place. However the Holy See has received information that many of those taking part in the ordination were coerced and praises their example of resistance. The text of the declaration is in Italian.

1395

Comm 43 (2011), 40-44: Secretaria Status: Nota respiciens interventum pontificium quoad graviora delicta die 12 mensis novembris 2010. (Note)

This note gives a brief account, in English, of the apostolic visitation of the four metropolitan archdioceses of Ireland, the seminaries and religious houses, following the Pope's meeting with the bishops of Ireland on 19 March 2010.

1395

Comm 43 (2011), 81-82: Congregatio pro Doctrina Fidei: Litterae quibus Cardinalis Villelmus Levada die 3 mensis maii 2011 transmisit Epistulam Circularem, hic annexam, ad Episcoporum Conferentias adiuvandas in apparandis lineis directoriis quoad pertractandos casus abusus sexualis in minores ab ecclesiasticis patrati. (Document)

This is the text of a letter from the President of the Congregation for the Doctrine of the Faith accompanying the circular letter sent to episcopal conferences in order to facilitate the preparation of local directories for the handling of clerical sexual abuse cases. (See the following entry.)

1395

Comm 43 (2011), 83-88: Congregatio pro Doctrina Fidei: Epistula Circularis, litteris Cardinalis Villelmi Levada annexa, quae continent suggestiones ad lineas directorias ab Episcoporum Conferentiarum apparandas in pertractandis casibus abusus sexualis in minores ab ecclesiasticis commissi. (Circular Letter)

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 civil authority. The second part summarizes the legislation in the Code applicable to such cases. The third section makes suggestions to episcopal conferences on matters that national guidelines should cover. (See *Canon Law Abstracts*, no. 108, pp. 126-127.)

1395

Comm 43 (2011), 341-364: Secretaria Status: Responsum Domino Eamon Gilmore, *Tánaiste* et a negotiis publicis necnon commercio moderando provehendoque Ministro Hiberniae quod *Cloyne Report* datum. (Reply)

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

1395

IE XXIV 1/12, 75-96: Tribunale Apostolico della Rota Romana: *Poenalis (Concubinatus),* Sentenza di seconda istanza poi confirmata, 14 maggio 2009 – McKay, *Ponente* (con *nota* di Davide Cito). (Sentence and commentary)

This case concerns punishment for the offence of a sexual relationship of a priest with a female parishioner. The case centres on whether the relationship, protracted in time, also involved the intention to live together in concubinage within the meaning of canon 1395 §1. The text of the sentence is extensive and deals with many aspects of canon law and penal discipline. In his commentary on the case, C. refers to the importance of Rotal jurisprudence in the overall context of administration of justice in the Church.

1395

J 71 (2011), 120-158: Thomas J. Green: *Sacramentorum Sanctitatis Tutela*: Reflections on the Revised May 2010 Norms on More Serious Delicts. (Article)

G. begins with an introduction placing the norms in the context of recent legislation on the *graviora delicta*. He then comments on each of these substantive norms, article by article. He finishes by doing the same for the procedural norms.

1395

PCF XII (2010), 277-290: Violation of the Right of Defence in a Penal Trial (Decision *coram* Alwan), 20 February 2001. (Sentence)

A priest ordained in 1983 was sentenced to jail on 18 November 1988 for the sexual molestation of boys of minor age. He was immediately suspended *a divinis* by his local Ordinary for the same reasons. On 3 May 1990, while the priest was still in jail, the promoter of justice of his diocese, acting on the mandate of the local Ordinary, summoned him before an ecclesiastical tribunal of the diocese, which was trying his case on charges of a delict against the sixth commandment of the Decalogue. On 6 July 1990, in the presence of the advocate designated by the judge for the priest and the special procurator chosen by the priest himself, the doubt was determined as follows: "whether it is proved that [the priest] violated canon 1395 §2, that is, committed an offence against the sixth commandment of the Decalogue with minors below the age of sixteen, and is to be punished with just penalties, including dismissal from the clerical state, if the case warrants it." Five of 11 witnesses called by the priest were

interviewed. A psychological expert was employed. The priest was cited twice but did not attend, sending letters to the judge instead. The acts of the case were published. The priest's advocate presented his brief; the procurator provided his *votum*. On 11 December 1990, the first instance tribunal gave an affirmative decision. After the sentence was issued, the diocesan bishop decreed that the priest was dismissed from the clerical state. The priest appealed against the decision. Depositions of 15 witnesses were received. The acts were published and on 22 January 1997, the appeal tribunal ruled that the decision of the first instance tribunal was "irremediably null due to a violation of canon 1620, 7º." On 11 November 1997, the promoter of justice appealed to the Roman Rota. A Rotal *turnus* was constituted and an advocate for the accused priest was appointed *ex officio*. The Rota decided that there was proof of nullity of the appeal tribunal's decision for the reason that they had based that decision on the nullity of the preceding decision rather than on the merits of the case, despite the fact that no one had raised a complaint of nullity. The Rota also held that, because of particular circumstances, the case should be remitted to the tribunal of appeal of second instance.

1395

REDC 69 (2012), 163-224: Eduardo Gómez Martín: El delito contra el sexto mandamiento del decálogo cometido por un religioso con un menor. (Article)

G.M.'s subject is the offence committed by a religious through a violation of the sixth commandment against a minor, and the course of action incumbent on the superior in such circumstances. He first defines what is understood as sexual abuse of minors and classifies its various types. He comments on this offence in the context of the life and ministry of a religious, and its connection with a certain type of narcissistic personality. He examines the canonical legislation concerning this offence under the following headings: the content and author of the offence, prescription, secondary civil responsibility (of the Church or religious institute), canonical procedures and penalties. In the second part of his article G.M. considers some of the pastoral consequences for a religious institute, mainly concerning the formation of its candidates. He then provides as an appendix a protocol for major superiors for their guidance in intervening in cases of sexual abuse of minors by one under their authority.

BOOK VII: PROCESSES

1403

FCan VI/2 (2011), 91-103: Manuel Saturino Gomes: Religiosos e religiosas portugueses no caminho da canonização. (Article)

S.G., who has experience of the diocesan canonization process, presents a short account of the importance of sanctity in the life of the Church, and of canonization according to the canonical norms. He then lists the causes of Portuguese religious that are currently in the Roman phase of the process.

1403

REDC 69 (2012), 225-246: Alberto Royo Mejía: La *fama* requerida en los candidatos a los altares a la luz de la instrucción *Sanctorum Mater*. (Article)

R.M. considers the *fama sanctitatis* required for the introduction of causes of beatification and canonization in the light of the Instruction *Sanctorum Mater* of 2008. The reputation for holiness is the necessary precondition before any case can be considered for introduction. After commenting on the examples of some past cases, R.M. applies the classical doctrine on this matter to its application for present-day cases under the headings of the duration of the reputation, its extension, its specific nature (not simply generalized or abstract), the existence of intercession or cult, and of signs or miracles. In the end it is for the bishop to discern whether the *libellus* presented to him by the postulator contains sufficient indications of the holiness of the candidate; he may then initiate the introduction of the cause.

1405

QDE 24 (2011), 473-499: Giordano Caberletti: Il tribunale della Rota Romana: procedure e giurisprudenza. (Lecture)

See below, canons 1443-1444.

1405

QSR 21 (2011), 169-179: Decreti del Decano della Rota Romana. (Documents)

The text is given of the following decrees of the Dean of the Roman Rota issued during 2010, whereby the *libellus* submitted to the Rota was rejected on account of the Rota's lack of competence: 1. a priest wished to bring an action before the Rota against an extrajudicial decree of suspension imposed by his bishop; this was rejected since the proper procedure was either a hierarchical recourse to the superior (canons 1400 §2; 1737) or a contentious-administrative action before the Apostolic Signatura (*Pastor Bonus*, art. 123 §2) (24 April 2010); 2. a petitioner claimed that his rights under canon 229 §§1-2 had been violated by his having been refused admission to a college library (apparently because he refused to show his identity pass); the Rota declared that there was no right of action in the judicial forum, but only a possible recourse under canon 1400 §2 (26 June 2010); 3. a petitioner complained about a series of abuses and violations committed within the sphere of a Catholic university by the archbishop in his capacity as grand chancellor of the university, including the petitioner's own dismissal from his post within the university; since this involved a penal action against a bishop, the Rota declared itself incompetent under canon 1405 §1, 3º, while the dismissal of the petitioner from his post was a matter to be dealt with under canon 1400 §2 (2 July 2010); 4. a petitioner asked the Rota to settle a property inheritance dispute between the testator's executor, who claimed that the testator's intention was to help the Church in Africa, and an association of the faithful, which claimed that the intention was to promote the local parish; since the association was not an ecclesiastical juridical person having no superior other than the Roman Pontiff, the Rota declared itself unable to judge the case at first instance (canon 1405 §3, 3º); in addition, private associations are subject to the local Ordinary (canon 1301) as regards the administration and distribution of goods donated or left to pious purposes (canon 325 §2) (16 July 2010); 5. a woman complained to the Rota that an archbishop was promoting false teachings and practices in contravention of canons 750, 897 and 1214; the Rota pointed out that questions concerning the teaching of faith and morals were the exclusive competence of the Congregation for the Doctrine of the Faith (*Pastor Bonus*, art. 48), while those to do with the celebration of the Eucharistic Sacrifice were the competence of the Congregation for Divine Worship and the Discipline of the Sacraments (*Pastor Bonus*, arts. 62, 64 §1 and 66). Furthermore, the accusation of violations of canon laws on the part of an archbishop, to be punished with a just penalty (canon 1399), exceeded the limits of the Rota's competence, since only the Roman Pontiff may judge bishops in penal causes (canon 1405 §1, 3º).

1420-1441

Proc CLSA 2009, 25-34: Lawrence DiNardo: Challenges in Tribunal Staffing: The Perspective of an Administrator. (Lecture)

DiN. begins by considering the nature and history of canonical procedural law for the vindication of substantive rights. He states that the Code assumes that the tribunal will have a large, qualified, and full time, staff but that in practice this is difficult or impossible for most dioceses in spite of the fact that the American Church spends around $40 million a year on tribunal ministry. In many dioceses even the judicial vicar is part-time and the actual management of the tribunal is in the hands of a secretary. Many of these secretaries (under whatever title) seem to be actually the head of chancery foreseen by *Dignitas Connubii*, no. 61, and so should perhaps adopt this title formally. DiN. also mentions, albeit only in passing, the possibility of erecting interdiocesan tribunals so as to improve staffing.

1421

Proc CLSA 2009, 35-61: Jobe Abbass: The Incomparable Eastern Canons on the Role of the Laity. (Lecture)

See above, CCEO canon 252.

1423

IE XXIII 3/11, 799-814: Conferenza Episcopale Italiana: Determinazioni circa la disciplina del rapporto del lavoro dei giudici laici, dei difensori del vincolo laici, degli uditori laici, e dei patroni stabili laici operanti nei Tribunali ecclesiastici regionali italiani, 28-30 marzo 2011; Indicazioni, 27 giugno 2011. (Documents and commentary)

The text is given of various documents issued by the Italian Episcopal Conference concerning lay persons acting as judges, defenders of the bond, auditors and stable advocates and procurators in the Italian regional ecclesiastical tribunals. There is also a commentary by Adolfo Zambon.

1423

IE XXIV 1/12, 183-208: Supremo Tribunale della Segnatura Apostolica. Alcuni decreti riguardanti i tribunali interdiocesani (con *nota* di Paweł Malecha, *I tribunali interdiocesani alla luce dei recenti documenti della*

***Segnatura Apostolica. Alcune considerazioni pratiche*).** (Documents and commentary)

The Latin and Italian texts are given of several decrees of the Apostolic Signatura concerning the establishment and approval of interdiocesan tribunals (18 January 2011, 20 May 2011 and 30 August 2011); changes to interdiocesan tribunals (6 May 2011, 8 April 2011 and 19 August 2009, in that order); and the suppression of interdiocesan tribunals (23 January 2008). In his commentary, M. sets out the reasons for establishing interdiocesan tribunals and the procedure to be followed in doing so. He then looks at interdiocesan tribunals of first instance and their appellate tribunals; the areas of their competence; the tribunal moderator and personnel; the manner of dealing with pending cases; the oversight exercised by the Signatura; changes to and suppression of interdiocesan tribunals; and withdrawal of a diocese from an interdiocesan tribunal. Finally he presents some statistical data.

1430-1431

Proc CLSA 2009, 131-149: James I. Donlon: Promoting Justice in the Church. (Lecture)

D. begins by explaining the role, and the appointment, of the promoter of justice. He then describes in some detail the role of the promoter through the course of a penal process. He concludes by discussing what happens should the promoter disagree with the Ordinary about undertaking a prosecution – either recusal or renunciation of the cause. He finishes by highlighting that the promoter represents the good of the Church, and not the good of the accuser.

1432

RMDC 18 (2012), 109-135: Rogelio Ayala Partida: El Defensor del Vínculo. (Article)

A.P. deals with the importance of the defender of the bond in matrimonial causes; the nature of his office; his duties and functions at the different stages of the process; and the manner of carrying them out. The role of the defender of the bond is to seek the truth, and in the field of justice this role needs to be fortified by academic preparation and a more complete participation in the development of processes. The faithful, for their part, need to be informed in a more complete way about the functions of the defender of the bond, so that those whose marriage is under scrutiny may exercise their rights and have recourse to this lawyer who can help them present their legitimate concerns before the judges,

whenever it is a question of defending the existence and sacredness of the matrimonial bond.

1439

IE XXIV 1/12, 183-208: Supremo Tribunale della Segnatura Apostolica. Alcuni decreti riguardanti i tribunali interdiocesani (con *nota* di Paweł Malecha, *I tribunali interdiocesani alla luce dei recenti documenti della Segnatura Apostolica. Alcune considerazioni pratiche*). (Documents and commentary)

See above, canon 1423.

1442-1445

QSR 21 (2011), 17-30: Raymond Leo Burke: La collaborazione tra Segnatura Apostolica e Rota Romana per la retta amministrazione della giustizia nella Chiesa, con particolare attenzione alla simulazione del consenso matrimoniale. (Lecture)

B. looks at the topics of the authority of Rotal jurisprudence, the vigilance of the Apostolic Signatura over the correct administration of justice, and the cooperation between the Rota and the Signatura in this regard. The Rota is responsible for safeguarding the unity of jurisprudence, while the Signatura, in accordance with that jurisprudence and with the universal law of the Church, watches over the judicial activity of lower tribunals. In abstract terms, if the Rotal jurisprudence were lacking, the Signatura's task of vigilance over the lower tribunals would become virtually unrealizable. A second way in which the two tribunals work together is the constant reference to Rotal jurisprudence in communications from the Signatura to the diocesan and interdiocesan tribunals. An individual tribunal from which an appeal has gone to the Rota will receive direct information as to the adequacy or otherwise of its jurisprudence, but for all tribunals it is the Apostolic Signatura, exercising its responsibility for the correct administration of justice, which performs the service of reminding them of the Rotal jurisprudence. B. provides a specific example of the cooperation between the Rota and the Signatura, relating to the ground of total simulation. In the light of Rotal jurisprudence the Signatura analysed some cases that had been decided by a metropolitan tribunal, pointing out errors to enable the tribunal to correct its procedures according to *Dignitas Connubii*, and to follow a healthy jurisprudence in harmony with the Church's teaching.

1443-1444

QDE 24 (2011), 473-499: Giordano Caberletti: Il tribunale della Rota Romana: procedure e giurisprudenza. (Lecture)

C., a Rotal auditor, surveys the competence of the Rota both at first instance and in appeal; he then examines the various procedural stages a case progresses through before the Rota (with careful reference to the Norms of the Roman Rota), and concludes with thoughts on the jurisprudence of the Rota and its role in the life of the Church.

1443-1444

QSR 21 (2011), 31-68: Relazione sull'attività della Rota Romana nell'anno giudiziario 2010. (Report)

Section I of this 2010 Report on the activity of the Roman Rota contains statistical data on the Rotal College and Rotal personnel, together with details of causes pending; petitions received and cases finalized; sentences and decrees issued; free legal aid granted; visits to the Rota by tribunal workers, lawyers and other groups from several countries; publications; and the activity and composition of the *Studio Rotale*. Section II provides a summary of 2010 Rotal jurisprudence relating to matrimonial impediments (disparity of cult); consensual incapacity (lack of discretion of judgement; incapacity to assume the essential obligations of marriage); defects of consent (total simulation; partial simulation; error concerning a quality directly and principally intended; deceit; error determining the will; condition; force and grave fear); canonical form; separation of the spouses; a penal cause; and causes dealt with under canon 1682 §2 (decrees of confirmation; decrees admitting the case to ordinary examination). Section III summarizes 2010 Rotal jurisprudence relating to procedural matters (acceptance or rejection of the petition; admission of new grounds; admissibility of recourses; plaints of nullity; new examination of the cause; *restitutio in integrum*; miscellaneous decrees). Section IV gives details of decrees issued by the Dean of the Rota (see above, canon 1405). Section V contains a detailed breakdown of the data relating to causes examined during the year.

1443-1444

QSR 21 (2011), 169-179: Decreti del Decano della Rota Romana. (Documents)

See above, canon 1405.

1445

Comm 43 (2011), 13-16: Pope Benedict XVI: Allocutio Summi Pontificis ad eos qui die 4 mensis februarii 2011 in Conventu Plenario Supremi Tribunalis Signaturae Apostolicae partem habuerunt. (Allocution)

This is the text of the Pope's first encounter with the Signatura since the promulgation of its *Lex propria* in 2008. He 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

IC 52 (2012), 237-254: Decisiones del Supremo Tribunal de la Signatura Apostólica. (Documents)

See below, canons 1740-1747.

1445

IE XXIII 3/11, 563-581: Javier Canosa: Giustizia amministrativa ecclesiastica e giurisprudenza. (Article)

Every fully organized activity is in need of adequate controls to safeguard its correct development, and the administrative function is no exception. Controls are necessary not only to ensure the correct functioning of administrative activity but also for reasons of justice, because good government is both a responsibility on the part of those who govern, and a right on the part of those governed. C. studies the protection which the law offers as before the ecclesiastical administration. In this context he deals with the development of the Apostolic Signatura's contentious-administrative jurisprudence, and the protection actually established in the current law, following the promulgation of the *Lex propria* of the Signatura in 2008. He offers a brief conclusion underlining the role of charity, and referring to Pope Benedict's comment to the Signatura in February 2011 that "the pilgrim People of God on earth will be unable to realize its identity as a community of love unless it takes into consideration the demands of justice".

1445

IE XXIII 3/11, 651-658: Supremo Tribunale della Segnatura Apostolica: Esercizio del ministero sacerdotale (Ecc.mo Vescovo diocesano – Congregazione per il Clero). Sentenza definitiva, *coram* Cacciavillan, 18 marzo 2006. (Sentence)

Doubtful as to the suitability for ministry of a priest accused of child abuse, the diocesan bishop established by means of two decrees that, as a requirement for any later ecclesiastical tasks, the priest had to submit to an examination, and declared that in the meantime he was forbidden to celebrate the liturgy publicly. The priest presented a hierarchical recourse, and the Congregation for the Clergy annulled the bishop's decrees and established that the priest should be restored to the full exercise of his ministry, and that what had been taken from him under the diocesan provisions for support of the clergy should be restored to him. The diocesan administrator at the time asked for the revocation of the Congregation's decree, and, failing to obtain a reply, the new administrator brought a recourse before the Supreme Tribunal of the Signatura. The Signatura held that the Congregation for the Clergy was incompetent to receive hierarchical recourses in matters concerning the *graviora delicta* which were the competence of the Congregation for the Doctrine of the Faith. The revocation of ministerial faculties is not necessarily a penal sanction, but may be treated as an administrative measure of a disciplinary nature. To distinguish between the two it is necessary to assess whether the Ordinary intended to follow a penal or merely a disciplinary procedure. The revocation of faculties to preach and hear confessions (canons 764 and 974) is a non-penal disciplinary decision, which can be taken where there is a positive and probable doubt as to the suitability of a priest. The verdict in this case was that there had been a violation of the law both *in procedendo* (procedure) and *in decernendo* (substance) in the Congregation for the Clergy's decision to overturn the original decrees.

1445

IE XXIII 3/11, 659-664: Supremo Tribunale della Segnatura Apostolica: Revoca del provvedimento dell Ecc.mo Vescovo nei confronti del Rev. N. (Ecc.mo Vescovo – Congregazione per il Clero), Decreto del Prefetto in Congresso, 13 giugno 2008. (Sentence)

After personally interviewing Fr N., an assistant priest, regarding a serious incident in which Fr N. gave such a severe scolding to a deacon that it caused the deacon heart problems, and considering the written account prepared by the parish priest, the diocesan bishop signed a decree removing Fr N. from office and revoking his diocesan faculties and, in accordance with canon 764, the *ex lege* faculty of preaching. In addition, the bishop also imposed a penance of

doing a retreat. Fr N. pursued an administrative recourse, and the Congregation for the Clergy approved his removal as assistant priest, but not the penance or the prohibition on exercising his ministry *coram populo*. Both the bishop and Fr N. unsuccessfully asked the Congregation to revoke or amend the respective parts of the decree that affected them adversely. Fr N. then turned to the Supreme Tribunal of the Signatura, and shortly afterwards the bishop presented a case before the same Tribunal. However, Fr N., through his advocate, expressed his desire to find a peaceful solution and his intention to renounce the case; in view of which the bishop also asked for a suspension of the examination of the cause. Fr N. later formally renounced the case, but then the bishop asked for the recourse submitted by himself to be re-examined. The sentence discusses at some length the various aspects of the case, and the Cardinal Prefect decreed that the bishop's recourse was not to be admitted because the petition lacked foundation. The Ordinary does not have power to deprive a priest of the exercise of his ministry outside the cases expressly established by law; and a penance may only be lawfully imposed if it is related to the commission or the attempt to commit a crime, instead of or in addition to a penalty.

1445

IE XXIII 3/11, 664-668: Supremo Tribunale della Segnatura Apostolica: Divieto di esercitare il ministero presbiteriale "coram populo" (Ecc.mo Vescovo – Congregazione per il Clero). Decreto del Prefetto in Congresso, 30 maggio 2009. (Sentence)

A priest, accused in 2002 of sexual abuse during his time in the seminary prior to becoming a cleric, renounced his mission in the parish. The bishop forbade him from exercising his priestly ministry *coram populo*, and after consulting the diocesan review board and receiving the *votum* of the promoter of justice, referred the matter to the Congregation for the Doctrine of the Faith (CDF). The CDF considered that the matter did not come within the realm of the *graviora delicta* since the accused was not yet a cleric, and suggested that, if there was no serious scandal and the priest was not a danger to minors, the bishop could consider a pastoral placement in the diocese. The bishop, however, in reliance on canon 223 §2, extended the prohibition, and the priest asked for a revocation, explaining that there had been no sexual intention in the incident. The bishop remained silent, and the priest approached the CDF. The matter was passed to the Congregation for the Clergy, which admitted the recourse. The bishop brought an action before the Signatura, which declared that, since this was not a penal matter, the prohibition on exercising the priestly ministry *coram populo* and on exercising the faculties granted to priests by universal law, imposed by the bishop through an administrative disciplinary act based only on the strength of canon 223 §2, was unlawful.

1445

IE XXIII 3/11, 668-686: Paola Buselli Mondin: Il diritto di difesa in ambito disciplinare. (Comment)

See preceding entries. The three cases decided by the Supreme Tribunal, although varying in detail, can be considered together from the point of view of the regulation by the ecclesiastical authority of the exercise of priestly ministry. B.M. reflects first on the priest's right of defence in canon 221 §3. She then points out that alongside the penal and administrative processes there is a (non-judicial) disciplinary process, relating to an infringement of the demands of the cleric's state; this can only be assessed once the "identity" of the priest's role has been ascertained. She analyses the jurisprudential principles underlying this disciplinary process, and the help offered by the Apostolic Signatura.

1445

IE XXIII 3/11, 723-731: Zenon Grocholewski: Alcune questioni sul rigetto "in limine" nella "Lex propria" del Supremo Tribunale della Segnatura Apostolica. (Article)

The *Lex propria* of the Apostolic Signatura was promulgated on 21 June 2008. Since it is still in its early days, careful interpretation is needed to clarify a number of doubts. Here G. deals with the question of the rejection *in limine* of a contentious-administrative recourse which undoubtedly and evidently lacks any foundation (*indubie et evidenter fundamento careat*: *Lex propria*, art. 76 §1).

1445

IE XXIV 1/12, 183-208: Supremo Tribunale della Segnatura Apostolica. Alcuni decreti riguardanti i tribunali interdiocesani (con *nota* di Paweł Malecha, *I tribunali interdiocesani alla luce dei recenti documenti della Segnatura Apostolica. Alcune considerazioni pratiche*). (Documents and commentary)

See above, canon 1423.

1455

Ang 89 (2012), 223-243: Cormac Burke: Justice and Transparency in Matrimonial Decisions. (Article)

See below, canon 1598.

1470-1475

Comm 43 (2011), 367-368: Supremum Tribunal Signaturae Apostolicae: Decretum generale exsecutorium de actis iudicialibus conservandis. (Document)

In this decree the Signatura recognizes that difficulties can arise in preserving all judicial acts in marriage cases required by the Code, even when modern means are used, and allows some to be destroyed – subject to norms established by the episcopal moderators of tribunals – where a case has been closed for twenty years and provided that the following are retained: definitive sentences, confirmatory decrees, decisions having the force of a definitive sentence and any interlocutory pronouncements.

1472-1475

Proc CLSA 2009, 168-175: Patrick T. Shea: Records Management and Canon 489, Part One: Civil Law Concerns. (Lecture)

See above, canon 489.

1501

QSR 21 (2011), 91-126: Elena Di Bernardo: Il *nomen iuris tribuere* da parte del giudice nelle cause di nullità matrimoniale. (Article)

See below, canons 1513-1514.

1513-1514

QSR 21 (2011), 91-126: Elena Di Bernardo: Il *nomen iuris tribuere* da parte del giudice nelle cause di nullità matrimoniale. (Article)

The phrase *nomen iuris tribuere* can refer to what happens at the beginning of the process when the exact terms of the controversy are determined, by giving a suitable name to the facts presented by the petitioner with a view to obtaining a declaration of nullity of marriage. Another more recent use of the term is in relation to the moment of judging the case. Such usage in this context is acceptable when it refers to evidence having been obtained concerning one or more of the grounds set out in the formulation of the doubt. It is unacceptable, however, if it allows the judge to issue a sentence on a ground that has not been previously agreed on. In her article Di B. examines the term *nomen iuris tribuere* in the light of the maxim *iura novit Curia*; the relationship between the *petitio iudicialis* and the *litis contestatio* in the law prior to the CIC/17; the

situation in the period between the CIC/17 and *Dignitas Connubii*; the origins and limits of the power of *nomen iuris tribuere* in the decisive phase of the cause; and a brief overview of Rotal jurisprudence, which consistently makes clear that a judge in issuing a sentence may not arbitrarily alter the terms of the controversy.

1527

QDE 24 (2011), 437-448: Alessandro Giraudo: L'uso di prove legate alle nuove tecnologie o ai nuovi mezzi di comunicazione. (Lecture)

See below, canon 1539.

1539

QDE 24 (2011), 437-448: Alessandro Giraudo: L'uso di prove legate alle nuove tecnologie o ai nuovi mezzi di comunicazione. (Lecture)

G. reviews the problems of the use of digital films, photographs, recorded or tapped telephone calls, e-mails, text messages, blog entries and other forms of online communication in matrimonial cases. He looks at the need for testimony about authenticity and the means of its proof, expert evidence on possible alteration and attention to privacy issues (which may have a civil law dimension), and examines each of the new means in the light of these issues to see how they impact on the quest for moral certainty.

1574-1581

Ang 89 (2012), 223-243: Cormac Burke: Justice and Transparency in Matrimonial Decisions. (Article)

See below, canon 1598.

1598

AnC 7 (2011), 235-248: Adam Bartczak: Ogłoszenie akt w kanonicznym procesie małżeńskim (= The publication of the acts in marriage processes). (Article)

Canon 1598 §1 provides that after the proofs have been assembled, "the judge must, under pain of nullity, by a decree permit the parties and their advocates to inspect at the tribunal those acts which are not yet known to them". B. analyses the institution of publication of the acts, looking at it in the CIC/17, the CIC/83,

and *Dignitas Connubii*, and identifying the rights and responsibilities associated with publication of the acts.

1598

Ang 89 (2012), 223-243: Cormac Burke: Justice and Transparency in Matrimonial Decisions. (Article)

Taking as his starting point Pope John Paul II's 1994 address to the Rota, in which the Pope discussed "the intriguing relationship between the 'splendour' of truth and that of justice", stating that truth and justice are "not always easy" and that there could be "the temptation to exploit the proofs and procedural norms in order to achieve what is perhaps a 'practical' goal, which might perhaps be considered 'pastoral', but is to the detriment of truth and justice", B. offers a number of considerations that should be borne in mind in informing the parties of their right to appeal to the Rota at second instance (not giving the impression that this can only be done only in extraordinary cases, or imposing other restrictions); the expenses involved in an appeal to the Rota (not giving the impression that this is a prohibitively expensive); the "sealing" of part of the acts of the case (thereby denying one of the parties access to all the evidence – B. calls into question the manner in which this is often done, as it undermines the right of defence and damages the credibility of tribunals); the right to see the full sentence; and a number of other "less than transparent" procedures, as well as flaws in the treatment of expert evidence. In a final section B. sets out why he considers that local tribunals would do well if, when necessary, they had recourse to canon 1455 §3 instead of canon 1598.

1609

PCF X (2008), 321-338: Exclusion of *Bonum Prolis* and *Bonum Coniugum.* Decision coram Serrano, 23 January 2004 (Czech Republic). (Sentence)

See above, canon 1101.

1611

QSR 21 (2011), 91-126: Elena Di Bernardo: Il *nomen iuris tribuere* da parte del giudice nelle cause di nullità matrimoniale. (Article)

See above, canons 1513-1514.

1614-1615

Ang 89 (2012), 223-243: Cormac Burke: Justice and Transparency in Matrimonial Decisions. (Article)

See above, canon 1598.

1620, 4°

SC 46 (2012), 239-247: Roman Rota: Decree of Irremediable Nullity of a Sentence, Trial Without a Petition. Decree *coram* Erlebach, 2 July 2009 (Colombia). (Document)

This decree resolves an incidental question. The appellate court had rendered a decision, overturning the negative finding of the first instance court, on a ground which had never been joined.

1620, 4°, 7°

SC 46 (2012), 231-237. Roman Rota: Decree of Irremediable Nullity of a Sentence *ultra petita*, Denial of the Right of Defense. Decree *coram* Arokiaraj, 16 April 2008 (Colombia). (Document)

This decree declares that an appellate tribunal had heard a case on grounds not proposed to the parties, such that the decision pronounced was beyond (*ultra*) the petition; it decreed the sentence of the second grade to be null. Nonetheless, the second instance tribunal had also tried the case on another ground which had been proposed to the parties; the decree concludes that this portion of the sentence of the second grade is valid.

1620 7°

J 71 (2011), 159-172: William L. Daniel: Nullity of the Definitive Sentence Due to the Violation of the Right of Defense: A Case Study. (Article)

D. offers an exemplar interlocutory decree (effectively a full sentence) from a case alleging the violation of the right of defence, in this particular case alleging that the evidence of the respondent was deliberately omitted from the *acta*.

1620 7º

PCF X (2008), 383-400: A Leap from Error to Grave Lack of Due Discretion. Decision *coram* Stankiewicz, 2006 (Madrid, Spain). (Sentence)

See above, canon 1095 2º.

1620 7º

PCF XII (2010), 277-290: Violation of the Right of Defence in a Penal Trial (Decision *coram* Alwan), 20 February 2001. (Sentence)

See above, canon 1395.

1620, 7°

SC 46 (2012), 249-258: Roman Rota: Decree of Irremediable Nullity of a Sentence, Violation of the Right of Defense. Decree *coram* Arokiaraj, 28 May 2010 (Spain). (Document)

This decree concerns a case tried before the Tribunal of the Rota of the Spanish Nunciature. A sentence had been rendered in first instance in the negative on both grounds, namely, the petitioner's grave lack of discretionary judgement and the respondent's inability to assume. The tribunal of the Spanish Rota overturned the negative decision on the petitioner's lack of discretionary judgement and also, as if in first instance, gave an affirmative decision on his incapacity to assume. At the same tribunal a decree was issued confirming, mistakenly, an affirmative finding concerning the respondent's capacity to assume. The decree of the Roman Rota pronounces the earlier mistaken decision null.

1628-1640

RMDC 18 (2012), 75-108: Miguel López Dávalos: La apelación contra la sentencia. (Article)

Throughout history achieving justice has been a problem, especially on account of the quality of the judges (inexperienced, unjustly disposed, etc.) who make decisions in application of the law. To remedy this, Roman law introduced the appeal for those who suffered harm as a result of unjust decisions. This remedy took the form of a claim presented to the judges responsible for these decisions, working through the hierarchy of judges from the lower to the higher, so that the latter might correct the decisions of the former. In the CIC/17 the appeal takes the form of a remedy, whereas in the CIC/83 it is presented as a way of

challenging the sentence; however, the remedial aspect which was present in the former Code and in the time of the Decretals has not been done away with. The appeal is a recourse available both in contentious and in penal causes.

1639-1640

PCF XII (2010), 277-290: Violation of the Right of Defence in a Penal Trial (Decision *coram* Alwan), 20 February 2001. (Sentence)

See above, canon 1395.

1641

IE XXIII 3/11, 627-648: Pedro A. Moreno: La conformità delle sentenze nell'istruzione "Dignitas connubii". (Article)

M. starts with a historical introduction showing the influence of Roman law in the area of conforming sentences, as can be seen in Gratian's Decree, the Decretals of Gregory IX (1234), the commentaries on the *Corpus Iuris Canonici* issued by Gregory XIII in 1580, and in recent times the Instruction *Dignitas Connubii*. He looks at the particular considerations arising out of the *favor veritatis* and *salus animarum*, and then at the way the concept of *caput nullitatis* has developed from being a *nomen iuris* – a specific technical classification established by the law – to the *causa petendi* itself, which may have two distinct *capita nullitatis*. An analysis of *Dignitas Connubii*, art. 291 §2 and related articles, reveals that it is possible to have different invalidating "facts" which nevertheless converge in the same *causa petendi*. He concludes his work with a consideration of the pastoral dimension of equivalent conformity.

1644

IE XXIII 3/11, 627-648: Pedro A. Moreno: La conformità delle sentenze nell'istruzione "Dignitas connubii". (Article)

See above, canon 1641.

1676

FCan VI/2 (2011), 49-51: Elisa Araújo: Reconciliação Conjugal (Parte I): comentário aos cc. 1676 e 1695 CIC. (Commentary)

A. provides a brief commentary on canons 1676 and 1695, dealing firstly with the reconciliation of the spouses after the dissolution of the marriage or when

the marriage in question is null; and secondly with reconciliation during the process of matrimonial nullity or of judicial separation.

1677

QSR 21 (2011), 91-126: Elena Di Bernardo: Il *nomen iuris tribuere* da parte del giudice nelle cause di nullità matrimoniale. (Article)

See above, canons 1513-1514.

1684

QDE 25 (2012), 244-250: Pierantonio Pavanello: La rimozione del *vetitum*, la convalidazione del matrimonio e la separazione. (Article)

P. looks at how the grounds for the removal of a vetitum could be shown, given that *Dignitas Connubii* does not prescribe a procedure, and suggests various ways forward; he then offers brief notes on how to go about both a simple convalidation and a retroactive validation; and concludes with a description of the administrative procedure for the grant of a separation of the spouses.

1686

QDE 25 (2012), 134-154: G. Paolo Montini: Il *motu proprio Omnium in mentem* e il matrimonio canonico. (Article)

See above, canon 1086.

1695

FCan VI/2 (2011), 49-51: Elisa Araújo: Reconciliação Conjugal (Parte I): comentário aos cc. 1676 e 1695 CIC. (Commentary)

See above, canon 1676.

1697-1706

N XLVIII 7-8/11, 321-326; also **Comm 43 (2011), 289-294: Acta Benedicti PP. XVI: Litterae Apostolicae Motu Proprio datae *Quaerit semper.*** (Document)

By this *motu proprio* dated 30 August 2011, the Pope transfers responsibility for processing dispensations from ratified and non-consummated marriages and cases of declaration of nullity of sacred ordination from the Congregation for Divine Worship and the Discipline of the Sacraments to a special office within the Roman Rota, abrogating articles 67 and 68 of the Apostolic Constitution *Pastor Bonus* and amending article 126 §1. (See also *Canon Law Abstracts*, no. 108, p. 142.)

1697-1706

FCan VI/2 (2011), 55-57: Bento XVI: «Quaerit Semper»: Carta Apostólica sob forma de Motu Proprio do Sumo Pontífice. (Document)

The Portuguese text is given of the *motu proprio Quaerit Semper*.

1697-1706

Comm 43 (2011), 369-371: Antoni Stankiewicz: Articulus explanans Motum Proprium *Quaerit semper* a Summo Pontifice die 30 mensis augusti 2011 datum, ab Exc.mo D. Antonio Stankiewicz, Decano Rotae Romanae Tribunalis, conscriptus. (Article)

S. explains the rationale behind the transfer of cases concerning non-consummation and nullity of orders from the Congregation for Divine Worship and the Discipline of the Sacraments to a special office under the auspices of the Roman Rota. These had been part of the competence of the Rota prior to 1908 and certain traces of this had remained in the role ascribed to Rotal defenders of the bond. Over the years cases in both areas had been heard by the Rota either on appeal or by pontifical commission.

1697-1706

FCan VI/2 (2011), 59-61: Antoni Stankiewicz: Uma inovação histórica (comentário da Santa Sé à Carta Apostólica em forma de Motu proprio «*Quaerit Semper*»). (Commentary)

The then Dean of the Roman Rota, Bishop Antoni Stankiewicz, commenting on Benedict XVI's *motu proprio Quaerit Semper*, praises the Pope for the decision

taken, because it accords with the juridical tradition of the Rota, consolidated over the course of centuries.

1697-1706

REDC 69 (2012), 115-148: Rafael Rodríguez Chacón: *Quaerit Semper*. Una interesante posibilidad de cambio de óptica desde la reorganización de las competencias. (Article)

R.C. examines the *motu proprio Quaerit Semper* which first appeared in L'*Osservatore Romano* on 30 August 2011 (rather than in *Acta Apostolicae Sedis*) and was scheduled to come into force on 1 October 2011, thereby shortening the normal period of *vacatio legis*. The *motu proprio* transfers the competence to deal with *super rato* matrimonial cases and invalidity of priestly ordination from the Congregation for Divine Worship and the Discipline of the Sacraments to a newly established "*Officium*" of the Roman Rota ("*apud Tribunal Rotae Romanae*"). This transfer of competence is said to be of an administrative nature. Its President will be the Dean of the Rota and will comprise other *officiales, commissarii et consultores* whose qualities, functions and responsibilities are unspecified. Since the processes under consideration are administrative and not judicial no other members of the Roman Rota (auditors) are mentioned in the *motu proprio*. The use of the phrase "*apud Tribunal Rotae Romanae*" to describe the relationship of the new *Officium* to the Rota appears to indicate that it is not a fully integrated part as such of the Rota but attached to it in a more open manner. R.C. goes on to look at how the twin transferred competences might be dealt with by the new *Officium*.

1697-1706

Luigi Sabbarese – Elias Frank: Scioglimento *in favorem fidei* del matrimonio non sacramentale. Norme e procedura. (Book)

See above, canons 1142-1149.

1708-1712

Comm 43 (2011), 369-371: Antoni Stankiewicz: Articulus explanans Motum Proprium *Quaerit semper* a Summo Pontifice die 30 mensis augusti 2011 datum, ab Exc.mo D. Antonio Stankiewicz, Decano Rotae Romanae Tribunalis, conscriptus. (Article)

See above, canons 1697-1706.

1708-1712

FCan VI/2 (2011), 55-57: Bento XVI: «Quaerit Semper»: Carta Apostólica sob forma de Motu Proprio do Sumo Pontífice. (Document)

See above, canons 1697-1706.

1708-1712

FCan VI/2 (2011), 59-61: Antoni Stankiewicz: Uma inovação histórica (comentário da Santa Sé à Carta Apostólica em forma de Motu proprio «*Quaerit Semper*»). (Commentary)

See above, canons 1697-1706.

1708-1712

N XLVIII 7-8/11, 321-326; also **Comm 43 (2011), 289-294: Acta Benedicti PP. XVI: Litterae Apostolicae Motu Proprio datae *Quaerit semper.*** (Document)

See above, canons 1697-1706.

1708-1712

REDC 69 (2012), 115-148: Rafael Rodríguez Chacón: *Quaerit Semper*. Una interesante posibilidad de cambio de óptica desde la reorganización de las competencias. (Article)

See above, canons 1697-1706.

1717-1728

AA XVII (2011), 101-118: Ricardo Daniel Medina: Algunas consideraciones acerca de los procesos administrativos. (Article)

Given the increase in recent years of the use of the penal administrative process, particularly in cases of crimes against the sixth commandment committed by a cleric against a minor, M. dedicates his article to an examination of the different phases of these administrative processes. Although no tribunal *per se* is involved in these cases which remain exclusively in the hands of the Ordinary, nevertheless their processing can be entrusted by him to members of his tribunal whose years of practice and experience should ensure their efficient and correct

professional handling. It is especially important in penal administrative processes that the right of appeal, the concrete action and steps to be taken and by whom should be clearly presented to the accused. Although the administrative penal process is suitable for some sexual abuse cases it should not become the norm. When it is used it is important that the Ordinary call upon the resources and experience of his tribunal to assist him in ensuring a fair and just outcome.

1717-1728

AA XVII (2011), 119-146: José M. Serrano Ruiz: Cuestiones actuales del derecho procesal canónico. (Article)

This is the text of an address delivered by S.R. at the Canon Law Faculty of the Pontifical Catholic University of Argentina, his theme being some aspects of the canonical penal process. His introduction reflects on the way in which new normative instruments have been created in recent years to deal with certain types of penal processes which effectively suspend important elements of the universal law; he cites in particular the suspension of canon 87 §1, prohibiting the dispensation from procedural and penal laws, and the powers given to the Church in the United States of America in dealing with cases of sexual abuse of minors by members of the clergy. In this context he deals with the right of defence in canonical penal law, especially in the conducting of the preliminary investigation and the processing of an accusation. He speaks of some aspects of the *motu proprio Graviora Delicta*, and reflects on three particular cases of which he had some personal knowledge. One of his suggestions in that sphere is that more consideration might be given in certain cases to the possible invalidity of priestly ordination due to a basic inability in some persons to assume the duties and obligations of priesthood, analogous to the way in which many marriages are declared invalid due to the inability of one or both parties to fulfil the obligations of marriage. He concludes with the thought that canonical penal law has in some ways missed out on the ecclesial and gospel-based renewal inspired by Vatican II in other areas of the Code and of Church life.

1717-1728

J 71 (2011), 120-158: Thomas J. Green: *Sacramentorum Sanctitatis Tutela*: Reflections on the Revised May 2010 Norms on More Serious Delicts. (Article)

See above, canon 1395.

1717-1731

Proc CLSA 2009, 131-149: James I. Donlon: Promoting Justice in the Church. (Lecture)

See above, canons 1430-1431.

1717-1731

Proc CLSA 2009, 232-242: Amy Jill Strickland: To Protect and to Serve: The Relationship between the Victim Assistance Coordinator and Canonical Personnel. (Lecture)

S. begins by acknowledging that canon lawyers and other ecclesiastical figures have lost their trust on account of the abuse crises. One of the steps in regaining trust is honesty – thus, complainants should not automatically be referred to as victims since the accused cannot be presumed to be guilty. By the same token canonists need to ensure that victims do not get unrealistic ideas about the canonical process; they also need to support justice.

1720

AA XVII (2011), 77-99: Ariel David Busso: Consideraciones acerca de la defensa de los derechos. (Article)

B.'s theme is the defence of the rights of an accused within the context of administrative and penal processes. The defence of these rights, based as they are on natural law, helps to distinguish between just laws on the one hand and unjust laws and derived interpretations on the other. In this context the function and application of *aequitas* is crucial as regards the effective defence of rights. B. raises the question of the limitations on the defence of rights in the case of extrajudicial penal processes and gives a detailed examination of the right of defence as outlined in canon 1720. He concludes that the judicial penal process should, whenever possible, be strongly preferred to the extrajudicial.

1732-1752

Comm 43 (2011), 209-219: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Sextum canonum schema de procedura administrativa a relatore paratum post Consultorum Sessionem diebus 5-7 mensis februarii 1973 habitam. (Report)

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

1732-1752

Comm 43 (2011), 220-237: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Ad sextum canonum schema de procedura administrativa animadversiones Consultorum. (Report)

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

1732-1752

Comm 43 (2011), 238-257: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa": Documentum "motu proprio" propositum de procedura administrativa ad Secretariam Status transmissum. (Report)

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

1732-1752

Comm 43 (2011), 439-440: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa" – Nota quoad commercium epistularum inter Secretaria Status et Pontificiam Commissionem CIC recognoscendo circa publicationem Schematis "De procedura administrativa". (Note)

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

1732-1752

Comm 43 (2011), 441-467: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus studiorum "De procedura administrativa" – Coetus studii "De processibus" – Series Altera Sessio VII[a] (diebus 14-19 maii 1979 habita). (Report)

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

1740-1747

IC 52 (2012), 237-254: Decisiones del Supremo Tribunal de la Signatura Apostólica. (Documents)

Given here are the Latin texts and Spanish translation of two decisions of the Signatura, both dated 3 December 2005 (Prot. N. 35758/04 CA, and Prot. N. 349163 CA). Both are definitive decrees of the College which resolve recourses against decrees issued by the *Congresso* refusing to admit either of the cases for consideration under the contentious-administrative procedure. In both cases the issue in question is the removal of a parish priest, and in both the contentious-administrative recourse is brought by the priest after an unfavourable decision by the Congregation for the Clergy following a hierarchical recourse against the original decree of removal.

1752

AA XVII (2011), 247-264: Wojciech Góralski: La dimensione salvífica e pastorale del diritto canonico. (Article)

G. considers the specifically salvific and pastoral nature of the law of the Church. Canon law constitutes a true and genuine *ordo iuridicus*, but one which is completely original and *sui generis*, reflecting that same nature of the Church itself. It differs, therefore, in nature, origin, form and purpose from civil or State law.

EXCHANGE PERIODICALS

- 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
- Proceedings of the Canon Law Society of America
- Quaderni dello Studio Rotale
- 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

AA	Anuario Argentino de Derecho Canónico, Buenos Aires – V. Rev. John McGee, Girvan, Ayrshire.
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 / Editor.
Comm	Communicationes, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
EA	Estudio Agustiniano, Valladolid – 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 – Abstracts supplied by publisher.
Ius	Iustitia: Dharmaram Journal of Canon Law – Rev. Mgr. Gordon Read, Colchester, Essex.
J	The Jurist, Washington – Rev. Paul Gargaro, Clydebank, Glasgow.
LS	Louvain Studies, Louvain – Abstracts supplied by publisher.
N	Notitiae, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
PCF	Philippine Canonical Forum, Manila – Sr Mary Lyons RSM, Galway.
Proc CLSA	Proceedings of the Canon Law Society of America – Rev. Paul Gargaro, Clydebank, Glasgow.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Rev. Luke Beckett, Ampleforth, York.
QSR	Quaderni dello Studio Rotale, Vatican City – Editor.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – V. Rev. John McGee, Girvan, Ayrshire.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Editor.
RTL	Revue théologique de Louvain, Louvain-la-Neuve – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Rev. Mgr. John Renken, Ottawa.

BOOKS RECEIVED

- Alvaro DEL PORTILLO: *Fidèles et laics dans l'Église. Fondement de leurs statuts juridiques respectifs*, Wilson & Lafleur (Gratianus series), Montreal, 2012, xxiv + 258pp., ISBN 978-2-89689-062-0 [see above, canons 208-231]
- Carlos J. ERRÁZURIZ M.: *Corso fondamentale sul diritto della Chiesa. I: Introduzione. I soggetti ecclesiali di diritto,* Giuffrè, Milan, 2009, xi + 597pp., ISBN 88-14-14589-X [see above, General Subjects (*General introductions to canon law*)]
- Pablo GEFAELL (ed.): *Cristiani orientali e pastori latini*, Giuffrè, Milan, 2012, xxv + 499pp., ISBN 88-14-17372-9 [see above, General Subjects (*Compilations*)]
- Dominique LE TOURNEAU: *La dimension juridique du sacré*, Wilson & Lafleur (Gratianus series), Montreal, 2012, ISBN 978-2-89689-063-7 [see above, canon 2]
- Ciro MEZZOGORI: *Vocazione sacerdotale e incardinazione nei movimenti ecclesiali. Una questione aperta*, Editrice Pontificia Università Gregoriana, Rome, 2012, 515pp. [see above, canon 265]
- Luis NAVARRO – Fernando PUIG (eds.): *Il fedele laico. Realtà e prospettive*, Giuffrè, Milan, 2012, xvii + 520pp., ISBN 88-14-17384-2 [see above, General Subjects (*Compilations*)]
- Luigi SABBARESE – Elias FRANK: *Scioglimento "in favorem fidei" del matrimonio non sacramentale. Norme e procedura*, Urbaniana University Press, Vatican City, 2010, 143pp., ISBN 978-88-401-4031-5 [see above, canons 1142-1149]