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

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GENERAL SUBJECTS

Comparative law

Ap LXXXVI (2013), 549-588: Émile Kouveglo: La distinction des pouvoirs dans l'Église. Entre perspectives démocratiques et exigences ecclésiologiques. (Article)

The dialogue between canon law and the legal systems of contemporary democracies reveals similarities and differences regarding the distinction of powers. K. studies how the distinction has developed in canon law, before examining the terms "power" or "function", and "executive" or "administrative". If the distinction of powers is aimed at providing protection against abuses and absolutism on the part of the public authority, the theoretical and applicative differences which emerge when comparing the ecclesiastical model with the democratic principle may reflect two fundamentally opposed anthropologies and two different conceptions of authority, since the organization of power in the Church cannot be founded *a priori* on any sort of suspicion toward authority. A comparison of canon law and State legal systems calls for an in-depth study of the effectiveness of the tools for moderating power and for ensuring reasonableness in the canonical order.

Ius V 1/14, 101-118: Mathew John: The Role of Diocesan Finance Officer: A Comparative Study of the Eastern and Latin Codes. (Article)

See below, CCEO canon 262.

RCDCP 1 (abril 2014), 15-25: Mikhail Antonov: Beyond formalism: sociological argumentation in the "Pussy Riot" case. (Article)

[http://www.eumed.net/rev/rcdcp/01/ma.pdf]

This article arises out of the case of the rock band "Pussy Riot", who in 2012 staged a blasphemous performance in an orthodox church in Moscow. Their behaviour was found by the Russian courts to constitute not only blasphemy (an offence incurring only a minimal penalty), but also an intolerable display of hooliganism, in view of which the members of the band were sentenced to two years' imprisonment. Following the case the Russian Penal Code was modified to punish actions carried out with the purpose of attacking religious sentiments.

RDC 64/1 (2014), 127-155: Pierre-Louis Boyer: La propriété en droit canonique. Du droit naturel au respect de la législation civile. (Article)

In canon law and in the Church, property or ownership (especially private ownership) remains a fundamental concept, defended by jurists and theologians. What justifies it is its primary aim, which continues to be the universal destination of goods; without this, ownership would be unlawful. By considering from a canonical perspective all the forms that the ownership of goods can take, B. attempts to show how canonical ownership is significantly different from civil ownership, the former being based on its final cause, the latter upon itself.

Ecclesiology

EIC 54 (2014), 339-373: Massimo del Pozzo: Puntualizzazioni sul principio costituzionale di varietà nel popolo di Dio. (Article)

Del P. explores the juridical importance of the principle of variety in conciliar teachings on the fundamental structure of the people of God (in particular *Lumen Gentium*, no. 32, and *Ad Gentes*, no. 28), as well as in later magisterial documents. Although there is almost universal recognition of the principle of radical equality in the Church, there is no corresponding recognition of the constitutional principle of variety (which is not to be equated with merely functional diversity). The principle makes it possible to identify areas of charismatic variety, whether in the institutional configuration of the Church (at the universal, liturgical-traditional, and particular levels) or in the personal condition (private and public) of the faithful (life situations, spirituality, apostolate, initiatives, tasks, ministries, etc.). The charismatic factor indicates the origin and characteristics of the phenomenon but always requires the discernment of the authority. To promote the principle of variety is not therefore a merely theoretical exercise, since it complements the principle of equality and refers to an original and constitutive aspect of the social ecclesial model.

NRT 136 (2014), 577-595: Dominique Waymel: Les mouvements et associations de fidèles dans l'ecclésiologie de Joseph Ratzinger. (Article)

See below, canon 298.

Family issues

RCDCP 1 (abril 2014), 121-134: Alessandro D'Avack: Diritti innati dell'uomo ovvero la dignità umana. (Article)

[http://www.eumed.net/rev/rcdcp/01/ada.pdf]

See below, canon 226.

Jesu Pudumai Doss: Family and Its Rights in the Church Law (article in **Sahayadas Fernando – Jesu Pudumai Doss (eds.),** ***Youth and Family in Today's India*****, pp. 155-182**)

"The family is the way of the Church": so stated Pope St John Paul II in his 1994 *Letter to Families*. Could these words be applied to the law of the Church, and in particular the CIC/83? In answering this question with particular reference to the Indian context, P.D. looks at the attempts that were made to have the "rights of the family" introduced into the Code during the process of revision; family and marriage in Church law; rights of the family regarding relationship and communion; rights of the family regarding faith and spirituality; and rights of the family and concerns of the Indian Church. (For bibliographical details see below, Books Received.)

Human rights

IusM VIII/2014, 217-244: José Omar Larios Valencia: La questione dei diritti umani: fondamenti e prospettive. (Article)

L.V. examines the foundation, historicity and universality of human rights and the contribution which religion has made in this area.

LJ 173 (2014), 113-128: David Perfect: The EHRC's Work on Religion or Belief. (Article)

The Equality and Human Rights Commission (EHRC) was established in Great Britain in October 2007. Its mandate covers nine protected characteristics (age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity). The EHRC has also been Great Britain's National Human Rights Institution since 2009. It is a non-departmental public body and its sponsor department is currently the Department for Culture, Media and Sport. After briefly outlining the context of equality and human rights law with regard to religion or belief, P. first describes

the EHRC's previous legal, policy and research work, focusing in particular on the aspects of policy and research work that touch on legal issues. He then discusses the current policy and research activities which are designed to implement the EHRC's 2013 religion or belief strategy.

LJ 173 (2014), 129-144: David McIlroy: Human Rights Theory: Fit for Purpose, Fundamentally Flawed or Reformable? (Article)

For all the achievements of the human rights movement, persistent questions remain about the theoretical basis for human rights. Human rights theory attempts to solve three problems: the problem of religious disagreement, the problem of how to identify common values and the problem of holding governments to account. Joan Lockwood O'Donovan argues that the ability of human rights theory to address those problems effectively is undermined by the predominant concept of rights. This concept of rights as "things which belong to individuals" gives rise to or reinforces trends towards individualism, possessiveness and litigiousness. Nicholas Wolterstorff offers a reformed account which understands human rights as a form of normative social relation. McI. contends that, in addition, responsibilities need to be given priority over rights and that there needs to be renewed deliberation about the common good in order to overcome the problems which human rights theory seeks to confront.

RCDCP 1 (abril 2014), 223-238: George Penchev: Екологоправни аспекти на правото на вероизповедание в Република България (= Environmental Law Aspects of the Right to Religion). (Article)
[http://www.eumed.net/rev/rcdcp/01/gp.pdf]

P. investigates the environmental law aspects of the right to religion in the Republic of Bulgaria. He emphasizes the link between current ecological problems and the exercise of the right to religion, quoting some New Testament texts related to this human right. He evaluates the manner in which the right is dealt with by Bulgarian legislation and by international treaties to which Bulgaria is a party. He looks at ways in which environmental regulations affect the right of religion, and how the right interacts with the right to a healthy and favourable environment, with town and country planning, and with the right to information on the state of the environment. He ends with some recommendations for improvement.

Law reform

EE 89 (2014), 723-765: Aurelien Favi: ¿Es conveniente la constitución de tribunales administrativos en la Iglesia? Argumentos y propuestas. (Article)

See below, canon 1400.

FThC III 25/17 (2014), 135-151: Bronisław W. Zubert: Unctio infirmorum pro infantibus? (Article)

See below, canons 1004-1006.

IC 54 (2014), 791-802: Jorge Antonio Di Nicco: ¿Puede ser miembro del Consejo de Asuntos Económicos quien desempeña el oficio de ecónomo? Propuesta sobre el parágrafo tercero del canon 492. (Article)

See below, canon 492.

QDE 27 (2014), 314-320: Paolo Bianchi: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimoniale? /2. (Article)

B. urges that "pastoral" should not be seen as an antonym of "juridical", and that the purely declaratory nature of a nullity procedure should not be altered to introduce a means of changing the status of the civilly divorced and remarried. He argues that legal procedures could not generally be the whole solution of the problems the Church faces in this area. He goes on to attack the idea of abolishing the requirement of two conforming sentences: the risk of an excessively local approach is too high, and if the case is properly prepared at first instance the requirement is not burdensome. He also attacks the idea of reversing the presumption of canon 1101 §1, as it would be radically disrespectful of the faithful to assume they were incapable of meaning what they said. (See also *Canon Law Abstracts*, no. 113, p. 9, and the following entry.)

QDE 27 (2014), 463-467: G. Paolo Montini: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimonale? /3. (Article)

M. argues that there is a need to allocate sufficient economic and human resources to the matrimonial nullity process, and that this work merits prioritization alongside other pastoral challenges facing a local Church. (See also *Canon Law Abstracts*, no. 113, p. 9, and the preceding entry.)

Legal theory

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

At this conference on "Nature, grace and canon law" organized by the Institut catholique de Paris on 15-16 November 2012, the following papers were delivered: 1. introductory remarks from the Dean of the Faculty of Canon Law, Philippe Greiner; 2. Jacques Arènes, *Requêtes contemporaines de droits subjectifs et revendication d'autonomie*, highlighting some of the problems presented by the present-day tendency to make ethics revolve around the notions of human flourishing and personal autonomy; 3. Jean-François Chiron, *Nature et grâce*, a theological meditation; 4. Louis-Léon Christians, *Culture de la communauté, individualisme, appartenance, modernité: Occident*, reflecting on current-day tensions between religion and State legal systems in the West; 5. Alphonse Ky-Zerbo, *Culture de la communauté, individualisme, appartenance, modernité: Afrique*, considering similar issues from an African perspective; 6. Emmanuel de Valicourt, *Charisme et pérennité*, *les œuvres en droit canonique*, exploring the relationship between the original charism of a founder and the way in which that charism may be lived out at a later period in history; 7. Kurt Martens, *Liberté et adhésion: état de vie et mission en droit canonique fondamental*, examining the relationship between a person's state in life and his or her mission in the Church (with reference to a specific case in which media publicity surrounding the state of life of a former priest led to his being refused permission by the diocesan bishop to continue in a teaching position); 8. Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*, looking at the juridical aspects of ecclesial initiatives in the areas of charity, healthcare and education; 9. Jacqueline Lalouette, *Liberté et charité, les missions sociales de l'Église*, dealing with some of the battles which the Church has had to wage in France in order to secure the necessary freedoms to carry out her mission; 10. Luis Navarro, *Les ressources du droit canonique: le rôle du fidèle dans la société civile*, setting out the teaching of Vatican II on the autonomy of temporal affairs, the relationship between the temporal order and the spiritual order, and the freedom of the faithful in the temporal order; 11. Cédric Burgun, *Pertinence du droit canonique face aux nouveaux réseaux d'influence et d'appartenance*, looking at some of the difficulties and challenges which the new social media pose to the Church in her evangelizing mission; 12. Patrick Valdrini, *Gouvernement ecclésiastique et nouveaux réseaux d'influence et d'appartenance*, following on from the preceding contribution and focusing on the impact of the new social media on the exercise of ecclesiastical governance, pastoral solicitude, and the responsibility of the faithful at the personal and associative levels; 13. Albert Jacquemin, *Canonisation du pouvoir politique de l'évêque aux IV^e^-VII^e^ siècles: un remède?*, studying in broad terms the question of the political power of

bishops in the period extending from the end of the Western Empire to the start of the Frankish Monarchy, and the measures taken by the Church in the face of encroachments on such powers by the secular princes; 14. Jean-René Kiedi Kionga, *Canonicité et moralité de la dispense*, examining the importance of dispensations in canon law and their "healing" function; 15. Laurent Villemin, *Théologie d'une canonicité privilégiant le salut des âmes*, examining what the CIC/83 and the CCEO say about the salvation of souls, and the relevant texts of Vatican II on the same matter; 16. Jean-Paul Durand, *Canonicité de guérison. Mal, pardon, épikie, justice ecclésiale*, reflecting on the healing and humanizing dimensions of canon law in so far as it is receptive of Trinitarian grace.

Ap LXXXVI (2013), 445-462: Paolo Gherri: Bilancio canonistico della Settima Giornata canonistica interdisciplinare. (Article)

G. reflects on the 7th Interdisciplinary Study Day held at the Pontifical Lateran University on 12 April 2012, at which juridical reflection on the relationship between words and concepts demonstrated the importance of cultural and existential factors for a proper understanding of many juridical categories in ordinary use. New insights were obtained into the meanings of many concepts already believed to have been definitively determined.

IE XXVI (2014), 645-656: Andrea Zanotti: Riflessioni sullo studio del diritto canonico dopo il tramonto delle ideologie. (Article)

Canon law has always been compared with different ideologies and legal worlds: but it is the development of liberal and socialist thought that has had the most profound impact on this field of study. In fact canon law was eliminated from Italian public universities immediately after the unification of the country, up to the early years of the 20th century. After World War II came a time of strong ideologies, when the teaching of "laicist" canon law was promoted so as to counteract the canon law being taught in the pontifical universities. Nowadays, in the post-ideological period, the opportunity presents itself for all teachers of canon law, whether in the public or in the pontifical universities, to enter into a more scientific and less ideological debate, taking into account concepts such as *inaequalitas*, *aequitas,* the metaphysical foundations of canon law, and the balance between the public and private spheres.

RCDCP 1 (abril 2014), 135-154: Thomas Gergen: Tierisches, menschliches, göttliches Recht? Bemerkungen zum Verhältnis Tier-Mensch-Gott in Rechtsgeschichte und geltendem Recht. (Article)

[http://www.eumed.net/rev/rcdcp/01/tg.pdf]

G. examines the relationship between man, animals and God. In medieval juridical and canonical imagery animals are the instruments of God, but have a function of service as regards man. The modern age would like to objectivize relations not only between man and God, but also between animals and man in their civil and canonical juridical aspect. The absolute distinction between *res* (animals) and persons is an obstacle to any suitable juridical concept of animals. One solution would be the formation of a category of "responsible trusteeship" or "stewardship": an idea which also corresponds to the "pathocentric" [from the Greek *pathos*, pain] image of the animal that has feelings and the capacity to assess its environment.

REDC 71 (2014), 857-875: Cecilio Raúl Berzosa Martínez: Derecho, ética y poder en el pensamiento de Benedicto XVI: fundamentos del Estado Democrático. (Article)

B.M. takes as his starting point the arguments expounded by Benedict XVI in his 2011 visit to Germany, centring on justice as the only true foundation for law-making, particularly in regard to the functioning of the State. This justice is founded not on majority rule nor on a functional utilitarianism but rather on the application of reason to the true nature of human reality and that of creation. This is what is traditionally referred to as the natural law, as opposed to mere juridical positivism. The theme is developed in an examination of Benedict XVI's dialogue with the German philosopher Jürgen Habermas, and the Vatican's interventions concerning the conduct of Catholics in public life and fidelity to true moral values. The State cannot be the origin or arbiter of truth or morality, since there is a greater and external source of knowledge and truth which lies beyond it. The Christian faith has shown itself to be universal and rational in being able to provide a fundamental knowledge of true moral values for the well-being of the State and its members. However, the Church is not the State and must remain within its proper limits but always holding out to the light moral values perceptible and accessible to all citizens.

SC 48 (2014), 189-202: Donal Murray: With All Your Heart. (Lecture)

M. begins by saying that the relationship between canon law and the human heart may not be an obvious topic. It is nonetheless a necessary subject of reflection if we are to implement the ecclesiology of Vatican II as the revised

Code set out to do. This leads us to reflect on what might have been the aim behind Blessed Paul VI's proposal for a *Lex Ecclesiae Fundamentalis*. More importantly it calls on all members of the Church to see their lives in the light of the commandment of love on which the law and the prophets depend. For canon law as for everything in the Church it poses the challenge of how the Church's laws and structures can be at the service of the mystery which, as Pope Francis recently remarked to the bishops of Brazil, "enters through the heart".

Relations between Church and State

AC 54 (2012), 283-296: Guillaume Bernard: La « laïcité positive »: entre stratégie politique et droits fondamentaux. (Lecture)

The concept of *laïcité* – involving the complete separation of Church and State in France – is based in its traditional form on a 1905 law, although in more recent times there have been attempts to replace it with a *laïcité* that is more positive in nature. B. considers the implications of this "positive *laïcité*", and concludes that it is significantly different from that which is advocated by the Popes, even though common concerns affecting Church and State sometimes lead to the use of similar terminology.

AC 54 (2012), 333-334: Giorgio Feliciani: La laicità dello Stato negli insegnamenti di Benedetto XVI. (Article)

The teaching of Benedict XVI in respect of religious freedom follows that of St John Paul II, but with new modalities and nuances. In particular much of his attention is focused on the problem of the "laicity" or secularism of the State. Benedict proposes a "healthy" or "positive" form of such secularism that would allow room for the Church to contribute to the building up of society. Rather than stressing Church independence from the State, what is important is the Church's presence in the midst of political, social and economic contingencies.

Ap LXXXVI (2013), 425-443: Giorgio Feliciani: Il Diritto pubblico ecclesiastico nell'attuale Magistero pontificio. (Article)

F. sets out the first results of research into the relationship between continuity and innovation in the traditional *ius publicum ecclesiasticum externum* and the conciliar vision. He draws a comparison between traditional doctrines – particularly Ottaviani's *Institutiones iuris publici ecclesiastici* – and the implementation of the conciliar texts by the pontifical magisterium. An analysis of the topics of religious freedom, State religious neutrality and the Concordats

entered into by the Holy See shows how the interpretations of the Council's teachings given by St John Paul II and Benedict XVI do not constitute a radical break with the past, but undoubtedly offer a renewed vision of the Church's relationship with States. Benedict XVI often recalls how the Church does not wish to claim any privileges in her relations with civil authorities, but aims to carry out her mission in full respect of the secular State (cf. *Gaudium et Spes*, no. 76).

EIC 54 (2014), 415-442: Costantino-M. Fabris: Nuova giurisprudenza in tema di delibazione di sentenza ecclesiastica. Note a margine della sentenza della Cassazione, Sez. Unite, n. 16379 del 17 luglio 2014. (Article)

See below, canon 1059.

FCan IX/1 (2014), 47-48: Rino Passigato: Concordata entre Portugal e a Santa Sé: realizaçoes e perspectivas. (Lecture)

P., apostolic nuncio in Portugal, explains how relations between the Holy See and Portugal develop nowadays in the context of religious freedom, and emphasizes the principle of cooperation enshrined in the Church's Concordat with Portugal. He also mentions the Portuguese Republic's recognition of the Catholic Church's juridical personality, diplomatic relations between Portugal and the Holy See, and the Church's right, recognized and guaranteed by the Concordat, to carry out her apostolic mission.

FCan IX/1 (2014), 49-63: M. Saturino Costa Gomes: A novidade da Comissão Paritária. (Article)

C.G. reflects on the joint committee (*comissão paritária*) in article 29 of the 2004 Concordat between Portugal and the Holy See, and on its importance for Church-State relations.

FCan IX/1 (2014), 75-129: José Oliveira Branquinho: Jurisprudência dos Tribunais Superiores (2010-2011). (Article)

O.B. examines a number of cases dealt with by the Portuguese courts during the period 2010-2011, involving the temporal goods of the Church, charity law, labour law, and laws of inheritance.

FCan IX/2 (2014), 115-126: Paulo Pulido Adragão: Uma Concordata de Cooperação, dez anos depois. Notas de actualização. (Lecture)

This paper provides a general presentation of the 2004 Concordat between the Holy See and Portugal, taking into account subsequent norms relating to its implementation.

FCan IX/2 (2014), 129-146: Diogo Tapada dos Santos: O Sistema Matrimonial Português – notas gerais. (Article)

This article describes the way in which the coexistence of civil and religious marriage is regulated in Portugal.

IC 54 (2014), 663-700: Arturo Calvo Espiga: Análisis jurídico del artículo 7 del Acuerdo de cooperación del Estado español con la Federación de Entidades Religiosas Evangélicas de España en la perspectiva de la doctrina y liturgia protestantes sobre el matrimonio. (Article)

C.E. analyses article 7 of the 1992 Accord between the Spanish State and the Federation of Evangelical Religious Entities in so far as it relates to Protestant teaching on marriage. After providing an overview of Lutheran and Calvinist thinking on marriage, he examines how these principles are received within contemporary Protestant doctrine and how they are reflected in Protestant liturgical rituals and ceremonies, with a view to assessing how article 7 in fact corresponds to Protestant principles on marriage. He questions its true legal relevance within the broader framework of Spanish law.

LJ 173 (2014), 145-172: David Pocklington: The Regulation of Cremation Residues by Church and State – Past, Present and Future. (Article)

See below, canon 1176.

RCDCP 1 (abril 2014), 97-119: Giuseppe D'Angelo: La «irriducibile tipicità» del diritto canonico nella dinamica delle attuali relazioni interordinamentali. Brevi note (problematiche e di prospettiva) a partire dalla riforma dei *delicta graviora*. (Article)

[http://www.eumed.net/rev/rcdcp/01/gda.pdf]

See below, canon 1395.

RDC 64/2 (2014), 277-309: Lewis Ampidu Clorméus: Aspects des relations entre l'Église et l'État en Haïti. Le concordat du 28 mars 1860. (Article)

The signing of the 1860 Concordat between the Holy See and Haiti marked a turning point in relations between the State and the Catholic Church in that country. It put an end to the schismatic situation of a clergy criticized by local elites, and instead promoted the arrival of missionaries who were largely recruited in Brittany (France) to evangelize, "moralize", and "civilize" the Haitian masses. The Concordat strengthens the legal framework giving the Catholic Church in Haiti a superior status as regards other religions.

RDC 64/2 (2014), 375-393: Frédéric Dieu: Aspects des rapports entre droit civil et droit canonique: L'autorité parentale et le choix de la religion de l'enfant. (Article)

See below, canon 868.

REDC 71 (2014), 827-856: Francisco José Zamora García: Relaciones iglesia-estado en los proyectos constitucionales españoles. (Article)

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

Religious freedom

AC 54 (2012), 377-385: Jean-François Théry: La jurisprudence du Conseil d'État et l'application de la loi de 1905. (Article)

T. examines how the French *Conseil d'État* – the supreme court for cases of administrative justice – has applied the Law of 1905, whose article 1 purports to guarantee freedom of conscience and the free exercise of religious worship, subject only to such restrictions as are deemed necessary for the purposes of safeguarding public order, while at the same time upholding the principle of State neutrality as regards religions.

BV 74 (2014), 681-688: Andrej Naglič: Svoboda izražanja vere (= Freedom of Expression of Religion). (Article)

An awareness of constitutional values, principles and rights is necessary in order to explain them to others, and to demand of the State and other authorities that these rights be consistently respected in practice. The Constitutional Court of the Republic of Slovenia is the ultimate guardian of constitutionality, legality, and

fundamental human rights and freedoms in Slovenia. In its judicial practice, the Constitutional Court has also ruled on freedom of religion. From the viewpoint of citizens as well as that of all natural and legal persons, one issue of special importance is the expression of religion. This issue concerns the practical aspects of freedom of religion, primarily the rights of the individual and of civil society, and the duties of the State. N. summarizes and systematically presents the rulings of the Constitutional Court on the expression or profession of religion. Individuals and civil society can invoke such rulings in exercising and enforcing their rights, and all authorities, whether at State or local level, are required to submit to them.

EE 89 (2014), 799-816: Montserrat Perales Agustí: Presente y futuro de las empresas ideológicas confesionales. (Article)

P.A. sets out the problems involved in defending the fundamental rights of employees of undertakings inspired by a particular ideology or religion. Ideological or religious freedom forms one of the fundamental principles of a democratic society and as such ought to receive legal protection. P.A. considers the way in which such protection is afforded by the legislation of various countries, and how the European Court of Human Rights has dealt with cases brought under article 9 of the European Convention of Human Rights (freedom of thought, conscience and religion). She also offers some suggestions for the future.

EE 89 (2014), 817-832: Almudena Rodríguez Moya: La religión en la empresa: problemas y soluciones. (Article)

R.M. considers that the question of religious beliefs and practices will be an increasingly important issue for businesses and business leaders to take into account in the future.

IusM VII/2013, 61-81: Maurizio Martinelli: **La libertà religiosa secondo il canone 586 del CCEO.** (Article)

See below, CCEO canon 586.

LJ 173 (2014), 173-185: Pedro Erik Carneiro: Trying to Catch the Deluge: Shari'ah, Terrorism and Religious Freedom. (Article)

Islamic countries have their own declarations of human rights and conventions on terrorism. These highlight the fact that their reasoning is commanded by

Shari'ah. In Shari'ah, "Allah is the goal, the Prophet is the model, the Quran is the constitution". Thus, the best place to search for roots of understanding between Islamic and international law regarding religious liberty and terrorism is the Quran. However scholars tend to ignore theology in discussing whether there can be reconciliation between the two systems and this affects their conclusions. C. raises the question of whether the love of God and love of neighbour can be the roots for understanding. First, the theist position is taken in the debate as to whether a *ius cogens* could transcend God. Then, the stand taken by the Quran is considered in respect of "People of the Book", "jihad", and "apostasy". These three controversial issues are then set against the single idea of loving the enemy. C. concludes that the Quran is too contradictory to provide a clear position. Nevertheless, it is problematic to avoid the Quran. Such avoidance could be the main reason why Western scholars find deaf ears in the Islamic world. C. considers that the very formation of social science courses needs to be changed so as to include deeper analysis of revealed and natural theologies.

Social issues

RCDCP 1 (abril 2014), 207-222: Marco Parisi: Problematiche normative della presenza islamica nello spazio sociale italiano ed europeo. Le difficoltà del pluralismo culturale nel modello di laicità contemporaneo. (Article)

[http://www.eumed.net/rev/rcdcp/01/mp.pdf]

The establishment of stable Islamic communities in all countries of the European Union has legal repercussions, in that governments, parliaments and civil society are called upon by Muslim associations to give recognition to certain specific sets of rules and habits which are understood by Muslims themselves as necessary to live in a manner consistent with their religion. This requires the State institutions to reflect on the coexistence of concepts such as the universality of rights, respect for cultural distinctiveness and the centrality of the principle of secularism in all national legal orders. At the same time it urges the Muslim communities considered as a complex and articulated whole to adopt an attitude of moderation and adaptation towards the foundational principles of the Western legal world.

RDC 64/1 (2014), 43-67: Ludovic Danto: Mariage et consentement. Réflexions canoniques à propos de la législation française. (Article)

The law allowing civil marriage between persons of the same sex calls in hindsight for a clear grounding of the fundamentals of the Church's teaching on marital consent. It is necessary to understand what is meant by consent, so as to

obtain a better understanding of what the civil institution is as compared with the canonical institution. Certain issues and questions deriving from the current legal situation will then be understood more adequately.

Teaching of canon law

RCDCP 1 (abril 2014), 193-206: Luciano Musselli: L'insegnamento del diritto canonico ed ecclesiastico in alcune università italiane (Torino, Milano, Pavia, Padova e Trieste) nel primo secolo dell'unità d'Italia. (Article)

[http://www.eumed.net/rev/rcdcp/01/lm.pdf]

M. looks at the teaching of canon law and ecclesiastical law in a number of Italian universities, all of them in the north of the country (Turin, Milan, Pavia, Padua and Trieste), from the time of Italian unification. He gives details of the content of the teachings, together with an academic and scientific profile of the teachers. Among them are the creators of ecclesiastical law and lay teachers of canon law in public universities.

HISTORICAL SUBJECTS

1st millennium

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Albert Jacquemin, *Canonisation du pouvoir politique de l'évêque aux IV^e^-VII^e^ siècles: un remède?*

AC 54 (2012), 387-400: Carmela Ventrella Mancini: La symphonie entre *sacerdotium* et *imperium* durant les conciles généraux et particuliers des VI^e^ et VII^e^ siècles. (Article)

The intense conciliar activity that took place in Merovingian Gaul and Visigoth Spain in the 6th and 7th centuries is a sign of the close connection existing between the ecclesiastical hierarchy and the monarchs of that period, mutually involved as they were in the reorganization of a society undergoing profound changes following the collapse of the Roman empire. The councils express the idea of a social order in which unity is to be achieved through the universality of religion. V.M. looks at particular manifestations of this harmony in the various councils held in Gaul and Spain in the period in question.

FThC II 24/16 (2013), 177-189: Szabolcs Anzelm Szuromi: Modifiche storiche e giuridiche della Chiesa nelle prescrizioni canoniche circa l'amministrazione del battesimo nel rito latino e la loro applicabilità nella nuova evangelizzazione. (Article)

S. carries out a historical survey of the Church's discipline in respect of the administration of baptism in early medieval times, the later Middle Ages and the period of the Council of Trent; he then examines the prescriptions of the CIC/17. The current Code has widened the role of the deacon in administering baptism and simplified some of the norms concerning the time and place of baptism, the name, and the sponsor. However S. feels it would be helpful to try to regain that sensitivity of old whereby a person recently baptized would continue to be helped as regards their education in the faith and their participation in the Holy Mass.

RCDCP 1 (abril 2014), 155-168: Gábor Hamza: Áttekintés a kánonjog (ius canonicum) kialakulásáról és fejlődéséről (= Overview of the origin and development of canon law). (Article)

[http://www.eumed.net/rev/rcdcp/01/gh.pdf]

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

Classical period

AC 54 (2012), 345-359: Engelbert Meyongo Nama: Observations sur le rôle du Procureur en droit canonique classique (XII^{e}-XIII^{e} siècles). (Article)

Medieval canon law allowed the emergence of a perfect mechanism for representation in the form of the procurator. In the 12th and 13th centuries procurators could be of two kinds: the *procurator ad litem* and the *procurator ad negotia*. The article examines how these figures were dealt with in the legislation and canonical writings of the period.

EIC 54 (2014), 375-394: Jürgen Jamin: «*Articulos solvit*». La competenza del Romano Pontefice *ratione fidei* nel pensiero dell'Ostiense. (Article)

The medieval era signals a very important moment in the definition of the primacy of the Church of Rome over the other Churches. One aspect of such primacy is the pre-eminent jurisdiction attributed to the authority of the Bishop of Rome in all matters of faith. Decretists and decretalists provide a fundamental contribution towards identifying the competence of the Pontiff in this sphere. J. offers an analysis of the thought of Henry of Susa (Hostiensis) on the juridical competences of the Successor of Peter concerning the faith.

FThC II 24/16 (2013), 177-189: Szabolcs Anzelm Szuromi: Modifiche storiche e giuridiche della Chiesa nelle prescrizioni canoniche circa l'amministrazione del battesimo nel rito latino e la loro applicabilità nella nuova evangelizzazione. (Article)

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

FThC II 24/16 (2013), 191-214: José Miguel Viejo-Ximénez: Cicerón y Graciano. (Article)

V.-X. looks into the reasons why Gratianus in compiling his *Concordia discordantium canonum* made use of the *distinctiones* and *causae* characteristic

of Roman law. Although interest in the commentaries of Cicero on rhetoric and dialectic had started to wane by the beginning of the 12th century, some of the Parisian masters of the first half of that century set about expounding Cicero's ideas on the office of the orator, with a view to formulating definitions. In so doing they laid the basis for the new science of canon law, which is reflected especially in the structure of the second part of Gratianus's work. (See also below, p. 22.)

FThC III 25/17 (2014), 123-134: Szabolcs Anzelm Szuromi: La fondazione delle università nel medioevo e le particolarità dell'insegnamento universitario. (Article)

University education underwent a major transformation in the 12th century. As universities started to develop, teachers formed groups of students around them, giving rise to the different "schools" and thus to the distinct characteristic approaches of each centre of learning (Bologna, Oxford, Paris, etc.). The establishment of the various faculties and disciplines was what enabled Europe to create a lasting foundation for academic culture.

FThC III 25/17 (2014), 153-169: José Miguel Viejo-Ximénez: The *Summa Quoniam in Omnibus* revisited. (Article)

V.-X. revises the common explanations concerning the commentary on the *Decretum Gratiani* known as the *Summa Quoniam in Omnibus* (SQO): its compilation, authorship and date of composition. SQO is a derivative work, the product of a School, assembled by an anonymous author around the mid-1150s. It incorporates pre-existing materials, alongside new ones. It is a compendium of the interpretative methods used by the first decretists: glosses, summaries, additions, *allegationes*, *introductiones*, *continuationes* and even *solutiones contrariorum.*

FThC III 25/17 (2014), 189-212: Anne J. Duggan: The paradox of marriage law: from St Paul to Lateran IV (1215). (Article)

The key elements of marriage were established from early times, but two major problems emerged in relation to validity. The first concerned consanguinity and affinity. The basis of the prohibition derived from the regulations in Leviticus 18, which forbade sexual relations or marriage with a tightly-knit group of female relatives by blood and marriage. Sensitivity to the problem of incest grew during the seventh and eighth centuries, especially in "German" lands where the net of incest was cast wider and wider, often on the basis of spurious documents and misconstructions, until a practical solution was provided by

Lateran IV. A second problem was confusion about which action established a valid and indissoluble marriage. Like the question of incest, this confusion can be traced to a combination of misinterpretation and faulty transmission of key authorities. Hugh of St Victor provided the basis for a resolution of the problem in the mid-1130s, defining marriage as "the lawful consent of a man and a woman lawfully made to maintain an exclusive companionship for life". His defence of consent as the essential element in sacramental marriage, which came to characterize the "French school" (contrasting with the approach of Gratian and the "Bologna school"), was ultimately to prevail, thanks to authoritative statements from Popes Alexander III and Innocent III.

IC 54 (2014), 701-721: Ciro Tammaro: La potestà giurisdizionale del magistrato inquisitore e l'*editto di fede* quale momento instaurativo dell'*actio poenalis* nella procedura canonica medievale *per inquisitionem*. (Article)

After some preliminary reflections on the historical, social and ecclesial context of the medieval period, T. sets out the canonical, structural and functional characteristics of inquisitorial jurisdiction, and goes on to provide a more detailed analysis of the role of the judge in such jurisdiction, as an active agent in the *actio poenalis*. He then looks at the main features of the pontifical mandate as the source of inquisitorial jurisdiction, and at the question of disputes between episcopal and inquisitorial penal jurisdictions. Next he explores the intrinsically personal nature of inquisitorial jurisdiction within a particular territory, and the criteria for determining the scope of the inquisitor's jurisdiction. Finally he deals with the *edictum fidei* as constituting the moment at which the inquisitorial *actio poenalis* begins.

RCDCP 1 (abril 2014), 27-58: Morgane Belin: Les statuts synodaux: un outil au cœur de la transmission de la loi de l'Église aux pasteurs et à leurs fidèles (13^{e}-17^{e} siècles). (Article)

[http://www.eumed.net/rev/rcdcp/01/mb.pdf]

From the Middle Ages, the Western Christian Church required each of its ministers to know the law or be liable to punishment. To transmit the provisions of the law to clerics throughout the parishes, the ecclesial institution of the diocesan synod developed. From the 13th century this assembly brought together all the clergy involved in pastoral care within the same diocese. The Fourth Lateran Council ordered bishops to celebrate the diocesan synod every year, and thus the synod was established as a vital institution for the reform of the parish clergy, remaining so up to the end of the early modern period. A study of synodal statutes gives an idea of how bishops interpreted the Church's ideals

regarding the *cura animarum* in parishes. B. looks in particular at the published synodal statutes of two dioceses in the Low Countries, Liège and Namur, between the 13th and 17th centuries, observing the continuity and differences between medieval and early modern synodal law and the evolution of the manner in which canons and conciliar decrees were transmitted in synodal books. Prior to the Council of Trent there tended to be a tacit borrowing of laws among neighbouring dioceses. After the Council these were replaced by very clear and explicit references to the conciliar decrees and papal bulls. The situation of conflict governing relationships between the Church and the secular lords in the 13th century had turned, by the 16th and 17th centuries, into a joint commitment to work together against delinquency and to standardize the religious practice of priests and their flock. The study of synodal law over an extended period of time makes it possible to measure the efforts made by the local Ordinaries to achieve the ideals of a Church *semper reformanda*.

RCDCP 1 (abril 2014), 155-168: Gábor Hamza: Áttekintés a kánonjog (ius canonicum) kialakulásáról és fejlődéséről (= Overview of the origin and development of canon law). (Article)

[http://www.eumed.net/rev/rcdcp/01/gh.pdf]

H. presents a historical overview of several significant medieval and modern canonists. He begins with the Etymologies of Isidore of Seville, and continues with Ivo of Chartres, Gratian, Rolando Bandinelli (Pope Alexander III), Master Rufinus, Hugh of Pisa, Stephen of Tournai, John of Wales, Raymond of Penyafort, and Sinibaldo Fieschi (Pope Innocent IV), pointing out the particular influence of Justinian's Digest on Gratian and on the Gregorian Decretals. He gives particular importance to Prospero Lambertini (Pope Benedict XIV). The bibliography he uses is German, Hungarian, French, Italian, Austrian, English, Dutch and Spanish.

RCDCP 1 (abril 2014), 269-276: Yves Charles Zarka: Marsile de Padoue et la problématique théologico-politique de Grotius et Hobbes sur le pouvoir de l'évêque de Rome. (Article)

[http://www.eumed.net/rev/rcdcp/01/ycz.pdf]

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

RDC 64/1 (2014), 69-93: Engelbert Meyongo Nama: Controverses autour de l'abdication du Pape Célestin V. Un éclairage sur la renonciation historique du Pape Benoît XVI. (Article)

Benedict XVI's sudden renunciation of the Petrine office has brought back to life the medieval debate concerning voluntary or involuntary abdication on the part of the Pope, in the wake of the resignation of Pope Celestine V. The theological and canonical *disputatio* is better clarified by a revisiting of the historical context of elections during the early and late Middle Ages, and of the legal principles governing their procedure. The historical and juridical context makes it possible to acquire an idea of the basis for renunciation on the part of the Roman Pontiff.

REDC 71 (2014), 781-825: Francisco Cantelar Rodríguez: La moral pública en los sínodos medievales españoles. (Article)

Drawing on the 12 volumes of the *Synodicum Hispanicum,* published successively over the last two decades, C.R. looks at how the medieval synods cast light on the public morality and conduct of the Spain of that age. His approach is twofold, as he looks at those positive areas of life and practice which are encouraged and recommended to the faithful, and in a much longer section examines the abuses which are condemned.

SC 48 (2014), 531-547: José Miguel Viejo-Ximénez: The Origins of the Science of Canon Law. Gratian and the *Inartificiosa Eloquentia*. (Lecture)

V.-X. links the structure of the second part of the *Concordia discordantium canonum* with Gratian's methods of harmonization. While the materials of the first and the third part were put in order at a later stage, the causes were present in the primitive conception of the work, belonging to the writing project. The first glosses and comments of the decretists explained this rhetorical category. From this data it is possible to appreciate the intellectual atmosphere in which Gratian was trained and educated, the original nucleus of his book, and the links between civil lawyers, theologians and canonists at the beginnings of the 12th century Renaissance. (See also above, pp. 18-19.)

16th-19th centuries

IusM VII/2013, 127-145: Pier Virginio Aimone: La scoperta delle nuove terre: elementi di diritto missionario negli editti papali alessandrini. (Article)

The 500th anniversary of the "discovery" of America has led to renewed interest in the pontifical bulls which supported the conquest by Europeans of the New World, although the purposes of those documents – the donation and division of the world, navigational rights and the conversion of native Americans to the Christian faith – should not be overlooked. It is interesting to note how the assessment of such events was rather negative in 1992, because of the effects of colonization, whereas on the occasion of the fourth centenary in 1892 it was completely positive, in acknowledgment of its contribution to civilization. However, a positive assessment is still possible if one bears in mind what was at the heart of the documents, namely the missionary aspect and the purpose of announcing the Gospel. Canonists and theologians alike have come to appreciate the importance of Pope Alexander VI's missionary rather than political intentions.

RCDCP 1 (abril 2014), 27-58: Morgane Belin: Les statuts synodaux: un outil au cœur de la transmission de la loi de l'Église aux pasteurs et à leurs fidèles (13e-17e siècles). (Article)

[http://www.eumed.net/rev/rcdcp/01/mb.pdf]

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

RCDCP 1 (abril 2014), 155-168: Gábor Hamza: Áttekintés a kánonjog (ius canonicum) kialakulásáról és fejlődéséről (= Overview of the origin and development of canon law). (Article)

[http://www.eumed.net/rev/rcdcp/01/gh.pdf]

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

RCDCP 1 (abril 2014), 269-276: Yves Charles Zarka: Marsile de Padoue et la problématique théologico-politique de Grotius et Hobbes sur le pouvoir de l'évêque de Rome. (Article)

[http://www.eumed.net/rev/rcdcp/01/ycz.pdf]

Z., who teaches political philosophy at the Université René Descartes in Paris, sets out the ideas of Marsilius of Padua, Hugo Grotius, Thomas Hobbes, Jean

Bodin and Robert Bellarmine on relations between Church and State, the power of the Bishop of Rome, the relationship of the temporal and spiritual powers, the sovereignty of the State and the subordination of the Church. He also studies whether the spiritual power has coercive power. The authority of the Sovereign acquires greater importance within the absolutism of the modern age.

RDC 64/2 (2014), 311-330: Rémy Lebrun: Le droit interne de l'Église catholique-chrétienne de la Suisse. (Article)

The schismatic Christian Catholic Church of Switzerland was the product of the coming together of liberal Catholicism, anti-Roman sentiment following Vatican I, and the *Kulturkampf* (the attempt by the Prussian State to reduce the influence of the Catholic Church especially in the areas of education and marriage). Under the influence of liberal ideology and a certain Reformation ecclesiology, it broke with the tradition of canon law, as can be seen from a detailed study of its internal law, which appears to be above all a reflection of the Christian Catholic movement's own understanding of itself.

REDC 71 (2014), 639-722: Beatriz García Fueyo: La *episcopalis audientia* posclásico-justinianea y la jurisdicción episcopal de Alonso de San Martín, hijo de Felipe IV (1642-1705): II. (Article)

This is the second part of G.F.'s article (see *Canon Law Abstracts*, no. 113, p. 27 for its historical context). Here she analyses three different procedural actions undertaken by Alonso de San Martín during his tenure as bishop in the dioceses of Oviedo and Cuenca.

REDC 71 (2014), 827-856: Francisco José Zamora García: Relaciones iglesia-estado en los proyectos constitucionales españoles. (Article)

The formally approved constitutions of a State or nation are not the only sources of information for its constitutional history. Other unsuccessful attempts at constitutional reform also cast light on the development of that same history. Z.G. sets out to examine the texts of some of those attempted but failed reforms, especially from the point of view of Church-State relations. These range from the proposed *Leyes Fundamentales* of 1852, the constitution for a Spanish Federal Republic (1856), the constitution for the Spanish Monarchy (1929) and the constitution for the Spanish Republic (1931).

1917 Code

FThC II 24/16 (2013), 159-176: Nicolás Álvarez de las Asturias: Las dos codificaciones canónicas y su lugar en la historia. (Article)

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

FThC II 24/16 (2013), 177-189: Szabolcs Anzelm Szuromi: Modifiche storiche e giuridiche della Chiesa nelle prescrizioni canoniche circa l'amministrazione del battesimo nel rito latino e la loro applicabilità nella nuova evangelizzazione. (Article**)**

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

20th century

AC 54 (2012), 9-20: Philippe Greiner: L'histoire de la Faculté de droit canonique de l'Institut catholique de Paris, de ses origines au décanat de Mgr Pierre Andrieu-Guitrancourt (1895-1970). (Conference presentation)

G. traces the history of the Faculty of Canon Law of the Institut catholique de Paris (founded in 1875) up to the year 1970, the last year of the deanship of Mgr Pierre Andrieu-Guitrancourt, who had taken up that role in 1947.

AC 54 (2012), 21-29: Jean Passicos: La Faculté de droit canonique dans la période de Vatican II. (Conference presentation)

P. focuses on the history of the Faculty of Canon Law of the Institut catholique de Paris in the period during and after the Second Vatican Council. He concludes with some reflections on what he refers to as a "canonical quasi-absence" in the formation of many pastoral workers today.

Ap LXXXVI (2013), 515-546: Ilaria Zuanazzi: Le *contentiones ortae ex Actu potestatis administrativae:* riflessioni critiche tra il "già" e il "non ancora". (Article)

See below, canon 1400.

EIC 54 (2014), 395-413: Federico Marti: San Pio X e la curia romana. (Article)

On the occasion of the centenary of the death of Pope Pius X (20 August 1914), M. focuses on one of the most important reforms undertaken by the Pontiff in the area of canon law, that of the Roman Curia, examining the genesis and reform of this institution, and emphasizing its importance as a turning point towards the modernity of a secular institution at the service of the universal Church.

FCan IX/2 (2014), 13-49: Dulce Teixeira de Sousa (†): Consagração e Institutos Seculares. (Lecture)

See below, canons 710-730

IusM VII/2013, 147-163: Paul B. Steffen: Pionero en misionología, derecho misional y derecho internacional. La contribución del P. Theodor Grentrup, SVD (1878-1967). (Article)

Theodor Grentrup was born in Ahlen (diocese of Münster, Germany) in 1878. As a member of the Society of the Divine Word (SVD) he was ordained priest in 1902. In 1905 he obtained a doctorate in canon law at the Angelicum in Rome. In his teaching at St. Gabriel, Austria, Grentrup specialized in mission law. When Joseph Schmidlin, the founder of Catholic missiology, founded the first Catholic journal of missiology, the *Zeitschrift für Missionswissenchaft*, in 1911, Grentrup became one of its most faithful contributors. With the publication of *Jus Missionarium* in 1925 he made an outstanding contribution to the emerging discipline of missionary law. From 1925 he lived in Berlin, where he taught missiology at two State universities, specializing in the rights of ethnic minorities and in international law. After World War II he turned his attention to the care of refugees. Grentrup is considered to be one of the pioneers of Catholic missiology.

RCDCP 1 (abril 2014), 1-13: Manuel J. Peláez – Miriam Seghiri – Gudrun Stenglein – María Cristina Toledo Báez: Systema legum sacrarum et ius positivum canonicum omnium ecclesiarum. El derecho canónico pluriconfesional de las diversas Iglesias cristianas. La oportunidad de un homenaje a Johann Friedrich von Schulte, Franz Xaver Wernz y Paul-Marie Viollet al cumplirse en 2014 el centenario de su muerte. (Article)

[http://www.eumed.net/rev/rcdcp/01/mpmsgsct.pdf]

This first issue of a new multiconfessional canon law journal opens with a homage to three renowned canonists, Johann Friedrich von Schulte (1827-1914, Professor at the Universities of Bonn and Prague), Franz Xaver Wernz SJ (1842-1914: see below), and Paul-Marie Viollet (1840-1914: see below), the centenary of the death of all three occurring in 2014 (a date doubly significant in the case of Wernz as it coincides with the bicentenary of the restoration of the Society of Jesus). Schulte is possibly the best historian of canon law of all time, but he was also the ideologue of the Old Catholic Church and a protagonist in the schism from the Roman Catholic Church after Vatican I.

RCDCP 1 (abril 2014), 81-96: Jean-Louis Clément: Un canoniste mis à l'Index en 1906: Paul Viollet (1840-1914). (Article)

[http://www.eumed.net/rev/rcdcp/01/jlc.pdf]

Paul-Marie Viollet, Professor of History of Law and Institutions at the Faculty of Law in Paris is one of France's greatest historians of law. The founder of the Catholic Committee for the Defence of Law, he also taught canon law at the École Nationale des chartes. He is regarded as a liberal Catholic. A great admirer of German doctrine, and author of important works on Gallic juridical sources, he also wrote on the infallibility of the Roman Pontiff. This provoked controversy and ultimately led to his book being placed on the Church's *Index Librorum prohibitorum*.

RCDCP 1 (abril 2014), 239-267: Stefano Testa Bappenheim: L'idea cristiana d'Impero nel pensiero di Padre F.X. Wernz, SJ. (Article)

[http://www.eumed.net/rev/rcdcp/01/stb.pdf]

This article is dedicated to the 25th Superior General of the Society of Jesus, Franz Xaver Wernz, Professor of Canon Law at the Gregorian University, whose most important work is undoubtedly his *Ius decretalium, ad usum praelectionum in scholis textus canonici sive iuris decretalium*, published in Rome and Prati between 1898 and 1914, and posthumously completed and revised following the CIC/17. In his historical research Wernz was critical of

abuses of imperial power vis-à-vis the Church. Most of the present article consists of the reproduction of an essay by Wernz on the Christian idea of Empire.

RCDCP 1 (abril 2014), 277-290: María Cristina Toledo Báez – Gudrun Stenglein – Míriam Seghiri – Manuel J. Peláez: Pour aller plus loin. Andiamo più avanti col diritto canonico molticonfessionale. Fortsetzung des überkonfessionellen Kirchenrechts. (Article)

[http://www.eumed.net/rev/rcdcp/01/ctgsmsmp.pdf]

In the concluding article of the first issue of this multiconfessional canon law journal the editors announce that they wish to dedicate the second and third issues to other famous canonists from Italy, the USA, France, Belgium and Spain. They include in their article passages from six different authors expressing varying conceptions of the religious phenomenon: Napoleon Bonaparte, Johann Friedrich von Schulte, Emmanuel-Seraphin-Désiré Vauchez, St Pius X, Aristide Briand and St John Paul II; that is to say, an emperor, two canonized Popes, two freemasons (one of them, Briand, a Nobel Peace Prize winner and several times President of the Council of Ministers in France), and the complex jurist and canonist Baron von Schulte, referred to above. They also dwell on Schulte's and Paul Viollet's views on papal infallibility which led to their works being placed on the *Index* (see above).

SC 48 (2014), 331-372: Chad J. Glendinning: The Priestly Society of Saint Pius X: The Past, Present, and Possibilities for the Future. (Article)

Since its establishment in 1970, the Priestly Society of Saint Pius X (SSPX) has been a source of considerable controversy, in large part because of its opposition to elements of the Second Vatican Council. Tensions between the SSPX and the Holy See reached a high point when the founder of the SSPX, Archbishop Marcel Lefebvre, proceeded to ordain four bishops without a pontifical mandate in 1988, thus incurring a *latae sententiae* excommunication reserved to the Apostolic See. The excommunications of the four bishops illicitly consecrated were remitted in 2009, and doctrinal discussions between the Holy See and the SSPX commenced in earnest. G.'s objective is to provide an analysis of the canonical issues pertaining to the SSPX and the outstanding juridical obstacles to reconciliation. He begins by examining the juridical history of the SSPX and its members, particularly the consequences of the actions of its founder. He then examines the current status of the SSPX and the various efforts taken by the Holy See to achieve reconciliation. He concludes by evaluating various juridical remedies in the event that reconciliation is ultimately achieved.

Second Vatican Council and revision of the CIC

ACR XCI 1/14, 3-20: A. Hunt: Vatican II and the Laity: Vision, Challenges and Opportunities. (Article)

This article is not primarily canonical. However, H. notes in the CIC/17 a clear demarcation between clergy and laity, the ecclesiology of the post-Tridentine Church, and the apostolate based on hierarchy. Referring to magisterial documents leading to Vatican II, H. considers Vatican II's ecclesiological understanding and vision of the laity in the various conciliar documents. 50 years later, much has been achieved as lay persons are now found in significant positions of administration and governance. H. suggests there is much more to be achieved, with four key areas for attention: consultation with the laity, facilitating participation of the laity, tackling clericalism, and challenging the laity to recognize and claim their rights and responsibilities.

ACR XCI 4/14, 387-495: J. Laffin (ed.): An Australian Bishop at Vatican II: Matthew Beovich's Council Diary. (Diary)

Matthew Beovich (1896-1981) was Archbishop of Adelaide (Australia) from 1939 until his retirement in 1971, and in that capacity attended all the sessions of Vatican II and daily recorded entries in his diary, which is reproduced here by L. with a few explanatory annotations. On 19 July 1960, he had written, "The preparation will proceed pretty rapidly and when the Council comes to be held – perhaps in 1962? – there will be no need for any long sessions: maybe some weeks will be sufficient." On 23 October 1962, he recorded that he agreed with Ottaviani and other conservatives, but on 7 December 1962 he noted, "This general council of nearly 2500 fathers is a very large body. It naturally took some time to get into motion but now sure and steady progress is being made." On 13 October 1963, he recorded that at first he had been "uncertain of its atmosphere and direction" and "most of us would incline to be on the conservative side and would not welcome what we called innovations" but he had been impressed by problems of bishops, the interchange of ideas and the lead of the Popes. On 23 October 1963 he wrote, "Quite a number of bishops simply do not understand the Latin speeches and directions. In that matter at least I have some advantage." On 24 November 1965, he noted that he would copy the way Pope Paul VI was celebrating Mass, and on 8 December 1965 he wrote, "The great Council has now entered history: in the aftermath, we of our time will also enter history if we speedily and effectively put the Decrees of the Council into operation." This diary shows a faithful recording of detail (including details of voting and of his own voting, with reasons); a careful following of debates; an openness to the momentum for reform; and the change

from a cautious Tridentine-style bishop into a Vatican II bishop (who proceeded immediately to implement the Council's teachings in his diocese).

FThC II 24/16 (2013), 159-176: Nicolás Álvarez de las Asturias: Las dos codificaciones canónicas y su lugar en la historia. (Article)

Thanks to the promulgation of the CIC/83, it is now possible to study the CIC/17 in purely historical terms. A study of its origins and its consequences for the life of the Church leads to the conclusion that it brought about a significant alteration in the way in which canon law was perceived, as it consolidated a process which had effectively been initiated by the Council of Trent. The differences between the CIC/17 and the medieval model that preceded it (and prior to that, the model of the first millennium) are evident. The question which A. now addresses is that of the extent to which present-day canon law follows (or ought to follow) the model consolidated in the codification of 1917. His view is that the CIC/83, as a fruit of Vatican II, is called to introduce a new "era" into the history of canon law, and is not to be considered as simply a continuation of the preceding canon law. However, underlying such "discontinuity" there is a fundamental basis of "continuity" – that of the canonical experience of the one Church.

FThC II 24/16 (2013), 217-237: Velasio de Paolis: Il Codice del 1983 ultimo documento del Vaticano II. (Article)

Taking as his starting point the oft-quoted remark that the Code of 1983 is the Code of the Council and the last document of Vatican II, De P. reflects on the relationship between the CIC/83 and Vatican II. He covers four main themes: the historical connection between the announcement of the Council by St John XXIII and the simultaneous announcement of the revision of the CIC/17; the process of the revision of the first Code and the elaboration of the current text under the influence of the teaching of Vatican II; the manner in which the Code has been presented (by St John Paul II, Cardinal Castillo Lara and Cardinal Casaroli) as the Code of the Council; and his own personal reflections on how the Council finds an application today through the observance of the norms of the Code. (See also *Canon Law Abstracts*, no. 113, p. 31.)

IC 54 (2014), 459-517: Valentín Gómez-Iglesias C.: Acerca de la contribución de Álvaro del Portillo al Derecho de la Iglesia. (Article)

To mark the centenary of the birth of Blessed Álvaro del Portillo in 1914 as well as his beatification in September 2014, G.-I. reflects on his contribution to Church law. Following a brief overview of del Portillo as a leader and canon

lawyer which highlights the sources of his legal and ecclesiological perspectives, G.-I. explores a number of del Portillo's contributions to the revision of canon law, especially his involvement in the drafting of the proposed *Lex Ecclesiae Fundamentalis*, his views on the fundamental equality of rights and duties of all the baptized, his drawing up of the rights and duties of lay people, and his contribution to the drafting and proposal of the ten guiding principles for the revision of the CIC.

CODE OF CANONS OF THE EASTERN CHURCHES

Historical

SC 48 (2014), 151-169: George Dmitry Gallaro: Christian *Oikonomìa* Revisited. (Article)

The question of the marriage of divorced and remarried Christians is a thorny problem. What can the Church do in such situations? It cannot propose a solution that is different from or contrary to the words of Jesus. The indissolubility of sacramental marriage and the impossibility of a new marriage during the lifetime of the other partner is part of the tradition of the Church. The issue is therefore how the Church can reflect this indivisible pairing of the fidelity and mercy of God. G. argues that the early Church Fathers with their prudent and compassionate principle of *oikonomìa* should be revisited today with an open mind and heart in order to rediscover ways that lead to truth, justice, and peace.

CCEO 17

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See below, CIC canon 214.

CCEO 27-28

Ius V 1/14, 63-91: George Nedungatt: From Particular Churches to Churches *Sui Iuris*. (Article)

The year 2014 marks the tenth anniversary of the death of Father Ivan Žužek S.J. (31 January 2004), who as General Secretary of the Pontifical Commission for the Revision of the Eastern Code – the CCEO – was really its architect. In this study dedicated to his memory, N. deals with a problem of terminology which the Commission inherited from tradition, and which the Second Vatican Council left unresolved: the meaning of "rite," which had long been in use to refer not only to the Eastern Catholic Churches and the Latin Church but also to their specific heritage in liturgy, theology, spirituality and canonical discipline. The preliminary groundwork of the Code Commission involved clarification of the term; and from that effort emerged the new terminology of "*sui iuris* Churches". N. reviews this process and looks critically at the new term, as the 50th anniversary is celebrated of the conciliar decree *Ecclesiarum Orientalium*.

CCEO 28

FThC II 24/16 (2013), 147-158: Péter Erdö: Le liturgie orientali dopo la Sacrosanctum Concilium – Aspetti teologici e giuridici. (Article)

See below, CCEO canon 667.

CCEO 110

Ius V 1/14, 9-22: John D. Faris: God and Church: Communions of One and Many. (Article)

Referring to the communion of the Triune God, F. praises the communion that is present in the Catholic communion of Churches and discusses how it can be fostered in the entire Church of Christ. From an Eastern perspective he affirms that certain institutions – such as the patriarchal assembly and structures unique to the Eastern Churches already in full communion with the Church of Rome – can contribute to and foster communion in the Church of Christ. He points out that the synodal governance structure of the Eastern Churches involves the interplay of the one (e.g. the patriarch) and the many (the synod of bishops) without either claiming superiority.

CCEO 140-145

Ius V 1/14, 9-22: John D. Faris: God and Church: Communions of One and Many. (Article)

See above, CCEO canon 110.

CCEO 262

Ius V 1/14, 101-118: Mathew John: The Role of Diocesan Finance Officer: A Comparative Study of the Eastern and Latin Codes. (Article)

J. undertakes a comparative study of the office of the diocesan financial administrator (finance officer) in the Latin and the Eastern Codes, looking at the obligation of appointing a finance officer, the manner in which the finance officer is appointed, the qualifications required, the duration of the office, the method of removal from office, and the responsibilities of the finance officer. He sets out the differences found in the CCEO and CIC/83 in this regard. Finally he explains the advantages of appointing a lay person as diocesan finance officer.

CCEO 295

Ius V 1/14, 119-139: Code of Particular Law of the Syro-Malabar Church. Part II. Statutes. Palliyogam – Procedure Rules. (Document)

The system of *Palliyogam* is part of the heritage of the Syro-Malabar major archiepiscopal Church, by which she expresses in a tangible way the ecclesial communion of all Christian faithful in the Church. Canon 295 of the CCEO calls for a uniform particular law on the *Palliyogam* applicable to all parishes in the Syro-Malabar major archiepiscopal Church. The synod of bishops of the Syro-Malabar major archiepiscopal Church, in exercise of its legislative power, has promulgated statutes relating to the *Palliyogam*, the text of which is given here. (See also *Canon Law Abstracts*, no. 113, p. 38.)

CCEO 322

Ius V 1/14, 9-22: John D. Faris: God and Church: Communions of One and Many. (Article)

See above, CCEO canon 110.

CCEO 410-572

Ius V 1/14, 93-99: Santiago John Bosco: Typology of the "Institutes of Consecrated Life" (ICL) and "Societies of Apostolic Life" (SAL) in *CIC* and *CCEO*. (Article)

See below, CIC canons 573-746.

CCEO 586

IusM VII/2013, 61-81: Maurizio Martinelli: **La libertà religiosa secondo il canone 586 del CCEO.** (Article)

M. explores an area which has been rather neglected by canonical scholarship: that of the religious freedom of the Christian faithful as defined by the CCEO, canon 586. Within the framework of a comparative approach to the Eastern and Latin Codes, he tries to correlate the general and systematic principles of Eastern legislation with Vatican II's doctrinal guidelines. He examines the topic through the analysis of a specific case study, looking at the historical development of the principle of religious freedom in the Lebanese context, where the relationship between local Church expectations and the civil authority highlights the new challenges facing the right to religious freedom.

CCEO 587

IusM VIII/2014, 165-195: Lorenzo Lorusso: Il catecumenato nel can. 587 del CCEO. (Article)

The catechumenate is of interest not only for the young Churches in mission territories but also for those of ancient Christian tradition where there is a growing number of adults asking for baptism. This situation calls for formation suited to the times, places and people involved. Hence it is for the particular law of each *sui iuris* Church, and each eparchy, to regulate the catechumenate. In commenting on canon 587 of the CCEO, L. explains its background, its *iter*, and its relationship to other canons, before presenting some case studies and a set of forms for use in eparchies.

CCEO 667

FThC II 24/16 (2013), 147-158: Péter Erdö: Le liturgie orientali dopo la Sacrosanctum Concilium – Aspetti teologici e giuridici. (Article)

Vatican II's Constitution on the Liturgy *Sacrosanctum Concilium* made little reference to the liturgies of the Eastern Churches. Two other documents of the Council – the Decree on the Eastern Catholic Churches *Orientalium Ecclesiarum* and the Decree on Ecumenism *Unitatis Redintegratio* – deal with the question in greater detail. Following the Council the most important influence on the liturgies of the Eastern Churches was the Eastern canonical codification (CCEO), a process which was to result in a more precise understanding of the liturgical life and hierarchical organization of the Eastern Churches. Other significant developments since the Council include the Ecumenical Directory of 1993; the Instruction issued by the Congregation for the Eastern Churches on 6 January 1996 concerning the application of the liturgical prescriptions of the CCEO; and the Eucharistic agreement between the Catholic Church and the Assyrian Church of the East on 20 July 2001. E. mentions that what is clear from the canons on the discipline of the sacraments in the CCEO is that they are presented in an authentically Eastern setting; in fact, some authors regard the name of title 16 ("Divine Worship and Especially the Sacraments") as reflecting the fact that to the Eastern mind the sacraments cannot be separated from the aspect of worship. E. also points out differences between the CCEO and the CIC/83 as regards the sharing of sacraments with non-Catholic Christians. He concludes by saying that the liturgy is of great importance in the disciplinary and ecclesiological spheres, and that the fullness of communion of the Church embraces many possibilities of liturgical, spiritual and disciplinary development, always in organic unity with the apostolic tradition, which is the key principle for legitimacy in the Church of Christ.

CCEO 671

FThC II 24/16 (2013), 147-158: Péter Erdö: Le liturgie orientali dopo la Sacrosanctum Concilium – Aspetti teologici e giuridici. (Article)

See above, CCEO canon 667.

CCEO 671

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See below, CIC canon 214.

CCEO 695-697

Ius V 1/14, 23-41: Astrid Kaptijn: Some Current Latin Practices Concerning the Sacrament of Confirmation: An Occasion for Rapprochement of the Latin and Eastern Traditions. (Article)

See below, CIC canon 891.

CCEO 696

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See below, CIC canon 214.

CCEO 783

RDC 64/1 (2014), 25-41: Anne Bamberg: Préparation au mariage et responsabilité de la communauté ecclésiale. Réflexions autour du c. 1063 CIC et du c. 783 CCEO et de leurs sources. (Article)

See below, CIC canon 1063.

CCEO 818 3º

AC 54 (2012), 455-461: Sentence *coram* Sciacca, 24 juill. 2009, Cilicie des Arméniens, Sent. 117/09, présentation par Jean-Jacques Boyer. (Comment)

The female petitioner, a Maronite-rite Catholic, married the respondent, an Armenian-rite Catholic, in 1999 in the Lebanon. A daughter was born to them in 2001, but communal life ended shortly thereafter because of arguments and

difficulties in their intimate life. The petitioner asked the first instance Armenian Catholic tribunal to declare the marriage null on the grounds of error on her part regarding a quality of the respondent, and inability on the part of the respondent to assume the essential obligations of marriage; she also requested custody of the daughter, together with maintenance payments. The respondent opposed the action and requested that custody of the daughter be awarded to himself; also that matters be delayed to allow the possibility of a reconciliation. The first instance tribunal rejected each part of the petitioner's claim and on 16 January 2004 ordered that communal life be resumed. On 6 February 2004 the president of the college ordered provisional execution of the sentence in accordance with CCEO, canon 1337 §2. On learning that the petitioner had appealed against the sentence to the Roman Rota, the president then revoked his decree by means of a separate decree dated 19 March 2004 (this was in fact unnecessary as canon 1319 of the CCEO stipulates that an appeal suspends the execution of a sentence). The respondent lodged an appeal against the decree of 19 March 2004 and brought a plaint of nullity against the same decree. The petitioner, who had not lodged a plaint of nullity when appealing against the first instance decision, decided to do so in conjunction with her appeal, on the grounds that her right of defence had been violated and that the first instance decision had been issued *ultra petita*. The Rota at second instance decided that neither the first instance sentence nor the decrees which followed it were null; the marriage was not null on any of the grounds alleged; separation of the spouses was however decreed on account of the respondent's negligence in attending to his marital obligations (cf. CCEO, canon 864 §1); and custody of the daughter was entrusted to the mother, the father having a right to visit and the duty to pay a rate of maintenance fixed in accordance with Lebanese law.

CCEO 820

AC 54 (2012), 455-461: Sentence *coram* Sciacca, 24 juill. 2009, Cilicie des Arméniens, Sent. 117/09, présentation par Jean-Jacques Boyer. (Comment)

See above, CCEO canon 818 3º.

CCEO 820

IC 54 (2014), 755-778: Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013; Aurora Mª López-Medina: Querella de nulidad, litisconsorcio pasivo y *ius defensionis* en una causa oriental apelada ante la Rota Romana. Comentario a la Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013. (Sentence and comment)

See below, CCEO canons 1302-1321.

CCEO 864

AC 54 (2012), 455-461: Sentence *coram* Sciacca, 24 juill. 2009, Cilicie des Arméniens, Sent. 117/09, présentation par Jean-Jacques Boyer. (Comment)

See above, CCEO canon 818 3º.

CCEO 916

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See below, CIC canon 214.

CCEO 1059

IC 54 (2014), 755-778: Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013; Aurora M[a] López-Medina: Querella de nulidad, litisconsorcio pasivo y *ius defensionis* en una causa oriental apelada ante la Rota Romana. Comentario a la Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013. (Sentence and comment)

See below, CCEO canons 1302-1321.

CCEO 1302-1321

IC 54 (2014), 755-778: Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013; Aurora M[a] López-Medina: Querella de nulidad, litisconsorcio pasivo y *ius defensionis* en una causa oriental apelada ante la Rota Romana. Comentario a la Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013. (Sentence and comment)

X had requested and obtained from the Greek-Melkite Intereparchial Tribunal, in October 2003, a declaration of the nullity of his marriage to Y, celebrated in 1997, on the ground of his own error about the person of his spouse. Previously Y had been married to Z: that marriage, celebrated in 1983, had been declared null in 1991 (the reason for the invalidity is not clear). Y appealed to the Roman Rota against the first instance decision of the Greek-Melkite Intereparchial Tribunal given in 2003 (declaring the marriage between X and Y to be invalid). The Rota accepted the case in 2007, and in 2008, within the same process, X proposed by way of an incidental question a plaint of nullity in respect of the 1991 sentence which had declared the nullity of the marriage between Y and Z. In the case of his plaint of nullity being admitted, X also requested a new ground

of nullity, that of *ligamen*, to be considered. The Rota admitted the plaint of nullity, and declared in consequence that at the time of her marriage to X in 1997, Y was bound by her prior valid marriage to Z, and therefore her marriage to X was invalid. The Rota did not confirm the nullity of the marriage between X and Y on the ground dealt with at first instance in 2003. The Promoter of Justice at the Rota submitted a recourse to the Apostolic Signatura against the Rotal decree admitting X's plaint of nullity, and claimed that since that decree was invalid, the first sentence of nullity given in 1991 was valid; hence there was no question of any impediment of *ligamen*. The Signatura found that the Rotal decree was indeed invalid, as insufficient instruction was carried out prior to the Rota reaching its decision, and the right of defence was denied. In her comment on the case, L.-M. looks at various questions related to appeals, plaints of nullity and the right of defence, as well as pointing out certain special features of the case which would not generally be encountered outside the countries of the Middle East, such as the appellant requesting that a sentence of separation be given on the ground of the husband's culpability, and that a level of financial maintenance be fixed.

CCEO 1368

IC 54 (2014), 755-778: Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013; Aurora M[a] López-Medina: Querella de nulidad, litisconsorcio pasivo y *ius defensionis* en una causa oriental apelada ante la Rota Romana. Comentario a la Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013. (Sentence and comment)

See above, CCEO canons 1302-1321.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

34

EE 89 (2014), 781-797: Miguel Campo Ibáñez: Presentación y comentario canónico a la "Carta circular de la Congregación para los Institutos de Vida Consagrada y las Sociedades de Vida Apostólica (CIVCSVA) *Líneas orientativas para la gestión de los bienes en los institutos de vida consagrada y en las sociedades de vida apostólica*", de 2 de agosto de 2014. (Article)

See below, canon 578.

85

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Jean-René Kiedi Kionga, *Canonicité et moralité de la dispense*.

110

REDC 71 (2014), 615-637: Vicente Benedito Morant: La extinción de la adopción en el derecho de la iglesia cuando los padres no asintieron. (Article)

M.'s article deals with the question of the extinction of adoption in cases where parental assent has not been given, and its consequences in canon law and (mainly Spanish) civil law. Canon 110 of the CIC/83 "canonizes" civil law in the matter of adoption, but since some basic human and spiritual rights are at stake there must be coordination between the two juridical systems. Although adoption creates a new juridical reality of family, namely a true parent–child relationship, there still exists a right of the adoptee to investigate his or her biological origins. The canonization of civil law means that when civil law decrees the extinction of an adoption because of lack of assent by the biological parent(s), this is recognized in canon law. Nevertheless, clear canonical judicial and administrative processes are required in order to deal with the consequences of such a dissolution, and it is an examination of these possibilities which M. considers in the rest of his article.

114

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*.

129

IC 54 (2014), 603-638: Antonio Viana: El problema de la participación de los laicos en la potestad de régimen. Dos vías de solución. (Article)

V. explores the scope of a number of Vatican II texts and current canon law dealing with the participation of the laity in the power of governance. In the light of the traditional doctrine concerning the difference between *potestas ordinis* and *potestas iurisdictionis* he sets out two distinctions. The first is the distinction between "capital" offices (those with proper power) and "auxiliary" offices (those with vicarious power). The second refers to the differences between the individual exercise of jurisdiction, and jurisdiction exercised collegially. This approach helps achieve a clearer understanding of the possibilities afforded by the current law to those who have not received holy orders.

129

Maia Luisi: Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo. (Book)

See below, canon 596.

132

Maia Luisi: Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo. (Book)

See below, canon 596.

135

SC 48 (2014), 374-410: Fredrik Hansen: The Threefold Power of Governance. (Article)

Unlike the modern constitutional theory of the separation of governing powers, canon law operates with a threefold expression of the one power of governance (*potestas regiminis*). In the CIC/83 this principle is enshrined in canon 135, which also provides the basic parameters for the exercise of legislative, executive, and judicial power in the life of the Church. H. seeks to present this threefold expression through a study of the canon and its sources; the three concrete expressions (legislative, executive, and judicial power); as well as discussing the similarities and differences between the three.

144

RDC 64/2 (2014), 225-261: Hervé Mercury: Les conséquences ecclésiologiques de l'adage canonique «*Ecclesia supplet*». (Article)

Ecclesia supplet refers to a process by which the Catholic Church, as an institution, remedies the weaknesses of human psychology within a canonical framework and extends her influence beyond her visible limits to meet the demands of her mission: "that all may be saved" (cf. 1 Tim 2:4). On the basis of this principle M. proposes a renewed approach to the question of the ecclesial status of the groups who live according to an "ecclesiology of exception".

146-183

FThC II 24/16 (2013), 251-261: Szabolcs Anzelm Szuromi: Gradual Promotion as a Specific Form of Provision of Ecclesiastical Office. (Article)

See below, canons 503-510.

149

EE 89 (2014), 723-765: Aurelien Favi: ¿Es conveniente la constitución de tribunales administrativos en la Iglesia? Argumentos y propuestas. (Article)

See below, canon 1400.

150

QDE 27 (2014), 432-462: Marino Mosconi: Dov'è il parroco? La necessità del presbitero per l'identità e la vita della parrocchia. (Article)

See below, canon 521.

184-186

REDC 71 (2014), 945-951: Secretaría de Estado: Disposiciones sobre la renuncia de obispos diocesanos y de titulares de cargos con nombramiento pontificio, 3 de noviembre de 2014. (Document and comment by José San José Prisco)

The Spanish text is given of a rescript concerning the resignation of diocesan bishops and others of pontifical appointment. In his comment S.J.P. first considers the nature of a *rescriptum ex audientia*, given orally in this case by Pope Francis at the request of the Secretary of State and subsequently registered, formalized in writing and signed by the latter. The document reaffirms existing norms with one or two innovations. These include the requirement that any other office held at national level for a determined period of time (e.g. presidency of an episcopal conference) also ceases with the holder's episcopal resignation. The rescript also mentions the increasingly used practice of the supreme authority's direct request to a bishop that he tender his resignation on account of "particular circumstances", going beyond the wording of canon 401 §2 which presupposes a voluntary resignation (*enixe rogatur*). Most of the 80 "forced resignations" during the pontificate of Benedict XVI were due to scandals of one kind or another and the list continues to grow in the present pontificate. The rescript also no longer simply requests curial cardinals and others who hold office by pontifical appointment to tender their resignation at the age of 75, but requires them to do so.

184-186

RMDC 20/1 (2014), 213-217: Secretaría del Estado: «Rescriptum ex Audientia Ss.mi» sobre la renuncia de Obispos diocesanos y de Titulares de oficios de nombramiento pontificio, 3 de noviembre de 2014. (Document)

See preceding entry.

BOOK II, PART I: CHRIST'S FAITHFUL

207

RDC 64/1 (2014), 5-23: Rémy Lebrun: *Duo sunt genera Christianorum*. Le peuple de Dieu selon le canon 207 §1 du Code de droit canonique de 1983. (Article)

Canon 207 §1 of the CIC/83 describes as lay persons those Christian faithful who are not clerics. Elsewhere the name of lay persons is applied to the Christian faithful who are neither religious nor clerics. Even a superficial reading reveals the contradictions arising from these different definitions. L. shows how the division originates from and is expressed in the ecclesiology of the Second Vatican Council and in the canonical sources.

208-223

IE XXVI (2014), 535-554: Massimo del Pozzo: La classificazione dei diritti fondamentali dei fedeli nella dottrina canonistica. (Article)

Del P. examines the various criteria according to which the fundamental rights of the faithful may be classified. The current predominance of the simple exegetical method, taking into account their listing and placement in the Code, does not favour a deeper analysis and development of the topic.

208-231

IC 54 (2014), 459-517: Valentín Gómez-Iglesias C.: Acerca de la contribución de Álvaro del Portillo al Derecho de la Iglesia. (Article)

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

213

IE XXVI (2014), 555-578: Antonio S. Sánchez-Gil: La pastorale dei fedeli in situazioni di manifesta indisposizione morale. La necessità di un nuovo paradigma canonico-pastorale dopo l'*Evangelii Gaudium*. (Article)

See below, canons 528-529.

213

IE XXVI (2014), 711-735: Diocèse de Dijon: Orientations pastorales: «Le sacrement de la confirmation seconde étape de l'initiation chrétienne» (con *nota* di D. Le Tourneau, *Un retour vers l'ordre traditionnel de l'administration des sacrements de l'initiation chrétienne*). (Document and comment)

See below, canons 842-843.

214

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

P. deals with a number of issues concerning the administration of sacraments involving "inter-ritual" aspects (by which he refers to relations between the Latin Church and the Eastern *sui iuris* Churches, or of the latter among themselves) or "inter-ecclesial" aspects (involving relations between the Catholic Churches – Latin and Eastern – on the one hand, and non-Catholic Churches or ecclesial communities on the other). First he sets out the basic inter-ritual principles (juridical equality of the *sui iuris* Churches; the link between an individual and his *sui iuris* Church and his rite; the right to follow one's own rite; celebration according to the proper rite of the minister; the sacraments as the divine deposit of the universal Church) and the inter-ecclesial principles (recognition of autonomy; the sacraments as the divine deposit of the universal Church; reciprocity; exclusion of proselytism), before looking at some specific situations concerning baptism and confirmation, the Eucharist and penance. He calls for clearer criteria to be established for dealing with such situations.

215

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*.

216

EIC 54 (2014), 311-337: Matteo Visioli: Quando una organizzazione caritativa può dirsi "cattolica"? Considerazioni sul motu proprio «Intima Ecclesiae natura». (Article)

V. examines the changes brought about by the recent *motu proprio "Intima Ecclesiae Natura"*, concerning charitable organizations. He reflects particularly on the meaning of the adjective "Catholic" as applied to charitable organizations, analysing the implications and consequences of such a description.

219-220

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Kurt Martens, *Liberté et adhésion: état de vie et mission en droit canonique fondamental*.

220

EE 89 (2014), 635-673: Miguel Campo Ibáñez: Derecho a la intimidad y recurso a la psicología en el proceso de admisión y formación de los candidatos al sacerdocio. Comentario canónico al documento de la Congregación para la Educación Católica «*Orientaciones para el uso de las competencias de la Psicología en la admisión y formación de los candidatos al sacerdocio*». (Article)

The right to privacy is recognized by the main international declarations of human rights. The Catholic Church recognizes the right in canon 220 of the CIC/83. C.I. offers a canonical commentary on the document issued by the Congregation for Catholic Education on 29 June 2008 entitled *Guidelines for the use of psychology in the admission and formation of candidates for the priesthood*, which provides guidance on how to protect this right in the processes of admission and formation of candidates to the priesthood; he broadens his study to take in the religious life as well. A correct understanding of the Church's mind in this matter involves the need to combine respect for the dignity of the candidates, especially as regards their right to privacy, with the common good of the Church.

222-223

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*.

225

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Patrick Valdrini, *Gouvernement ecclésiastique et nouveaux réseaux d'influence et d'appartenance*.

226

RCDCP 1 (abril 2014), 121-134: Alessandro D'Avack: Diritti innati dell'uomo ovvero la dignità umana. (Article)

[http://www.eumed.net/rev/rcdcp/01/ada.pdf]

In the light of various international agreements and the provisions of Italian law, D'A. examines the Church's ordinary magisterium relating to social doctrine, with special reference to the juridical aspects of the Church's teaching on the family as the basic cell of society.

227

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Luis Navarro, *Les ressources du droit canonique: le rôle du fidèle dans la société civile*.

232-293

EIC 54 (2014), 445-474: Giacomo Incitti: Nota bibliografica: Il ministero ordinato. (Article)

I. provides an update on canonical studies concerning sacred orders: both from the sacramental perspective and from that of the rights and duties of the

ordained faithful. He gives a general overview of studies on the topic, concentrating on the period following the promulgation of the CIC/83, and offering a systematic scheme for studying the subject.

266

Sergio Muñoz Fita – Juan Manuel Cabezas Cañavate: La incardinación en los institutos seculares. Estudio genético del c. 715 a partir del Concilio Vaticano II y acercamiento a su aplicación y precisión en el periodo post-codicial. (Book)

See below, canon 715.

274

IC 54 (2014), 603-638: Antonio Viana: El problema de la participación de los laicos en la potestad de régimen. Dos vías de solución. (Article)

See above, canon 129.

277

J 74 (2014), 91-129: Anthony K. W. McLaughlin: The Obligation of Perfect and Perpetual Continence and Married Deacons in the Latin Church: Canonical Implications. (Article)

Through the reception of the diaconate a man becomes a cleric. Canon 277 §1 states: "Clerics are obliged to observe perfect and perpetual continence for the sake of the kingdom of Heaven and therefore are bound to celibacy." Accordingly, it would seem that clerics have two distinct obligations: perfect and perpetual continence, and celibacy, with continence presented as the fundamental norm. While canon 288 of the CIC/83 exempts permanent deacons (no distinction is made between married and unmarried deacons) from some of the obligations common to all clerics, these exemptions do not apply to the obligation in canon 277 §1. This raises a fundamental question: "Are married deacons, though dispensed from the obligation of celibacy unless their wife dies, obliged to observe perfect and perpetual continence?" McL. establishes why diaconal continence is a relevant question by examining the long canonical history associated with continence for clergy, and demonstrates that depending on how one answers the question there are significant implications for the current interpretation and implementation of the prescripts of canon 277 §1.

277

RDC 64/2 (2014), 263-275: Paul Winninger: Le célibat sacerdotal et l'exhortation apostolique *Evangelii Gaudium* du pape François. (Article)

The Apostolic Exhortation *Evangelii Gaudium* of 26 November 2013 sets out several principles that apply to all aspects of society: time is greater than space; unity prevails over conflict; realities are more important than ideas; the whole is greater than the part. W. considers how these may be applied to the clergy and especially to the obligation of celibacy. He argues that pastoral needs call for change in this regard.

281-282

ACR XCI 1/14, 73-91: B. Daly: The Lifestyle of the Diocesan Priest in Relation to Poverty. (Article)

After considering the lifestyle of Jesus and the early Christians, D. progresses from canons 979-982 of the CIC/17 (dealing with the remuneration and support of clergy), via the documents of Vatican II, to canons 281-282 of the CIC/83, where the fundamental principle is that of a simple lifestyle. D. considers recent magisterial teaching and opines what constitutes a simple lifestyle; he considers that evangelical poverty varies from country to country and even from parish to parish, and that a priest can testify by lifestyle as well as words that material things cannot satisfy without the Word of God.

282

QDE 26 (2013), 431-451: Adolfo Zambon: Il testamento del presbitero. (Article)

Z. begins by reviewing the different categorizations of clerical property, pointing out the important differences concerning goods that have come to the priest as a result of his ministry. He then considers the modern emphasis on clerical simplicity of life, and examines how this was treated in the documents of the Council (acknowledging that the idea of mentioning priests' wills did not appear in the final texts), in post-conciliar documents and in various indications given in a number of Italian diocesan synodal texts. In conclusion Z. points out that it is important that priests should make wills and that these should be notified to diocesan authorities and should contain clear provisions about heirs and executors.

298

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*.

298

NRT 136 (2014), 577-595: Dominique Waymel: Les mouvements et associations de fidèles dans l'ecclésiologie de Joseph Ratzinger. (Article)

The flourishing of new lay movements in the Church after the Second Vatican Council has aroused keen interest but also some questions and reservations. In this debate, the theological contribution of Joseph Ratzinger deserves mention. W. presents a number of basic principles of the ecclesiological thought of Ratzinger which allow us to understand how the theologian situates them at the heart of the mystery of the Church, as well as their credibility and their limits for the mission of the Church.

299

QDE 27 (2014), 321-351: Marino Mosconi: Le associazioni canoniche: tipologia; riconoscimento canonico o erezione; esame degli statuti. (Article)

M. offers a general survey of the law on associations from the perspective of the questions that may be put to a diocesan chancery, being careful to distinguish between what is and what is not within the competence of the chancery. He surveys the various types of association, and for each type examines what might be involved in canonical recognition and erection, as well as acquiring civil legal personality. Special attention is paid to the concept of *agnitio*. M. also looks at the examination for the purposes of recognition or approval of the statutes of an association, both at the moment of foundation and at any subsequent revision.

300

EIC 54 (2014), 311-337: Matteo Visioli: Quando una organizzazione caritativa può dirsi "cattolica"? Considerazioni sul motu proprio «Intima Ecclesiae natura». (Article)

See above, canon 216.

314

QDE 27 (2014), 321-351: Marino Mosconi: Le associazioni canoniche: tipologia; riconoscimento canonico o erezione; esame degli statuti. (Article)

See above, canon 299.

322

QDE 27 (2014), 321-351: Marino Mosconi: Le associazioni canoniche: tipologia; riconoscimento canonico o erezione; esame degli statuti. (Article)

See above, canon 299.

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

331

NRT 136 (2014), 565-576: Hervé Legrand: Réformer la papauté pour servir l'unité entre les Églises. (Article)

When deciding to reform the Roman Curia and simultaneously improve the status of episcopal collegiality, Pope Francis also began a reform of the papacy. The revitalization of the traditional relationship between the college of bishops and the communion of Churches would relieve the Roman primacy of the daily government of the whole Church – a substantial ecumenical obstacle – and as St John Paul II had already desired in *Ut Unum Sint*, would allow its service to be better recognized.

332

AC 54 (2012), 403-418: Ludovic Danto: La renonciation de Benoît XVI. Illustration de la souveraine liberté du Pontife Romain. Réflexions canoniques. (Article)

In the light of Pope Benedict's renunciation of the Petrine office on 11 February 2013, D. examines the differences between "renunciation" and "resignation" (a distinction not taken into account in some vernacular translations of the CIC/83), and goes on to consider renunciation from the point of view of "abdication" and as an exercise of the sovereign freedom of the Roman Pontiff.

332

Ap LXXXVI (2013), 389-396: Pier Virginio Aimone: Il secondo intervento di Benedetto XVI sulle modalità procedurali di elezione del romano Pontefice. Brevi note. (Comment)

For many centuries the Bishop of Rome has been elected in conclave by the college of cardinals on the basis of a qualified majority (two-thirds) of the cardinal electors present. The qualified majority rule was abolished by St John Paul II in his Apostolic Constitution *Universi Dominici Gregis*, but was reintroduced by Benedict XVI shortly after his election. Renunciation of the papacy was a possibility already provided for in the Decretal *Quoniam Aliqui* included by Boniface VIII in Liber VI, but was never acted upon by any Pope since that date, if one excepts the forced renunciation by the Roman Pope in 1417 during the time of the great Western schism. Pope Benedict's renunciation

has required some minor changes to *Universi Dominici Gregis*. These changes, set out in the *motu proprio "Normas nonnullas"* of 22 February 2013, are explained here by A. (See also *Canon Law Abstracts*, nos. 111, p. 46; 112, pp. 43-44; 113, p. 51.)

332

RDC 64/1 (2014), 69-93: Engelbert Meyongo Nama: Controverses autour de l'abdication du Pape Célestin V. Un éclairage sur la renonciation historique du Pape Benoît XVI. (Article)

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

333

EIC 54 (2014), 375-394: Jürgen Jamin: «*Articulos solvit*». La competenza del Romano Pontefice *ratione fidei* nel pensiero dell'Ostiense. (Article)

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

354

REDC 71 (2014), 945-951: Secretaría de Estado: Disposiciones sobre la renuncia de obispos diocesanos y de titulares de cargos con nombramiento pontificio, 3 de noviembre de 2014. (Document and comment by José San José Prisco)

See above, canons 184-186.

354

RMDC 20/1 (2014), 213-217: Secretaría del Estado: «Rescriptum ex Audientia Ss.mi» sobre la renuncia de Obispos diocesanos y de Titulares de oficios de nombramiento pontificio, 3 de noviembre de 2014. (Document)

See above, canons 184-186.

360

EIC 54 (2014), 293-310: Giampietro Dal Toso: Il servizio del Pontificio Consiglio *Cor Unum*. (Article)

The Pontifical Council *Cor Unum* is the Roman dicastery dedicated to the work of charity and all charitable activities of the Church at the universal level. Dal T.

examines the specific duties and institutional competences of *Cor Unum*, taking into consideration recent reforms concerning the service of charity and Catholic charitable organizations.

360

EIC 54 (2014), 395-413: Federico Marti: San Pio X e la curia romana. (Article)

See above, Historical Subjects (*20th century*).

360

RMDC 20/1 (2014), 197-200: Carta Apostólica en forma de «motu proprio» *Fidelis dispensator et prudens*, del Sumo Pontífice Francisco, 24 de febrero de 2014. (Document)

Given here is the Spanish text of the *motu proprio "Fidelis dispensator et prudens"* establishing a new coordinating agency for the economic and administrative affairs of the Holy See and the Vatican City State (24 February 2014: see *Canon Law Abstracts*, no. 113, pp. 54-55).

360

IC 54 (2014), 779-790: Carta Apostólica en forma de «Motu Proprio» del Sumo Pontífice Francisco, de 8 de julio de 2014. *Transferencia de la sección ordinaria de la Administración del Patrimonio de la Sede Apostólica a la Secretaría de Asuntos Económicos*; Diego Zalbidea: Comentario a la Carta Apostólica en forma de «Motu Proprio» del Sumo Pontífice Francisco. (Document and comment)

On 24 February 2014, by the *motu proprio "Fidelis dispensator et prudens"*, Pope Francis established the Secretariat for the Economy as a dicastery of the Roman Curia (see preceding entry). By a *motu proprio* of 8 July 2014 the Pope establishes that the Secretariat for the Economy will assume those responsibilities which have until now been attributed to the so-called "Ordinary Section" of the Administration of the Patrimony of the Apostolic See. Articles 172-175 of the Apostolic Constitution *Pastor Bonus* are to be amended accordingly. In his comment on the *motu proprio*, Z. sees this as one more among a package of measures aimed at guaranteeing transparency in the Holy See's financial affairs.

360

RMDC 20/1 (2014), 201-204: Carta Apostólica en forma de «motu proprio» del Sumo Pontífice Francisco. Transferencia de la sección ordinaria de la Administración del Patrimonio de la Sede Apostólica a la Secretaría de Asuntos Económicos, 8 de julio de 2014. (Document)

See preceding entries.

360

Ius V 1/14, 43-61: Joseph Ammaikunnel: The Apostolic See and the Structure and the Functioning of the Roman Curia. (Article)

The Roman Curia, its functioning and the reforms it underwent in the past and is undergoing now are topics of serious discussion and deliberation today. Pope Francis constituted a committee to reform the Roman Curia which functions according to the articles of *Pastor Bonus* (PB). PB describes the Roman Curia as the complex of dicasteries and institutes which help the Roman Pontiff in the exercise of his supreme pastoral office for the good and service of the whole Church and of the particular Churches. A. highlights how this organism strengthens the unity of the faith and the communion of the people of God and promotes the mission proper to the Church in the world (PB, article 1). He also concentrates on the historical development, structure, and competence of the various congregations and tribunals of the Curia.

372

FCan IX/2 (2014), 51-114: João Vergamota: A Constituição Apostólica *Anglicanorum Coetibus*. (Article)

V.'s article is divided into four parts: 1. an introduction to the Apostolic Constitution *Anglicanorum Coetibus* and the reasons for the creation of personal Ordinariates for former Anglicans; 2. the fundamental canonical elements of the Ordinariates (erection, the Ordinary, government and collegial bodies, faithful, clergy, religious life, personal parishes); 3. a description and comparison of the three Ordinariates approved up to now by the Holy See (England and Wales, the United States, and Australia, as well as the Canadian Deanery of St John the Baptist, established in December 2012); and 4. the concept of "Anglican patrimony".

372

IE XXVI (2014), 697-710: Papa Francesco: Norme complementari alla Costituzione Apostolica *Anglicanorum coetibus*, modifica dell'art. 5, 31 maggio 2013 (con *nota* di F. Puig, *Dimensione missionaria degli Ordinariati personali*). (Document and comment)

On 31 May 2013 Pope Francis amended article 5 of the Apostolic Constitution *Anglicanorum Coetibus* to allow a person who has been baptized in the Catholic Church but who has not completed the sacraments of initiation, and who subsequently returns to the faith and practice of the Church as a result of the evangelizing mission of the Ordinariate, to be admitted to membership of the Ordinariate and receive the sacrament of confirmation or the Eucharist, or both. In his comment P. examines the missionary aspect of the new provision.

372

J 74 (2014), 79-89: Steven J. Lopes: *Divine Worship: Occasional Services*. A Presentation. (Article)

After the promulgation of the Apostolic Constitution *Anglicanorum coetibus* in 2009, there was significant interest and speculation regarding what would be the liturgical provision for personal Ordinariates for Anglicans entering into full communion with the Catholic Church. While the new Ordinariates may always celebrate the sacred liturgy according to the Roman Rite, they are granted the faculty "to celebrate the Holy Eucharist and the other Sacraments, the Liturgy of the Hours and other liturgical celebrations according to the liturgical books proper to the Anglican tradition, which have been approved by the Holy See, so as to maintain the liturgical, spiritual and pastoral traditions of the Anglican Communion within the Catholic Church, as a precious gift nourishing the faith of the members of the Ordinariate and as a treasure to be shared." L. offers an overview of *Divine Worship: Occasional Services*, containing the approved rites for baptism, marriage and funerals, in order to highlight the richness of these texts and their conformity with Catholic faith and practice. In making these rites available for the spiritual nourishment and sanctification of her sons and daughters coming into full communion from Anglican backgrounds, the Church has also given eloquent expression to a fundamental principle for the ecumenical movement: that the unity of faith which is at the heart of the communion of the Church does not require a rigid uniformity of expression.

374

QDE 27 (2014), 403-431: Massimo Calvi: *Dioecesis dividatur*: parrocchia e territorio. (Article)

See below, canon 518.

383

RMDC 20/1 (2014), 7-46: Luis de Jesús Hernández Mercado: Urbanización, migración y globalización. Tres fenómenos de nuestro tiempo: causas y efectos. (Article)

H. looks at the effects which urbanization, migration and commercial globalization bring about in cities and rural areas, so as to point out ways in which to respond pastorally and canonically. The Church needs to be alert to the phenomenon of migration, and in this regard H. proposes an increase in the number of personal parishes, parish priests, chaplains and episcopal vicars for migrants. He also feels the Church should offer other forms of assistance, following the general principles set out in the 2004 Instruction *Erga migrantes caritas Christi*, which invites episcopal conferences to adapt those principles to the needs of their own territories.

394

EIC 54 (2014), 261-280: Juan Ignacio Arrieta: Il servizio della carità come dimensione costitutiva della missione della Chiesa. (Article)

See below, canons 1254-1310.

401

REDC 71 (2014), 945-951: Secretaría de Estado: Disposiciones sobre la renuncia de obispos diocesanos y de titulares de cargos con nombramiento pontificio, 3 de noviembre de 2014. (Document and comment by José San José Prisco)

See above, canons 184-186.

401

RMDC 20/1 (2014), 213-217: Secretaría del Estado: «Rescriptum ex Audientia Ss.mi» sobre la renuncia de Obispos diocesanos y de Titulares de oficios de nombramiento pontificio, 3 de noviembre de 2014. (Document)

See above, canons 184-186.

460-468

SC 48 (2014), 203-233: John Anthony Renken: Pope Francis and Participative Bodies in the Church: Canonical Reflections. (Article)

In his Apostolic Exhortation *Evangelii Gaudium*, Pope Francis invites all communities in the Church to be in a permanent state of mission and renewal. The sole reference to the Code of Canon Law in the Apostolic Exhortation identifies 26 canons which provide legislation for seven distinct "means of participation" in the particular Church. The Pope invites the faithful to assume the task of rethinking these seven participative bodies, in order to enliven them in their missionary purpose and to promote "an ecclesial renewal which cannot be deferred" (the title to nos. 27-33 of the document). In response to this prophetic invitation of Pope Francis, this article 1. recalls anew the purpose of participative bodies in the Church; 2. considers the unique mission of each participative body in the particular Church; and 3. "rethinks" various aspects of these seven participative bodies, with an eye to modifications for future *praxes*.

476

RMDC 20/1 (2014), 7-46: Luis de Jesús Hernández Mercado: Urbanización, migración y globalización. Tres fenómenos de nuestro tiempo: causas y efectos. (Article)

See above, canon 383.

482

AC 54 (2012), 297-310: Alphonse Borras: Le rôle du Chancelier dans la provision des offices, les lettres de mission et les délégations. (Article)

B. sets out the major responsibilities of the chancellor – above all that of ensuring that the acts of the curia are drawn up and dispatched, and kept safe in the curial archive – before examining the chancellor's role as regards the provision of offices, letters of mission (as distinct from decrees of appointment, although in practice the distinction may often be blurred) and delegations. In all these matters the chancellor's role is "instrumental" in the sense that he is not

the material author of the juridical acts in question but at most their formal author in respect of those formalities that are imposed on him by the Code.

486-491

RDC 64/1 (2014), 95-125: Dominique Le Tourneau: La place des archives ecclésiastiques dans l'Église. (Article)

Le T. sets out the general principles concerning diocesan archives, in respect of both their content and their manner of functioning, and offers suggestions for an archive system. He then deals more specifically with historical and secret diocesan archives, parish registers, and the archives of institutes of consecrated life. Finally he looks at intellectual property rights in the Church, and at searches by public authorities of ecclesiastical premises.

492

IC 54 (2014), 791-802: Jorge Antonio Di Nicco: ¿Puede ser miembro del Consejo de Asuntos Económicos quien desempeña el oficio de ecónomo? Propuesta sobre el parágrafo tercero del canon 492. (Article)

The financial administrator (finance officer) and the finance committee support and work with the bishop in the administration of the goods of the diocese. Di N. analyses the relationship between the finance officer and the finance committee, and asks whether the specific responsibilities and the independence of both functions are fulfilled if the finance officer is a member of the finance committee. He also compares the situation of an eparchial finance officer to that of a diocesan finance officer (specific information in this regard being available for dioceses in Argentina and Spain). Although not a member of the finance committee, this does not mean that the finance officer cannot attend or take part in meetings with the right to express his or her opinion. Di N. ends with a proposal regarding the third paragraph of canon 492 of the CIC/83.

492-502

SC 48 (2014), 203-233: John Anthony Renken: Pope Francis and Participative Bodies in the Church: Canonical Reflections. (Article)

See above, canons 460-468.

494

Ius V 1/14, 101-118: Mathew John: The Role of Diocesan Finance Officer: A Comparative Study of the Eastern and Latin Codes. (Article)

See above, CCEO canon 262.

495-501

QDE 27 (2014), 366-375: Pierantonio Pavanello: Il consiglio presbiterale, il consiglio pastorale diocesano, le riunioni dei vicari foranei. (Article)

P. looks at three diocesan organizations – the council of priests, the diocesan pastoral council, and meetings of deans (vicars forane) – from the perspective of the diocesan chancery. He considers in detail the statutes of the council of priests, looking at who can vote for the members, how the council should be composed, and how it should be organized, especially with regard to the matters where the bishop is obliged to hear its opinion. He then deals with the diocesan pastoral council, noting points of difference from and similarity to the council of priests at the level of its statutes, as well as possible ways of giving legal weight to its opinions. Meetings of deans, though not mentioned in the Code, are frequently held, and P. offers thoughts on these, in particular noting that they should be executive rather than consultative in nature.

503-510

FThC II 24/16 (2013), 251-261: Szabolcs Anzelm Szuromi: Gradual Promotion as a Specific Form of Provision of Ecclesiastical Office. (Article)

Although *gradualis promotio* as a form of provision of ecclesiastical office is not included in the CIC/83, it continues to remain the practice in some cathedral chapters. A specific example of this is to be found in the statutes of the Archcathedral Chapter of Esztergom, Hungary, approved in 1995.

511-514

QDE 27 (2014), 366-375: Pierantonio Pavanello: Il consiglio presbiterale, il consiglio pastorale diocesano, le riunioni dei vicari foranei. (Article)

See above, canons 495-501.

511-514

SC 48 (2014), 203-233: John Anthony Renken: Pope Francis and Participative Bodies in the Church: Canonical Reflections. (Article)

See above, canons 460-468.

515

QDE 27 (2014), 392-402: Giuliano Brugnotto: Quale *modello* di parrocchia? (Article)

B. begins from the perception of the Italian bishops that the primary problem of Italian parishes is self-sufficiency, and then goes on to look at the various ways in which the linkages which are their preferred solution can be accomplished. He first examines magisterial and canonical teaching on what are the essential elements of a parish, and uses these to analyse the new model of a pastoral union – a stable cooperation between several parishes, which can exist in a number of ways. B. suggests that these models are advantageous from the point of view of collaboration between priests and the participation of the faithful, but less so when parochial associations and centres of formation are considered.

515

QDE 27 (2014), 432-462: Marino Mosconi: Dov'è il parroco? La necessità del presbitero per l'identità e la vita della parrocchia. (Article)

See below, canon 521.

515

RMDC 20/1 (2014), 133-172: Rogelio Ayala Partida: "Vino nuevo en odres nuevos". La actualización del mapa parroquial, un reto de nuestro tiempo. (Article)

A.P. sets out the principal reasons and the canonical and consultation procedures for the restructuring of parishes, so that parish boundaries may truly correspond to pastoral needs, taking into account changes in society, the call to parish faithful to form a "communion", and the need above all to provide for the sacramental life of the faithful. He looks at the principle of territoriality, and at how to deal with the tension between stability and restructuring.

517

QDE 27 (2014), 432-462: Marino Mosconi: Dov'è il parroco? La necessità del presbitero per l'identità e la vita della parrocchia. (Article)

See below, canon 521.

518

QDE 27 (2014), 392-402: Giuliano Brugnotto: Quale *modello* di parrocchia? (Article)

See above, canon 515.

518

QDE 27 (2014), 403-431: Massimo Calvi: *Dioecesis dividatur*: parrocchia e territorio. (Article)

C. surveys the history of diocesan division from the earliest Church through to Trent, pointing out how this is embodied in the territorial definition of the CIC/17. He then looks at the changes introduced in the CIC/83 – which offer a number of possible bases for division related to the post-conciliar concept of a community of the faithful – to see how these could illuminate some of the new possibilities in the area of parochial structuring, including those based around deaneries, and the pastoral unions promoted in Italy. He gives attention to the problems that might afflict these pastoral unions, especially the risk of bureaucratization and the difficulty of making the Eucharist the centre of the parochial community.

518

RMDC 20/1 (2014), 7-46: Luis de Jesús Hernández Mercado: Urbanización, migración y globalización. Tres fenómenos de nuestro tiempo: causas y efectos. (Article)

See above, canon 383.

518

RMDC 20/1 (2014), 133-172: Rogelio Ayala Partida: "Vino nuevo en odres nuevos". La actualización del mapa parroquial, un reto de nuestro tiempo. (Article)

See above, canon 515.

520

QDE 27 (2014), 468-500: Tiziano Vanzetto: La vita consacrata nella diocesi. (Article)

See below, canon 681.

521

QDE 27 (2014), 432-462: Marino Mosconi: Dov'è il parroco? La necessità del presbitero per l'identità e la vita della parrocchia. (Article)

M. examines the theological and canonical reasons for the necessity of a parish priest being ordained to the priesthood. For him the concept of the full care of souls requires the ability to preside at the Eucharist. M. goes on to analyse which of the tasks in a parish belong to the priest alone, which normally belong to the priest but can be performed by a lay substitute on an extraordinary basis, which require the collaboration of the lay faithful, and which belong to the lay faithful. In the light of this he looks at what needs to be taken into account when assigning priests to parishes, even if this be to the appointment of the moderator of the pastoral care of a parish without a parish priest or a parochial vicar, bearing in mind the qualities needed to be a parish priest, the need of a parochial community for a priest as a point of reference, and above all the importance of the ecclesial sense of the relationship with the bishop and the diocese.

528-529

IE XXVI (2014), 555-578: Antonio S. Sánchez-Gil: La pastorale dei fedeli in situazioni di manifesta indisposizione morale. La necessità di un nuovo paradigma canonico-pastorale dopo l'*Evangelii Gaudium*. (Article)

On the basis of the suggestions made in *Evangelii Gaudium*, S.-G. puts forward proposals for the pastoral and canonical assistance of those who find themselves in a "situation of a manifest lack of proper moral disposition" – a phrase taken from St John Paul II's 2003 Encyclical *Ecclesia de Eucharistia*, which apart from avoiding focusing attention solely on the divorced and remarried, also highlights the need for a change of approach so as to help such faithful rediscover the joy of a life guided by the Gospel, to achieve the necessary dispositions to enable them to participate in the sacraments, and by God's grace to become missionary disciples. S.-G. proposes a model for accompaniment, inspired by the "eight theses" for the pastoral care of the divorced and remarried formulated by Cardinal Ratzinger in 1998 and by the pastoral guidelines of Pope Francis in *Evangelii Gaudium*.

535

RDC 64/1 (2014), 95-125: Dominique Le Tourneau: La place des archives ecclésiastiques dans l'Église. (Article)

See above, canons 486-491.

536-537

SC 48 (2014), 203-233: John Anthony Renken: Pope Francis and Participative Bodies in the Church: Canonical Reflections. (Article)

See above, canons 460-468.

545

QDE 27 (2014), 432-462: Marino Mosconi: Dov'è il parroco? La necessità del presbitero per l'identità e la vita della parrocchia. (Article)

See above, canon 521.

555

QDE 27 (2014), 366-375: Pierantonio Pavanello: Il consiglio presbiterale, il consiglio pastorale diocesano, le riunioni dei vicari foranei. (Article)

See above, canons 495-501.

568

RMDC 20/1 (2014), 7-46: Luis de Jesús Hernández Mercado: Urbanización, migración y globalización. Tres fenómenos de nuestro tiempo: causas y efectos. (Article)

See above, canon 383.

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

573-746

Ius V 1/14, 93-99: Santiago John Bosco: Typology of the "Institutes of Consecrated Life" (ICL) and "Societies of Apostolic Life" (SAL) in *CIC* and *CCEO*. (Article)

We find various forms of consecrated life in the CIC/83 and the CCEO. With a view to clearing up confusions and misunderstandings over their categorization, B. sets out the characteristics of typical and non-typical forms of institutes of consecrated life and societies of apostolic life.

574

QDE 27 (2014), 468-500: Tiziano Vanzetto: La vita consacrata nella diocesi. (Article)

See below, canon 681.

578

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Emmanuel de Valicourt, *Charisme et pérennité*, *les œuvres en droit canonique*.

578

EE 89 (2014), 781-797: Miguel Campo Ibáñez: Presentación y comentario canónico a la "Carta circular de la Congregación para los Institutos de Vida Consagrada y las Sociedades de Vida Apostólica (CIVCSVA) *Líneas orientativas para la gestión de los bienes en los institutos de vida consagrada y en las sociedades de vida apostólica*", de 2 de agosto de 2014. (Article)

C.I. presents and comments on the *Guidelines for the management of goods* issued by way of a Circular Letter by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life on 2 August 2014. The Congregation invites institutes to reconsider their charism as an inspiring element and as a tool for evaluating their patrimonial management. The Letter calls for institutes to adopt the best technical tools – especially properly audited

balances – so as to achieve effective, efficient and transparent management. Of special importance are the declarations in the Letter relating to the reception of the concept of "stable patrimony of a juridical person". Finally, and as a basic tool for achieving those goals, it encourages the promotion of suitable formation programmes at all levels.

578

QDE 27 (2014), 468-500: Tiziano Vanzetto: La vita consacrata nella diocesi. (Article)

See below, canon 681.

581

EE 89 (2014), 701-722: Juan José Etxeberría: El proceso de integración de las provincias jesuitas en España. Consideraciones canónicas y espirtuales. (Article)

E. reflects on the recent reorganization of the Jesuit provinces in Spain, from a spiritual, apostolic and juridical viewpoint. He sees the integration process of the provinces as a call to update the Society's charism and mission within the context of present-day society, paying special attention to the spiritual and apostolic aspects, as the Society of Jesus was born for a mission and with a mission. This unification of the provinces challenges the members as to how they may better fulfil their mission in serving the Church and society. Furthermore it should be remembered that structural changes and juridical documents are necessary for these processes to take place, but always with a view to the revitalization of the life and mission of religious institutions. The development of different tools and juridical documents has helped bring about the new Province of Spain.

588

EE 89 (2014), 675-699: Teodoro Bahillo Ruiz: Presencia de religiosos laicos en institutos clericales. Institutos mixtos, ¿posibilidad real o vía sin salida? (Article)

Lay consecration has a value of its own regardless of sacred ministry. The presence of lay members alongside clerics in a clerical institute raises a number of legal issues concerning participation in the governance of the institute and its mission. B.R. considers whether such institutes should be recognized as clerical institutes, and discusses the possibility of their being regulated as mixed institutes in order to safeguard the dignity and identity of their members. A

mixed institute would be one in which from the outset all the members – clerics and non-clerics – are considered to be equal, with equal rights and obligations. According to canon 588, institutes are either lay or clerical, and nothing in the law or in the practice of the Holy See has altered this. Requests for full participation in the governance of institutes on the part of lay members have received a favourable response only in particular cases (local superiors, vicar provincial, members of councils at all levels) at the time of approval of the constitutions by the supreme authority. The various faculties granted by canon law to major superiors of clerical institutes demand that governance of such institutes be entrusted to clerics.

588

Maia Luisi: Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo. (Book)

See below, canon 596.

596

Maia Luisi: Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo. (Book)

Is the power exercised by superiors of institutes of consecrated life a public or private power? Is its source to be found in the power given by Christ to the Apostles and their successors, or does it arise from the associative will of the religious community? Can it be identified with the power of governance in canon 129? On the basis of these questions, and approaching the topic especially from the point of view of authority as service, L. studies the nature and characteristics of "mixed" institutes of consecrated life, that is, institutes which do not fall into either of the categories mentioned in the CIC/83 (clerical institutes and lay institutes), but in which clerical and lay members share a common vocation and participate in the institute's life, governance and apostolate, with equal rights and duties (other than those flowing from the sacrament of order). After a study of the sources she arrives at the conclusion that the power exercised by a superior of a religious institute does not differ in nature from the *potestas iurisdictionis*. Of the categories referred to in the CIC/83, the most appropriate for describing the power to govern a mixed institute of consecrated life seems to be that of "habitual faculty". (For bibliographical details see below, Books Received.)

604

SC 48 (2014), 467-491: Edward N. Peters: Toward Reform of the First Criterion for Admission to the Order of Virgins. (Article)

The 1970 Rite of Consecration to a Life of Virginity establishes three criteria for admission to the order of virgins. As currently phrased, however, the first criterion, and to some degree the second, if applied according to their terms, represent a significant but largely unrecognized break with the criteria developed by the Church specifically for use in determining a woman's eligibility for virginal consecration. P. identifies weaknesses in the current first and second criteria for consecration, sets forth the traditional criteria for assessing *in facie Ecclesiae* a woman's eligibility for consecration, and suggests reformulations of the criteria to reflect better the character and charisma of this important and re-emerging order in the Church.

605

SC 48 (2014), 171-188: Przemysław Michowicz: Legal Difficulties and/or Impossibility Concerning New Forms of Consecrated Life (c. 605). (Article)

M. examines the provisions of canon 605 from a doctrinal and practical perspective, bearing in mind the passage of time from the promulgation of the CIC/83 for the Latin Church together with later specifications of the subject in view of the post-synodal Apostolic Exhortation *Vita Consecrata.* Far from bringing an end to the discussion in doctrine in reference to the originality of the forms of consecration, M.'s study is concerned with the new realities of the associations of the faithful, of which very few have been approved by the Holy See. By way of conclusion, M. presents possible solutions or, at least, an orientation to the problem in the light of recent currents in canonical doctrine.

618

Ap LXXXVI (2013), 397-413: Cristian Begus: Concetti, linguaggio e Diritto canonico: un laboratorio sempre aperto. (Article)

B. considers the influence of juridical reflection on legislative activity, e.g. in relation to the concept of the *bonum coniugum* (canon 1055 §1), or the duty of obedience to a superior in the light of the teaching of the Second Vatican Council (canon 618).

619

Maia Luisi: Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo. (Book)

See above, canon 596.

642

EE 89 (2014), 635-673: Miguel Campo Ibáñez: Derecho a la intimidad y recurso a la psicología en el proceso de admisión y formación de los candidatos al sacerdocio. Comentario canónico al documento de la Congregación para la Educación Católica «*Orientaciones para el uso de las competencias de la Psicología en la admisión y formación de los candidatos al sacerdocio*». (Article)

See above, canon 220.

668

QDE 26 (2013), 452-465: Alfredo Rava: Il testamento dei religiosi. (Article)

R. begins by offering an account of the historical background to the present situation of wills made by religious, looking at the influence of the idea of the proprietary incapacity of the solemnly professed (of which testamentary incapacity was a corollary), and points out that the present law allows all religious to make a will, imposes on them an obligation to do so before perpetual profession, and leaves to proper law the regulation of possible changes in wills. In the light of their relationship to the vows of poverty and obedience he looks at the different approaches that the law adopts in respect of religious who do and do not make a total renunciation of property. He then considers the obligation to make a will and when this obligation arises, the formalities that have to be observed, and the requirements for civil validity of the will, and he concludes with notes on the variation of wills.

668

RMDC 20/1 (2014), 113-131: Jorge Antonio Di Nicco: Reclamo de relación laboral por parte del miembro profeso que sale del Instituto de Vida Consagrada Religioso. Situación en la República Argentina. (Article)

See below, canon 702.

681

QDE 27 (2014), 468-500: Tiziano Vanzetto: La vita consacrata nella diocesi. (Article)

V. surveys the way in which a local Ordinary may relate to the phenomenon of consecrated life in his diocese. He begins by examining the fundamental principles governing the necessity and value of consecrated life in the Church, and the duty of bishops to support and promote it. The various ways in which bishops and the consecrated relate to one another are surveyed in the light of *Vita Consecrata*. V. examines in detail the written agreement whereby a bishop entrusts an apostolic work to an institute of consecrated life, the legal questions surrounding the entrusting of a parish to an institute of consecrated life, and the role of the bishop in the erection of a new institute and the creation and approval of its constitutions.

702

RMDC 20/1 (2014), 113-131: Jorge Antonio Di Nicco: Reclamo de relación laboral por parte del miembro profeso que sale del Instituto de Vida Consagrada Religioso. Situación en la República Argentina. (Article)

In the light of claims brought before the civil courts of Argentina by former professed members of religious institutes of consecrated life, Di N. looks at the question of whether the relationship between the professed religious and the institute is effectively one of employment and whether the State is able to regulate that relationship. His conclusion is that in view of the relevant laws of Argentina the relationship is one over which the State has no jurisdiction, such competence being exclusively that of canon law.

710-730

FCan IX/2 (2014), 13-49: Dulce Teixeira de Sousa (†): Consagração e Institutos Seculares. (Lecture)

The paper examines the history of secular institutes and the consolidation of their legal status up to the time of the 1947 Apostolic Constitution *Provida Mater*, before analysing the relevant canons of the CIC/83.

715

Sergio Muñoz Fita – Juan Manuel Cabezas Cañavate: La incardinación en los institutos seculares. Estudio genético del c. 715 a partir del Concilio Vaticano II y acercamiento a su aplicación y precisión en el periodo post-codicial. (Book)

After a brief analysis of the law on incardination under the CIC/17, the authors describe the new perspectives opened up in this area by the Second Vatican Council, and the process whereby the conciliar teaching on the incardination of clerics in secular institutes was incorporated into the CIC/83. They then look at how the law has been interpreted and applied since 1983, in the light of guidance issued by the Holy Father and the Apostolic See. They make mention also of the recent faculty to incardinate which has been granted to certain non-religious clerical associations – a development which opens up new areas of debate. The final section of the book provides the text of a number of documents which are very important for a correct understanding of this matter but which are not easy to obtain elsewhere. (For bibliographical details see below, Books Received.)

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Patrick Valdrini, *Gouvernement ecclésiastique et nouveaux réseaux d'influence et d'appartenance*.

775

FCan IX/1 (2014), 65-73: Miguel Falcão: A quem compete a aprovação dos textos relacionados com a catequese? (Article)

What is the competent ecclesiastical authority for approving catechisms and other subsidiary resources for catechesis? On the basis of the 1971 General Catechetical Directory, the CIC/83, the 1997 General Directory for Catechesis and other clarifying documents, F. concludes that 1. catechisms published by the episcopal conference require the prior approval of Holy See; 2. catechisms for official catechesis in parishes or schools require, as well as the *imprimatur,* the approval of the bishop, after he has consulted the diocesan secretariat for catechesis; 3. in the case of subsidiary resources for family, parish or school catechesis which do not constitute official texts, it seems sufficient that they have permission (the *imprimatur*), provided they conform to the universal norms on catechesis.

781-792

IusM VIII/2014, 17-51: Andrea D'Auria: Il diritto missionario nella Chiesa. Questioni problematiche aperte. (Article)

D'A. comments on the present mission of the Church and the contemporary debate on the crisis it is undergoing. He studies the juridical replies offered by ecclesial tradition in response to the problems arising out of mission, and examines the particular characteristics of missionary law in the Church in relation to the challenges of the new evangelization, especially in the light of Vatican II, the CIC/83 and the Encyclical Letter *Redemptoris Missio*.

781-792

IusM VIII/2014, 271-298: Peter Paul Saldanha: The Missionary Identity of the Priest in the Church. (Article)

The 2010 Circular Letter of the Congregation for the Clergy entitled "The Missionary Identity of the Priest in the Church which is Intrinsic to the Exercise of the *Tria Munera*" examines the global nature of the evangelizing mission in the life and ministry of priests. While the Vatican II Decree *Presbyterorum Ordinis* focused on the proclamation of the Word of God as the primary function of priests, this Letter stresses the missionary dimension as constituting the innermost essence of the priest's teaching, sanctifying and governing function. Mission brings together all aspects of a priest's life because it pertains to the intimate identity of the priest, as one who is configured to Christ. In the Church, priests share in the mission of Jesus Christ and the Holy Spirit, and they are earnestly encouraged to reorient their life and their entire ministry on the basis of this missionary identity.

781-792

SC 48 (2014), 411-466: Prosper Lyimo: Evangelization in a Polygamous Society. Canonical and Pastoral Approaches. (Article)

Polygamy poses some challenging canonical and pastoral problems for the Church in societies where it still exists. Some polygamists are attracted to Catholic Christianity and wish to convert, but to be accepted for sacramental initiation they have to live according to the requirements of the Church's doctrine on marital unity and be prepared to give up deeply entrenched customs. L. focuses on canonical and pastoral approaches to evangelization in polygamous societies today. He explores how existing canonical structures in both universal law and the law of the particular Churches may be of service in supporting marital unity and the Church's mission of evangelization.

782

IusM VII/2013, 83-125: Wojciech A. Lapczynski: From *Fidei donum* Priests to *Fidei donum* Movement. (Article)

In the framework of the history of the development of missions, L. outlines the juridical status of *Fidei Donum* priests through an analysis of their participation in this particular kind of mission *ad gentes*, from its beginnings up to the present time. In the light of Pope Pius XII's Encyclical Letter *Fidei Donum* and the canonical norms currently in force, L. points out that *Fidei Donum* priests are endowed with special juridical capacities, such as the possibility of moving from one particular Church to another by virtue of the so-called *licentia*

transmigrandi. This highlights communion in the Church, made visible through the exchange of priests for the purposes of proclaiming the Gospel. L. pays special attention to the juridical status of Italian and Polish *Fidei Donum* priests operating in the Archdiocese of Lusaka (Zambia).

782

IusM VIII/2014, 53-96: Giacomo Incitti: I seminari nei territori di missione. Luci ed ombre tra prassi e normativa. (Article)

I. intends in this article to inspire reflection on the development of particular norms issued by bishops' conferences in mission territories concerning the training of students for the sacred ministry. Having clarified the binding nature of the *Ratio formationis* and the 1987 Circular Letter of the Congregation for the Evangelization of Peoples, he shows that there is a lack of complementary norms, even though there may be lively initiatives that may comply with local directives, but that lack any formal *recognitio* and do not correspond to the *Ratio*. The formation of indigenous clergy requires "inculturated" formative models. Many areas of formation could benefit greatly if the formative criteria were made official, without unifying them under Roman centralism, but rather respecting legitimate autonomy, always bearing in mind that governance cannot be ecclesial if it is not collegial.

785

IusM VIII/2014, 97-134: Antoine Mignane Ndiaye: Catéchistes en territoires de mission: sélection, devoirs et formation (can. 785 du CIC/83). (Article)

In mission territories, the role of the catechists who fully dedicate themselves to missionary work is essential. In this article M.N. provides an analysis of the provisions of canon 785 of the CIC/83, together with some suggestions that will help give new impetus to this ecclesial service and the new evangelization of the young Churches. After examining the historical and technical aspects of canon 785, he draws attention to a more practical approach resulting from field research in West Africa with special focus on diocesan and interdiocesan centres and schools for catechists.

788

QDE 27 (2014), 263-281: Gianni Trevisan: Il catecumenato, istruzione e tirocinio della vita cristiana. (Article)

T. begins by looking at the history and theology of the catechumenate. He then offers a legal commentary on the norms concerning the catechumenate found in the Rite of Christian Initiation of Adults, looking both at the gradual progress through its various stages and at the role of the different ministers involved.

788

QDE 27 (2014), 282-313: Andrea Migliavacca: Il catecumenato e la prassi ecclesiale. (Article)

M. surveys the principal papal and Italian magisterial documents on the catechumenate, and identifies a number of leading themes in them. He sees in the Italian documents an ever-greater stress on the lived experience of faith and the sense of the catechumenate as a journey. An examination of the post-conciliar experience of the Church in France, as it developed from pioneer days to the present, stressed the aspect of a journey to Christ as well as that of linking catechesis to social action. In conclusion, M. posits the identity of Christian initiation and the catechumenate, points out how the state of the catechumenate is an indication of the vitality of the Church, and from this draws practical conclusions about the need for resources to be directed into this area.

793

BV 74 (2014), 295-303: Stanislav Slatinek: Verska nestrpnost med zakonci (= Religious intolerance within married couples). (Article)

See below, canon 1125.

794-795

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Philippe Greiner, *Contribution sociale et liberté d'établissement: les œuvres catholiques scolaires et sanitaires*.

812

FThC III 25/17 (2014), 99-122: Javier Otaduy: El mandato de la autoridad eclesiástica para enseñar disciplinas teológicas. (Article)

The topic of the mandate to teach theological subjects in institutes of higher studies is one of the most hotly debated points in Book III of the CIC/83. O. sets out the defining characteristics of the "theological subjects" referred to in canon 812, before explaining the differences between "canonical mission" and "mandate" as juridical categories. Even though some would treat these terms as broadly interchangeable, for O. there is a real difference between them, and to apply the notion of canonical mission to the sphere of teaching gives rise to confusion. Progressive reflection on the *munus docendi Ecclesiae* has led to a better understanding that the teaching of theological subjects does not involve representing the hierarchy and is not an exercise of the "teaching power". Hence it is inappropriate for such teaching to be carried out on the basis of *missio canonica*. The mandate is the instrument which the law currently uses to ensure the catholicity of teaching. It relates to the content of what is being taught – which should faithfully reflect the teaching proposed by the magisterium – but it does not change the nature of the activity being carried out: i.e. it does not cause it to become an activity of a hierarchical nature.

822

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Cédric Burgun, *Pertinence du droit canonique face aux nouveaux réseaux d'influence et d'appartenance*; Patrick Valdrini, *Gouvernement ecclésiastique et nouveaux réseaux d'influence et d'appartenance*.

823-830

FCan IX/1 (2014), 65-73: Miguel Falcão: A quem compete a aprovação dos textos relacionados com a catequese? (Article)

See above, canon 775.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

IusM VII/2013, 9-43: Andrea D'Auria: Inculturazione liturgica, previsioni codiciali e adattamento delle Conferenze episcopali. (Article)

D'A. deals with the topic of liturgical experiments and inculturation, highlighting limits and issues arising out of what he describes as a deculturalized Christianity. He looks at evangelization of cultures and liturgical inculturation through the perspective of the teaching of *Sacrosanctum Concilium* on liturgical adaptation, acculturation and inculturation, with special reference to the provisions of the Instruction *Varietates Legitimae*. He shows how law is an indispensable instrument for liturgical inculturation and for linking the universal to the particular; he also looks at the role played by the juridical activity of the episcopal conference in liturgical matters in accordance with the competences envisaged by *Sacrosanctum Concilium*, the provisions of the CIC/83, and the competences determined in *Varietates Legitimae*. Finally he warns against a contamination of the evangelical message, and examines which are the liturgical elements that cannot be renounced.

838

RMDC 20/1 (2014), 205-212: Congregación para el Culto Divino y la Disciplina de los Sacramentos: Carta circular sobre el significado ritual del don de la paz en la misa. (Document)

The Spanish text is given of a Circular Letter from the Congregation for Divine Worship dated 8 June 2014, which states that after profound reflection it has been decided to retain the traditional place of the rite of peace in the Roman liturgy and not to introduce structural changes into the Roman Missal. The document offers practical guidance to help express better the content of the sign of peace and to moderate excesses which give rise to confusion in the liturgical assembly just before the moment of Communion.

842-843

IE XXVI (2014), 711-735: Diocèse de Dijon: Orientations pastorales: «Le sacrement de la confirmation seconde étape de l'initiation chrétienne» (con *nota* di D. Le Tourneau, *Un retour vers l'ordre traditionnel de l'administration des sacrements de l'initiation chrétienne*). (Document and comment)

In 2014 Archbishop Roland Minnerath of Dijon, France, issued pastoral guidelines *ad experimentum* in order to restore the traditional order of administration of the sacraments of Christian initiation. In his comment on the guidelines, Le T. refers to the fundamental right in canon 213 and describes the historical evolution of the age for confirmation. Canon 891 allows for particular law on this issue, the result of which is that there are different practices in different places: in France, the age for confirmation has been fixed at between 12 and 18 years. After explaining such particular legislation, Le T. studies the Dijon guidelines in detail, highlighting the necessary preparation for the fruitful reception of the sacrament.

842-843

Ius V 1/14, 23-41: Astrid Kaptijn: Some Current Latin Practices Concerning the Sacrament of Confirmation: An Occasion for Rapprochement of the Latin and Eastern Traditions. (Article)

See below, canon 891.

843

IE XXVI (2014), 555-578: Antonio S. Sánchez-Gil: La pastorale dei fedeli in situazioni di manifesta indisposizione morale. La necessità di un nuovo paradigma canonico-pastorale dopo l'*Evangelii Gaudium*. (Article)

See above, canons 528-529.

844

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See above, canon 214.

BOOK IV, PART I, TITLE I: BAPTISM

849

FThC III 25/17 (2014), 173-187: Michael Carragher: The sacrament of confirmation and personal development. (Article)

See below, canon 879.

849-878

FThC II 24/16 (2013), 177-189: Szabolcs Anzelm Szuromi: Modifiche storiche e giuridiche della Chiesa nelle prescrizioni canoniche circa l'amministrazione del battesimo nel rito latino e la loro applicabilità nella nuova evangelizzazione. (Article)

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

851

QDE 27 (2014), 263-281: Gianni Trevisan: Il catecumenato, istruzione e tirocinio della vita cristiana. (Article)

See above, canon 788.

852

RDC 64/2 (2014), 375-393: Frédéric Dieu: Aspects des rapports entre droit civil et droit canonique: L'autorité parentale et le choix de la religion de l'enfant. (Article)

See below, canon 868.

865

RDC 64/2 (2014), 375-393: Frédéric Dieu: Aspects des rapports entre droit civil et droit canonique: L'autorité parentale et le choix de la religion de l'enfant. (Article)

See below, canon 868.

868

RDC 64/2 (2014), 375-393: Frédéric Dieu: Aspects des rapports entre droit civil et droit canonique: L'autorité parentale et le choix de la religion de l'enfant. (Article)

The choice of a child's religion, which is an attribute of parental authority, is also a meeting point between civil law and Church law. According to French civil law, for a child to choose a religion requires the consent of both parents. According to canon law, however, the consent of one parent is sufficient for a child under seven, and no consent is required for children aged seven or over. D. deals with the resulting conflict between civil and canon law. It would seem that a civil court would have to resolve the conflict by giving priority to the will of the parents. Nevertheless, canon law's long-standing insistence on the personal autonomy of the child resonates with the importance attributed by civil courts – under the influence of international law – to the best interests of the child.

877

RDC 64/1 (2014), 157-166: Frédéric Dieu: Le baptême ne s'efface pas. L'arrêt de la Cour d'appel de Caen du 10 septembre 2013 confirmé par la Cour de cassation. (Article)

By an order dated 19 November 2014, the first civil chamber of the French *Cour de Cassation* confirmed an order of 10 September 2013 issued by the Caen Court of Appeal refusing to grant the request of a person who wished to remove his name from the parish baptismal register. This solution distinguishes between the objective historical reality of the person's Christian baptism, and the subjective position the person currently takes as regards that baptism. Even if a person renounces the value and importance of his baptism, he cannot erase its existence. This is why the baptismal register, the purpose of which is to record the place, date and parties involved in the historical event of baptism, cannot be erased in any of its details. All that may be done is to record the renunciation made by the person concerned.

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

879

FThC III 25/17 (2014), 173-187: Michael Carragher: The sacrament of confirmation and personal development. (Article)

C. situates the role of the sacrament of confirmation in the context of the development of the human person in the formative years of childhood and adolescence. Physical maturity and religious awakening go hand in hand. At the opportune time the candidate receives spiritual help through some tangible sign. The symbolism of each sign must be respected as it corresponds precisely to a stage in the unfolding of the personality of the recipient. Baptism deals with regeneration while confirmation is directed to helping people to grow wisely and to interact with others in a community.

889-891

IE XXVI (2014), 711-735: Diocèse de Dijon: Orientations pastorales: «Le sacrement de la confirmation seconde étape de l'initiation chrétienne» (con *nota* di D. Le Tourneau, *Un retour vers l'ordre traditionnel de l'administration des sacrements de l'initiation chrétienne*). (Document and comment)

See above, canons 842-843.

891

Ius V 1/14, 23-41: Astrid Kaptijn: Some Current Latin Practices Concerning the Sacrament of Confirmation: An Occasion for Rapprochement of the Latin and Eastern Traditions. (Article)

K. presents the different practices regarding the sacraments of initiation in the Oriental and Latin Churches. She asks to what extent the "restored order" of the administration of these sacraments, introduced especially by Vatican II, functions as an "ecumenical rapprochement" between East and West Celebrating confirmation between baptism and the Eucharist is more appropriate, she argues, as the gift of the Holy Spirit received in its fullness better prepares for and leads to the reception of the Eucharist whereby the person is fully joined to the Body of Christ. She sets out the theological arguments that justify the restoration of the ancient order of the sacraments of initiation.

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

905

IusM VIII/2014, 135-163: Elias Frank: Special Faculties of the Congregation for the Evangelisation of Peoples Regarding the Discipline of the Mass. (Article)

The Congregation for the Evangelization of Peoples (CEP), instituted to propagate the Catholic faith, encountered in the course of its missionary work among Protestants and non-Christians a number of situations which it was not possible to cater for within the provisions of the Church's common law. Hence the need arose for special faculties, by means of which the CEP could come to the aid of missionaries and the faithful. Such needs included the celebration of more than one Mass on days of obligation, without which the faithful would be unable to observe the Church's precept. After Vatican II, the CEP was given the faculty to allow the saying of up to four Masses on days of obligation. The missionaries' needs were also of a financial nature, Mass offerings constituting an essential source of income for their sustenance. As well as setting out the reasons for the granting of these faculties, F. aims above all to describe the "journey" of the special faculties of the CEP from the time of its institution in 1622, up to the year 2005, the last occasion on which a number of faculties concerning the discipline of the Mass were confirmed.

923

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e intereccclesiali nell'amministrazione dei sacramenti. (Article)

See above, canon 214.

927

IE XXVI (2014), 623-644: Pierpaolo Dal Corso: La consacrazione a scopo sacrilego di una sola materia o di entrambe, durante la celebrazione eucaristica o fuori della santa Messa. (Article)

The offence of consecration *in sacrilegum finem* was introduced by the *Normae* of the *motu proprio "Sacramentorum Sanctitatis Tutela"*, and the 2010 revision of those norms establishes that a priest who, moved by an evil intent, consecrates one matter without the other or even both, either during or outside of the Eucharistic celebration, is to be punished. The evil intent of the priest, however, does not annul the intention to bring about what the Church does through that gesture, and thus a valid transubstantiation of the species takes

place. The offence is committed in the presence of a true consecration. This aspect distinguishes the offence from that of simulation, where the priest does not celebrate a valid Mass because of a defect in his intention or because of the use of unsuitable matter. The offence also differs from that of profanation of the sacred species in that it punishes the sacrilegious "premeditation" – the evil purpose – with which the priest consecrates, irrespective of whether the sacrilegious purpose is in fact achieved.

945

IusM VIII/2014, 135-163: Elias Frank: Special Faculties of the Congregation for the Evangelisation of Peoples Regarding the Discipline of the Mass. (Article)

See above, canon 905.

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

991

FThC III 25/17 (2014), 213-230: Helmuth Pree: Questioni interrituali e interecclesiali nell'amministrazione dei sacramenti. (Article)

See above, canon 214.

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

998-1007

FThC III 25/17 (2014), 231-245: Szabolcs Anzelm Szuromi: Crystallization process of the ecclesiastical discipline regarding the sacrament of extreme unction and its canon law historical sources. (Article)

The Church's doctrine and discipline on the sacrament of anointing of the sick (its detailed content, the manner of its administration, the minister, and the person to be anointed) have undergone a long process of crystallization. This process has included the emergence of the preference for the current name of "anointing of the sick", even though the content of the term has been continually present in the interpretation of *extrema unctio*, as can be seen from documentation going back to the Church Fathers.

1004-1006

FThC III 25/17 (2014), 135-151: Bronisław W. Zubert: Unctio infirmorum pro infantibus? (Article)

In addressing the question of infant reception of anointing of the sick, Z. offers some theological reflections on the sacrament, together with an analysis of canons 1004-1006, before setting out proposals for reform of the existing legislation.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

SC 48 (2014), 101-127: Michel Dion: Le pouvoir de gouvernement et le diacre. (Article)

D. presents a canonical analysis of the various powers of governance which can be exercised by a deacon, particularly since the modification of canons 1008 and 1009 in *Omnium in mentem*. He seeks to identify the ontological foundation of the deacon's capacity to exercise the power of governance. In the first part of the article he briefly presents the Second Vatican Council's fundamental understanding of the theological sources of power within the Church, such as sacred power (*sacra potestas*) conferred by holy orders, as well as the principal traits of the juridical concept of the power of governance within the current canonical system. He thus proposes a precise canonical definition of the power of governance that, in turn, can be used to analyse the deacon's participation in the exercise of the power of governance. In the second part he addresses the question of whether or not diaconal ordination confers a new ontological capacity which enables the deacon to assume positions of greater juridical power, and whether or not such capacity differs from that of the other orders of sacred ministry and from that of the lay person. He situates the diaconate within the dynamic of the sacrament of holy orders by examining the nature, role, and sacramental and juridical effects of diaconal ordination, and by investigating how these determine the extent and particularities of the deacon's participation in the exercise of the power of governance within the Church.

1008-1054

EIC 54 (2014), 445-474: Giacomo Incitti: Nota bibliografica: Il ministero ordinato. (Article)

See above, canons 232-293.

1029

EE 89 (2014), 635-673: Miguel Campo Ibáñez: Derecho a la intimidad y recurso a la psicología en el proceso de admisión y formación de los candidatos al sacerdocio. Comentario canónico al documento de la Congregación para la Educación Católica «*Orientaciones para el uso de las competencias de la Psicología en la admisión y formación de los candidatos al sacerdocio*». (Article)

See above, canon 220.

1051

EE 89 (2014), 635-673: Miguel Campo Ibáñez: Derecho a la intimidad y recurso a la psicología en el proceso de admisión y formación de los candidatos al sacerdocio. Comentario canónico al documento de la Congregación para la Educación Católica «*Orientaciones para el uso de las competencias de la Psicología en la admisión y formación de los candidatos al sacerdocio*». (Article)

See above, canon 220.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Ap LXXXVI (2013), 397-413: Cristian Begus: Concetti, linguaggio e Diritto canonico: un laboratorio sempre aperto. (Article)

See above, canon 618.

1055

EE 89 (2014), 767-780: José M[a] Díaz Moreno: El Sínodo de la Familia. Algunas cuestiones canónicas abiertas. (Article)

Pope Francis called an Extraordinary General Assembly of the Synod of Bishops on topics related to the Christian family and the challenges of evangelization in the early years of the 21st century. In this connection D.M. points out the absence of a real *family* law in the CIC/83; he also highlights the right and duty of Christian families to evangelize. He offers some reflections on various canonical questions that may help solve some of the difficulties related to failed marriages, such as the preparation for and admission to the canonical celebration of marriage, the identification of contract and sacrament, the presumption of validity in canon 1060, proof of matrimonial nullity, and the need for greater rapidity in dealing with matrimonial nullity cases.

1055

FCan IX/1 (2014), 7-40: Andrea D'Auria: Fede e Sacramentalità del Matrimonio. La prospettiva canonica. (Article)

D'A. reflects on the validity of a marriage celebrated by non-believing Catholics. In the face of the growing secularization of contemporary culture, he studies the legal significance of a marriage celebrated according to canonical form by two baptized persons who have lost their faith, or rejected it, or are far from perceiving God's design for marriage, or who do not recognize any transcendent dimension of the conjugal covenant. Bearing in mind the principle of the inseparability between contract and sacrament, D'A. presents the current of thought according to which a lack of faith would not allow the sacramental dynamic to take place, even though both spouses are baptized, and therefore the absence of the sacramental aspect would mean the nullity of the marriage. After a historical retrospective, including the statement of the International Theological Commission of 1977 and pronouncements of St John Paul II, D'A. analyses the doctrine concerning the principle of *intentio faciendi id quod facit Ecclesia Christi* and its applicability to the sacrament of marriage. Given other

relevant issues (the principle of prevailing intention as a means of ascertaining whether the exclusion of sacramentality may affect the validity of the marriage; ignorance of the sacramental dignity as an error that may affect consent; the total or partial nature of the exclusion of the sacrament) D'A. in conclusion sustains the non-relevance of faith in relation to the celebration of a valid marriage.

1055

IE XXVI (2014), 511-534: Andrea D'Auria: Fede e sacramentalità del matrimonio. La prospettiva canonica. (Article)

See preceding entry.

1055

J 74 (2014), 59-78: Kenneth E. Boccafola: Lack of Faith and its Effect on the Validity of the Matrimonial Consent of the Baptized. (Article)

B. examines the lack of faith and its effects on the validity of the matrimonial consent of the baptized. The question can be presented as follows: If a person lacks faith in marriage as a sacrament, how can he or she celebrate the sacrament validly? B. starts by recalling certain principles of the papal magisterium which have subsequently been elaborated in Rotal jurisprudence. The question as such is not new: it was also alluded to in certain propositions discussed by the International Theological Commission in their meeting of 1977. The available information on the two synods on the family (2014 and 2015) seems to indicate that there is a renewed or ongoing interest in the theme.

1055

NRT 136 (2014), 549-564: Angelo Scola: Mariage et famille à la lumière de l'anthropologie et de l'Eucharistie. Notes en vue du Synode extraordinaire des évêques sur la famille. (Article)

Christian marriage reveals by grace what men and women desire in the experience of love. A proper understanding of sexual difference (opposed by gender theories) allows a relationship with the other, and determines its fruitfulness so as to express the nuptial mystery. It is a sacrament, rooted in the Trinitarian mystery, linked precisely and decisively to the Paschal Mystery as lived in the Eucharist. S. sets out the consequences of these considerations, in so far as they concern the participation of the divorced and remarried in the sacramental economy. He suggests that priority should be given to the local

Church in procedures for declaration of the nullity of the matrimonial bond, and offers a way of discernment for the local Ordinary.

1055

Héctor Franceschi (ed.): Matrimonio e famiglia. La questione antropologica. (Book)

The Preface of the *Instrumentum Laboris* for the forthcoming Ordinary Synod on the Family recalls that the *Relatio Synodi* of the III Extraordinary General Assembly ended with the words: "These proposed reflections, the fruit of the synodal work that took place in great freedom and with a spirit of reciprocal listening, are intended to raise questions and indicate points of view that will later be developed and clarified through reflection in the local Churches in the intervening year leading to the XIV Ordinary General Assembly of the Synod of Bishops, scheduled for October 2015 to treat *The Vocation and Mission of the Family in the Church and in the Contemporary World*." It goes on to speak of the involvement of academic institutions in this task of study and reflection. In this regard the Faculty of Canon Law of the Pontifical University of the Holy Cross, Rome, organized a conference in March 2015 on marriage and the family, the proceedings of which are contained in this book. The first part of the volume contains a series of lectures centred on the fundamental theme of the anthropology of marriage, approached from various different perspectives: theological, philosophical and juridical. Other lectures deal with some of the fundamental topics on which Pope Francis has called for serious and deep reflection, such as the role of faith, matrimonial nullity processes, and how to make marriage preparation more effective. The second part of the book is of a more practical nature, and includes contributions from two round-table discussions focusing principally on marriage preparation and the accompanying of married couples, especially those undergoing difficulties. (For bibliographical details see below, Books Received.)

1055-1057

IE XXVI (2014), 579-622: Tribunale Apostolico della Rota Romana: Nullità del matrimonio. Esclusione del *bonum coniugum* e del *bonum prolis*. Sentenza definitiva, 26 febbraio 2013. Heredia Esteban, *Ponente* (con *nota* di F. Catozzella, *I presupposti per un'adeguata comprensione del bonum coniugum in una recente sentenza rotale*). (Sentence and comment)

The origin of marriage, an institution of natural law, lies in the very nature of the human person created by God. Only by investigating this reality is it possible to understand the essence, properties and ends of marriage. A false anthropological conception of marriage leads inevitably to a distorted vision of the marital

union. Through their consent the parties bring about the marriage as a natural juridical bond. This bond of sharing and communion is not an extrinsic element but is to be identified with the spouses themselves, who by being joined become "one flesh". The object of consent is thus the acceptance of the other as husband or wife: that is, becoming spouses. The *ordinatio ad fines* is an essential element of marriage, which gives the conjugal union its specific characteristic as distinct from any other form of society. The *bonum coniugum* and the *bonum prolis* are intimately bound up with each other, so much so that they cannot be separated: each demands the other, and helps bring it about. This is a unique reality containing within itself a double dynamic dimension. It is not essential however that these ends should be achieved in practice, since the fulfilment of the conjugal partnership depends on many vicissitudes and above all on human freedom in all its greatness and frailty. Hence it is a mistake to deduce that a marriage is null simply on the basis of its having failed, that is, on the fact that the good of the spouses has not actually been achieved. Apart from the traditional forms of exclusion of the Augustinian goods of marriage (which always additionally involve grave harm to the *bonum coniugum*) it is the role of jurisprudence to identify cases in which exclusion of the *bonum coniugum* can be directly established. Since marriage is the union of two persons as such, it requires the acknowledgement of the personal dignity of the spouses and of their condition of total equality. Therefore any prenuptial will which rejects the other as a spouse or reduces the other to a mere instrument for one's own satisfaction impedes the marriage from coming into being. Jurisprudence still needs to examine the question of the impact which the absence of faith might have on possible exclusion of the *bonum coniugum.*

1059

EIC 54 (2014), 415-442: Costantino-M. Fabris: Nuova giurisprudenza in tema di delibazione di sentenza ecclesiastica. Note a margine della sentenza della Cassazione, Sez. Unite, n. 16379 del 17 luglio 2014. (Article)

By this decision the Italian Court of Cassation has introduced new limitations on the possibility of an *exequatur* for ecclesiastical judgments of matrimonial nullity. In the case of a marriage which lasted over three years before being declared invalid, Italian law may deny recognition to the ecclesiastical judgment of nullity, should one of the spouses oppose the *exequatur*. F. offers a comment and some critical observations on the decision.

1060

EE 89 (2014), 767-780: José M[a] Díaz Moreno: El Sínodo de la Familia. Algunas cuestiones canónicas abiertas. (Article)

See above, canon 1055.

1062

IusM VIII/2014, 197-215: Claudio Papale: La promessa di matrimonio e le delibere delle Conferenze Episcopali dei territori di missione. (Article)

P. begins by looking at the institution of promise of marriage in canon law prior to and following the CIC/17, and goes on to explore the norms of the current Code and to trace the juridical evolution of the *matrimonii promissio*. Taking into account the provisions of canon 1062 §1, he pays special attention to the *ius particulare* of bishops' conferences in mission territories.

1063

RDC 64/1 (2014), 25-41: Anne Bamberg: Préparation au mariage et responsabilité de la communauté ecclésiale. Réflexions autour du c. 1063 CIC et du c. 783 CCEO et de leurs sources. (Article)

B. examines the drafting of the canons on preparation for marriage, using the official sources of the canons. She looks at the work of the Commission for the Revision of the Code of Canon Law, reflecting on the initial *schemata* and on the influences – particularly the reflections of Peter Huizing – that were to lead to the express reference in canon 1063 to the role of the ecclesial community in providing assistance.

1063

Héctor Franceschi (ed.): Matrimonio e famiglia. La questione antropologica. (Book)

See above, canon 1055.

1063-1072

EE 89 (2014), 767-780: José M[a] Díaz Moreno: El Sínodo de la Familia. Algunas cuestiones canónicas abiertas. (Article)

See above, canon 1055.

1071

AC 54 (2012), 311-332: Maurice Bouvier: Le *vetitum*, ou interdiction, judiciaire de nouvelles noces et sa levée. (Article)

See below, canon 1684.

1077

REDC 71 (2014), 559-614: Julio García Martín: Il vetitum di contrarre matrimonio ai sensi dei cann. 1077 e 1684, §1. (Article)

See below, canon 1684.

1086

FThC II 24/16 (2013), 239-249: Elmar Güthoff: Der vor dem Staat erklärte Austritt aus der Kirche in Deutschland angesichts von Entscheidungen und Verlautbarungen aus dem Jahr 2012. (Article)

G. comments on a number of decisions of German civil courts concerning formal exit from the Church, and on the views of the German bishops.

1095

Ap LXXXVI (2013), 353-386: Francesco Catozzella: La Perizia quale mezzo di prova nelle Cause di incapacità matrimoniale. (Article)

See below, canons 1574-1581.

1095

IC 53 (2013), 7-61: Carlos M. Morán Bustos: La prueba de las anomalías graves en relación con la capacidad consensual: la pericia como medio de prueba en los supuestos del canon 1095. (Article)

Expert testimony is regarded as a required form of proof in marriage nullity cases aimed at obtaining a declaration of incapacity to consent. In addressing this issue all available means should be used, including the contributions of psychology and psychiatry. Canon law establishes the need for such expert testimony (even in the absence of the defendant) in canon 1095 cases in which the legal incapacity rests on the factual basis of a "mental illness" (canon 1680) or an "anomaly" (*Dignitas Connubii*, art. 209; cf. also art. 203). The rationale behind the requirement of expert testimony is that the judge needs to be provided with elements of proof that will enable him to attain the required

degree of moral certainty for making his decision. Art. 209 of *Dignitas Connubii* sets out the objective framework within which the questions and answers of the expert testimony are to be formulated; these are then freely assessed by the judges (canons 1608 §3, 1579 **§**1**).**

1095 2º

REDC 71 (2014), 893-920: coram R.P. D.M. Xaverius Leone Arokiaraj, ponente. Sententia definitiva 135/2009. (Sentence and comment)

The female petitioner had suffered an unstable and unhappy upbringing by her single mother and grandparents, and was only too glad when the respondent showed some interest in her. After a year she became pregnant and it was simply presumed by all that marriage should take place. She was just 18 at the time of the nuptials. The first instance tribunal had given a negative decision on the grounds of grave lack of discretion in both parties and the respondent's inability to assume the essential obligations of marriage. An affirmative decision on her grave lack of discretion was given at second instance, and it is this ground which is now before the Rota. A.'s sentence makes the point that although there may be little evidence to support the existence of a psychological anomaly as such, other factors concerning family upbringing, emotional development and circumstances surrounding the decision to marry may be sufficient to lead to a grave lack of discretion, if they show a genuine lack of internal freedom. In this case the Rotal *peritus* in his *votum super actis* found no evidence of any specific psychological disorder, but the judges considered that his conclusions erred on the side of "abstractionism and intellectualism" and returned a positive decision: *iudex peritus peritorum*. The sentence is introduced by Rafael Rodríguez Chacón and followed by a comment by Enrique de León Rey.

1095 2º-3º

ACR XCI 1/14, 58-72: T. Ryan: Abortion Before Marriage, Marriage Tribunal Jurisprudence and Moral Theology. (Article)

R., a lecturer in moral theology and judge of the Regional Tribunal of Brisbane, considers against that background how pre-marriage abortion can cause serious mental and emotional disturbances which impair deliberation and marital consent. He argues that abortion prior to marriage provides a case study where the theology of marriage and canon law converge. First, tribunal jurisprudence can draw on human sciences, specifically those concerning recent research about abortion. Second, with factors influencing moral judgements and choices, the memory of abortion can elicit moral judgement and transformation. R. considers the influence of pre-marital abortion on matrimonial consent, studying in

particular how post-traumatic stress disorder is considered by different streams of thought in jurisprudence.

1095 2º-3º

Ap LXXXVI (2013), 415-424: Francesco Dentale – Francesco Spagnoli: Il modello alternativo dei disturbi di personalità nel DSM-5 e le sue implicazioni per la Perizia in ambito canonico. (Article)

The authors aim to illustrate the alternative model for personality disorder (PD) included in the DSM-5 system with a series of possible implications for the expert's report in the field of canon law. To do this they explain the DSM-IV-TR diagnostic system and its limitations, and then the new DSM-5 criteria. They highlight and evaluate a series of new proposals included in the alternative model, and clarify their role in relation to unresolved questions in DSM-IV-TR, such as the excessive comorbidity of PD categories, the high heterogeneity of individuals with the same PD diagnosis, the obsolete approach to diagnostic thresholds, the temporal instability of diagnoses, the narrow range of personality psychopathologies and the lack of an empirically founded theoretical model able to support the choice of criteria. Finally they discuss improvements which the alternative DSM-5 model may imply for the canonical evaluation of the expert's report, especially regarding the link between psychiatric diagnostic classifications and the concept of juridical incapacity in canon law.

1095 2º-3º

SC 48 (2014), 549-567: Apostolic Tribunal of the Roman Rota: Grave Defect of Discretion of Judgment (Can. 1095, 2°). Incapacity to Assume the Essential Obligations of Marriage (Can. 1095, 3°). (Anorexia/Bulimia Nervosa). Sentence *coram* Monier, 21 January 2011, (Italy). (Sentence)

This Rotal decision was affirmative on the grounds in both canon 1095 2° and canon 1095 3°. The woman respondent was said to be incapable of discerning marriage or assuming its essential obligations on account of her suffering anorexia/bulimia nervosa. Three expert reports, two obtained *ex officio*, were employed by the Rota, which at second instance overturned the negative decisions on both grounds.

1095 3º

AC 54 (2012), 455-461: Sentence *coram* Sciacca, 24 juill. 2009, Cilicie des Arméniens, Sent. 117/09, présentation par Jean-Jacques Boyer. (Comment)

See above, CCEO canon 818 3º.

1097

AC 54 (2012), 455-461: Sentence *coram* Sciacca, 24 juill. 2009, Cilicie des Arméniens, Sent. 117/09, présentation par Jean-Jacques Boyer. (Comment)

See above, CCEO canon 818 3º.

1098

QDE 26 (2013), 486-501: Massimo Mingardi: Fatti circonstanziati e qualità personali in relazione all'errore doloso: aspetti doctrinali. (Lecture)

M. analyses the elements necessary to establish nullity of marriage on the basis of deceit. He looks first at those which relate to the one deceiving, considering what it means for the deceit to be intentional, and then examines critically the restriction that this deceit must be practised with the aim of getting someone to enter into marriage. He moves on to look at the one deceived, arguing that a state of ignorance resulting from concealment – which in a Scholastic framework would not suffice to establish the state of being deceived – should be interpreted in the light of a more personalist approach to matrimonial intention. He then looks at the objective element of the deceit, pointing out the need for a careful but extensive reading of the requirement that the personal quality be one that could seriously disrupt a marriage.

1099

FCan IX/1 (2014), 7-40: Andrea D'Auria: Fede e Sacramentalità del Matrimonio. La prospettiva canonica. (Article)

See above, canon 1055.

1099

IE XXVI (2014), 511-534: Andrea D'Auria: Fede e sacramentalità del matrimonio. La prospettiva canonica. (Article)

See above, canon 1055.

1100

REDC 71 (2014), 723-780: Joaquín Alberto Nieva García: La convicción subjetiva de la nulidad del matrimonio en los divorciados vueltos a casar y los sínodos de los obispos sobre «los desafíos pastorales de la familia en el contexto de la evangelización». (Article)

One of the thorny issues on the agenda of the October 2015 Synod of Bishops is the situation of divorced and remarried members of the faithful, in particular those who are subjectively certain in conscience of the nullity of their first marriage. The present Code (canon 1157) acknowledges the possibility that the spouses could be aware that their marriage was null from the beginning, especially if they have some knowledge of what canonical nullity is and sound arguments to support their claim. These cases require special attention to verify whether or not there is a genuine basis for discerning nullity of marriage. Since marriage enjoys the *favor iuris* and a presumption of validity, the opposite must be proved with moral certainty. However, it may be possible that subjective certainty of the nullity of a marriage could have a special probative value in the wider canonical process. Pastorally it would be important to instruct the faithful in the basic requirements of a valid marriage. Popes Benedict XVI and Francis have both indicated the desirability of some degree of greater flexibility in the canonical marriage nullity process. N.G. looks at some of the arguments on the issue put forward by the leading figures of what might be called the "progressive" and "conservative" parties.

1100-1101

IC 54 (2014), 521-565: Joaquín Alberto Nieva: El bautizado que contrae matrimonio sin fe no necesariamente excluye el consentimiento matrimonial. (Article)

During the preparation for the Synod on *Pastoral Challenges of the Family in the Context of Evangelization*, Cardinal Kasper raised the issue of whether the *praesumptio iuris* that regards the marriages of those who marry without faith as valid is not in fact a *fictio iuris* at present. Pope Benedict XVI, Pope Francis, and Cardinals Müller and Ouellet have asked that a study be carried out concerning how lack of faith in the faithful may affect the spouse and lead to the nullity of the marriage because of exclusion of marriage or its essential properties. From the general possibility of nullity one would then proceed on a case-by-case basis in the ecclesiastical tribunals. However, millions of divorced and remarried Catholics have never considered the possible nullity of their marriage. Canon 1100 sets out a legal principle which may shed light on this issue, maintaining the presumption of the validity of the marriage, but conceding

the possibility of proving nullity in specific cases on the ground of exclusion of consent.

1101

AC 54 (2012), 450-455: Sentence *coram* Arokiaraj, 22 juill. 2009, Reg. Latii seu Romana, Sent. 111/09, présentation par Luc Marie Lalanne. (Comment)

L., a soldier, met M., a social worker, at a discothèque in 1997; soon afterwards they began to live together. In April 2000 they married for administrative reasons; a religious ceremony followed in June of the same year. Conjugal life, childless and morally unstable, was interrupted by L. in 2001, after a grave crisis caused by alcohol abuse on the part of M. The parties were divorced by mutual consent in July 2001. In 2002 L. asked for a declaration of nullity of the marriage on the grounds of exclusion of the *bonum sacramenti* and of the *bonum prolis* on this own part. M. did not take part in the proceedings. The first instance decision was negative on both grounds; on appeal to the Rota an affirmative second instance decision was given on both grounds (2006). The case was passed to a higher *turnus* of the Rota, which in 2009 confirmed the affirmative decision on both grounds. The interest of the case is double. On the one hand it shows the potential impact upon the marriage of a way of life far removed from human and Christian values, as a cause of simulation (in which case a positive act of the will is necessary). On the other hand it demonstrates how proof of exclusion of the *bonum prolis* can be heavily reliant on that of the conditional exclusion of indissolubility, provided both simulations are present in the same party.

1101

AC 54 (2012), 461-465: Sentence *coram* Defilippi, 15 oct. 2009, Reg. Insubris seu Mediolanen., Sent. 127/09, présentation par Raphaël Willot. (Comment)

The case involved a couple who had cohabited, separated and gone their separate ways, but then decided to marry. Conjugal life turned out to be unhappy, and they remained together for only eight months. The female petitioner requested a declaration of nullity based on her own exclusion of the *bonum sacramenti* and the *bonum prolis*. The respondent refused to participate in the proceedings, and the case received a negative decision at first instance. On appeal the petitioner was interviewed once more, as was a new witness. The respondent still refused to take part. An affirmative decision was given. The case went to the Rota; further instruction was carried out, which involved obtaining the testimony of another new witness, and an affirmative decision was given, albeit with a *vetitum* attached. The interest of the case lies in the fact that

at second and third instances tenacious further investigations revealed information which had not been discovered or made available at first instance, especially concerning the credibility of the petitioner and the circumstances of the marriage, which also supported the petitioner's statements.

1101

AC 54 (2012), 465-470: Sentence *coram* Bottone, 2 févr. 2010, Apuli, Sent. 013/2010, présentation par Patrick Denis. (Comment)

The parties had had a relationship for about ten years prior to the marriage, but in the months leading up to the wedding the male petitioner experienced a loss of affection for his future spouse. Nevertheless, because of all the preparations for the wedding, and in order not to bring disgrace on his family, he went through with the ceremony, albeit unwillingly. At the same time he had the impression that the respondent was not treating the wedding seriously. The marriage fell apart after only a few months, when the respondent ran off with the petitioner's cousin, a married father of two. The petitioner requested a declaration of the marriage on the ground of the respondent's intention to deprive the marriage of its essential elements, namely indissolubility, openness to children, and fidelity. A negative decision was given at first instance. The case went to the Rota at second instance, and a supplementary instruction was ordered, during which it emerged that the petitioner himself had also excluded children. This ground was added and was dealt with as at first instance. It transpired that even at the time of the wedding the respondent and her lover were already making plans for their future together, and it was evident that the respondent had excluded the essential elements and properties of marriage. The petitioner for his part, although initially open to children, changed his attitude as the wedding approached, on seeing the alteration that had come about in the respondent. An affirmative decision was given on all grounds.

1101

EE 89 (2014), 589-634: Cristina Guzmán Pérez: Supuestos fácticos de exclusión de la prole en la jurisprudencia rotal reciente. (Article)

G.P. looks at recent Rotal decisions concerning exclusion of the *bonum prolis*, distinguishing between cases in which such exclusion is absolute and/or perpetual, and those in which it is temporary (where the exclusion does not cause nullity). She also examines the procedural requirements for proving simulation, and sets out the most important causes *contrahendi* and *simulandi* submitted to and accepted by the Roman Rota between 2006 and 2012.

1101

FCan IX/1 (2014), 7-40: Andrea D'Auria: Fede e Sacramentalità del Matrimonio. La prospettiva canonica. (Article)

See above, canon 1055.

1101

IE XXVI (2014), 511-534: Andrea D'Auria: Fede e sacramentalità del matrimonio. La prospettiva canonica. (Article)

See above, canon 1055.

1101

IE XXVI (2014), 579-622: Tribunale Apostolico della Rota Romana: Nullità del matrimonio. Esclusione del *bonum coniugum* e del *bonum prolis*. Sentenza definitiva, 26 febbraio 2013. Heredia Esteban, *Ponente* (con *nota* di F. Catozzella, *I presupposti per un'adeguata comprensione del bonum coniugum in una recente sentenza rotale*). (Sentence and comment)

See above, canons 1055-1057.

1101

QDE 27 (2014), 314-320: Paolo Bianchi: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimoniale? /2. (Article)

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

1103

Ap LXXXVI (2013), 305-351: Giordano Caberletti: La costrizione e il timore. Il dono e l'accettazione coniugale senza la dovuta libertà. (Article)

In today's social context, fear as a factor for vitiating consent may be considered as almost obsolete, but the autonomy of the person in making fundamental choices is still threatened and for this reason ecclesiastical law provides a safeguard. Even though matrimonial consent is always an interior act of will, the cause of lack of freedom can be intrinsic or extrinsic. Undoubtedly canon 1103, regarding the contracting party's lack of freedom as an intrinsic cause, has a basis in natural law, and the Legislator defines the essential elements for the invalidity of consent given *ex metu*. In jurisprudence, the majority of such cases concern *metus reverentialis*. Evidence to show lack of consent by reason of

metus focuses on the coercive role of the person who threatens and the passive condition of the one subjected to the threat, who consequently sees marriage as a means to avoid the impending danger. The most recent Rotal jurisprudence shows that marriages vitiated on account of *metus*, even though less frequent than in previous decades, still occur.

1103

RMDC 20/1 (2014), 175-190: Decisio R.P.D. José Huber, Sentencia definitiva del 31 de marzo de 2004. (Sentence)

In 1990 X, an Augustinian priest, aged 30, formed an amorous relationship with Y, a woman of 20 whom he was preparing for confirmation, and by whom he was held in some awe. After receiving a dispensation from the Apostolic See, he married her in 1994, but soon afterwards they both accused each other of infidelity, and the marriage fell apart, ending in a divorce in 1998. X requested a declaration of the nullity of the marriage. The first instance tribunal gave a negative verdict on the grounds of lack of discretion of judgement and grave fear, both on the part of Y. The second instance tribunal gave an affirmative verdict on the ground of fear inflicted on Y. The case went to the Roman Rota, which in its decision explained the meaning (positive and negative) of freedom, the conditions under which such freedom might be removed by fear (including reverential fear), the proofs to be collected in such cases, and the manner in which the proofs are to be assessed. In the particular case the Rota concluded that there was insufficient evidence of grave fear on the part of Y, and a negative decision was given.

1117

FThC II 24/16 (2013), 239-249: Elmar Güthoff: Der vor dem Staat erklärte Austritt aus der Kirche in Deutschland angesichts von Entscheidungen und Verlautbarungen aus dem Jahr 2012. (Article)

See above, canon 1086.

1124

FThC II 24/16 (2013), 239-249: Elmar Güthoff: Der vor dem Staat erklärte Austritt aus der Kirche in Deutschland angesichts von Entscheidungen und Verlautbarungen aus dem Jahr 2012. (Article)

See above, canon 1086.

1125

BV 74 (2014), 295-303: Stanislav Slatinek: Verska nestrpnost med zakonci (= Religious intolerance within married couples). (Article)

Religious intolerance within married couples is the most pressing problem in modern multi-confessional societies, and can only be overcome through the power of good. The key is to educate religious married people in higher values for a new vision of the community of a married couple. Religious married people are particularly inspired by the example of Jesus, who offered Himself completely, to the point of giving His own life. For married people who have experienced religious intolerance to become more like Jesus, they need to forgive the wrong done to them by the other spouse. This is the only way that gives hope for dialogue and the joint search for truth within fractious couples.

1134-1135

IE XXVI (2014), 579-622: Tribunale Apostolico della Rota Romana: Nullità del matrimonio. Esclusione del *bonum coniugum* e del *bonum prolis*. Sentenza definitiva, 26 febbraio 2013. Heredia Esteban, *Ponente* (con *nota* di F. Catozzella, *I presupposti per un'adeguata comprensione del bonum coniugum in una recente sentenza rotale*). (Sentence and comment)

See above, canons 1055-1057.

1136

BV 74 (2014), 295-303: Stanislav Slatinek: Verska nestrpnost med zakonci (= Religious intolerance within married couples). (Article)

See above, canon 1125.

1142-1150

IusM VII/2013, 45-59: Elias Frank: A Selective Comparison of *privilegium fidei* Cases. Normative Differences. (Article)

Privilegium fidei or privilege of the faith cases generally include four types of situation: Pauline privilege, favour of the faith, polygamy/polyandry, and persecution or captivity. It would not be wrong, however, to add a fifth: non-consummated marriage between a baptized person and one who is unbaptized. Canon 1142 (CCEO, canon 862) does not speak of a "ratified" marriage but simply of one that is "non-consummated", which therefore includes both ratified (canon 1061 §1) and natural marriages. In all five cases there are two elements that are constant: 1. one of the parties is unbaptized; and 2. at least one of them,

including the *pars desponsa*, is or is about to be baptized. Since the motive for granting a dissolution of the marriage bond in all these cases is the privilege of the faith, one might assume that there would be uniformity in the applicable procedures. However, this is not the case, and F. sets out the differences.

1151-1155

SC 48 (2014), 493-530: Anthony St. Louis-Sanchez: Separation of Spouses *Propria Auctoritate* and the Nature of Ecclesiastical Intervention. (Article)

This article demonstrates that a Catholic spouse is lawfully able to separate by his or her own authority (*propria auctoritate*) in the case of certain adultery without needing to have recourse to the ecclesiastical authorities. It begins with a historical introduction in which the development of the juridical institute of separation of spouses is revealed. Separation *propria auctoritate* was certainly the practice in the early Church. However, as the Church gained jurisdiction over marriage, separation was deemed to be within the sole competence of the ecclesiastical authorities. Nevertheless, the practice of separation *propria auctoritate* remained and was even incorporated into canonical doctrine in the case of adultery and danger of delay. After the Second Vatican Council, a pastoral approach to separation came to dominance which sought to eliminate the harsh and even penal character of separation. With the 1983 codification, this pastoral approach made the nature of separation *propria auctoritate* unclear. Through an analysis of the discussions of the *coetus* for the revision of the law, it can be demonstrated that the CIC/83 did not substantially change the institute of separation. In fact, separation *propria auctoritate* in the case of adultery is a private juridical act which suspends the rights and obligations of marriage: therefore no ecclesiastical decree or sentence is required. Nevertheless, the CIC/83 requires the permission of the diocesan bishop before the spouses can approach the civil forum for a divorce.

1157

REDC 71 (2014), 723-780: Joaquín Alberto Nieva García: La convicción subjetiva de la nulidad del matrimonio en los divorciados vueltos a casar y los sínodos de los obispos sobre «los desafíos pastorales de la familia en el contexto de la evangelización». (Article)

See above, canon 1100.

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

1176

LJ 173 (2014), 145-172: David Pocklington: The Regulation of Cremation Residues by Church and State – Past, Present and Future. (Article)

Within the United Kingdom, over 74 per cent of funeral services are followed by cremation, and there is an increasing trend for the resulting ashes to be given to relatives for disposal. Nevertheless, there is little secular or religious legislative control over the creation or disposal of cremated remains, an issue identified by recent media investigations. P. traces the development of the cremation process and the involvement of religious groups, and the problems associated with the treatment of cremation residues. He concludes that although operating within a framework that is essentially Christian, the lack of prescriptive controls permits the requirements of other faiths to be accommodated.

1184

LJ 173 (2014), 145-172: David Pocklington: The Regulation of Cremation Residues by Church and State – Past, Present and Future. (Article)

See above, canon 1176.

BOOK IV, PART III: SACRED PLACES AND TIMES

1240-1243

SC 48 (2014), 235-268: David St-Laurent: Les cimetières catholiques romains au Québec. (Article)

The CIC/83 provides rules for cemeteries in order specifically to oversee that which the Church considers as a sacred place. Civil States have their own reasons to regulate the ownership and management of cemeteries. This article focuses on the particular civil legislation in Quebec's Civil Code and other related laws. In the civil law of Quebec, cemeteries are the property of legal entities, which may vary in the form they take and their mode of operation, as well as their power. St-L. analyses each of these civil institutions by studying the harmony of their legal relationship with canon law. He also proposes some principles to ensure better management of cemeteries, always linked to the social context and the civil laws in place.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

EIC 54 (2014), 261-280: Juan Ignacio Arrieta: Il servizio della carità come dimensione costitutiva della missione della Chiesa. (Article)

Charity has always been a fundamental mission of the Church, and certainly one of her principal goals. A. examines the various aspects of this service, showing its characteristics in the Church, while pointing out some aspects that still need to be clarified. He also comments on the recent reform introduced by the *motu proprio "Intima Ecclesiae Natura"*.

1254-1310

EIC 54 (2014), 281-291: Luigi Bressan: *Caritas*: Pastorale e Strutture. Le forme organizzate della carità nella Regione ecclesiastica Triveneto. (Article)

Caritas is an institution profoundly rooted in the territory in which it operates, whose purpose is to address concrete existential and charitable needs. B. offers an overall view of the *Caritas* associations within the Trivenetian Ecclesiastical Region: their organization, structural development and pastoral activity at the service of the dioceses, territories and peoples of North-East Italy.

1254-1310

EIC 54 (2014), 293-310: Giampietro Dal Toso: Il servizio del Pontificio Consiglio *Cor Unum*. (Article)

See above, canon 360.

1254-1310

EIC 54 (2014), 311-337: Matteo Visioli: Quando una organizzazione caritativa può dirsi "cattolica"? Considerazioni sul motu proprio «Intima Ecclesiae natura». (Article)

See above, canon 216.

1259

RDC 64/1 (2014), 127-155: Pierre-Louis Boyer: La propriété en droit canonique. Du droit naturel au respect de la législation civile. (Article)

See above, General Subjects (*Comparative law*).

1279

EE 89 (2014), 781-797: Miguel Campo Ibáñez: Presentación y comentario canónico a la "Carta circular de la Congregación para los Institutos de Vida Consagrada y las Sociedades de Vida Apostólica (CIVCSVA) *Líneas orientativas para la gestión de los bienes en los institutos de vida consagrada y en las sociedades de vida apostólica*", de 2 de agosto de 2014. (Article)

See above, canon 578.

1283

QDE 26 (2013), 482-485: Mauro Rivella: Il giuramento degli amministratori di beni ecclesiastici (can. 1283, 1º). (Comment)

R. comments that the oath in canon 1283 1º is unusual in that it is promissory. The canonical tradition has long required this oath to underline that the goods being administered belong to the Church and thus there is no personal interest in them. R. points out that the oath must be taken personally rather than by proxy, and agrees with the common verdict that it cannot be required of a religious.

1291

EE 89 (2014), 781-797: Miguel Campo Ibáñez: Presentación y comentario canónico a la "Carta circular de la Congregación para los Institutos de Vida Consagrada y las Sociedades de Vida Apostólica (CIVCSVA) *Líneas orientativas para la gestión de los bienes en los institutos de vida consagrada y en las sociedades de vida apostólica*", de 2 de agosto de 2014. (Article)

See above, canon 578.

1299

QDE 26 (2013), 393-430: G. Paolo Montini: Il testamento per la Chiesa: testo e contesto del can. 1299. (Article)

M. considers the will as a legal institution, and then looks at how it has worked in the history of the Church, paying particular attention to conflicts with State

law. He analyses the process of formation of the text of canon 1513 of the CIC/17 (the predecessor of the present canon) and the authentic interpretation it received in 1930: these are received in virtually identical terms into the CIC/83. M. analyses the two paragraphs of the canon: §1 defends the right of the Church to regulate testamentary dispositions and the right to make them for pious causes, and §2 considers possible conflicts with State law. The Church urges the observance of the formalities of civil law, but also imposes a duty to carry out benefactions to the Church which would otherwise fail because of a failure to carry out these formalities. M. also points out that the concept of a requirement to leave part of an estate to dependent family members has its roots in the writings of St Augustine. He concludes by reflecting on the reasons for the canonical regulation of wills, seeing them as the connection with pious causes that are so common, the connection with the spiritually significant moment of death and the need for legal certainty in this area.

1299

QDE 26 (2013), 466-475: Luigi Mistò: Le disposizioni testamentarie in favore della Santa Sede. (Article)

M. considers the possibility of including the Holy See in a will. He begins by considering how the Holy See should be described (preferring that description), and considering the position of the Holy See as an ecclesiastical body in Italian law. He concludes by looking at how such a bequest would be administered, and at the Italian tax treatment of the bequest.

1299

QDE 26 (2013), 476-481: Gianluca Marchetti: Il foro dell'eredità (can. 1413, 2º). (Comment)

See below, canon 1413.

1303

QDE 27 (2014), 352-365: Giuliano Brugnotto: Le fondazioni. (Article)

B. examines the notion of a pious foundation in both canon law and Italian law, looking at how to overcome the problems that arise when attempts are made to adapt to changed social conditions. He examines the moment of the establishment of a foundation, and considers its administration and any possible suppression.

BOOK VI: SANCTIONS IN THE CHURCH

1311

RCDCP 1 (abril 2014), 169-192: Enrica Martinelli: «Cum mansuetudine rigor, cum misericordia iudicium, cum lenitate severitas»: the Sanction in the Penal Canon System. (Article)

[http://www.eumed.net/rev/rcdcp/01/em.pdf]

See below, canon 1341.

1311-1399

IC 54 (2014), 567-602: José Luis Sánchez-Girón: El proyecto de reforma del derecho penal canónico. (Article)

The proposed reform of Book VI of the CIC/83 drawn up by the Pontifical Council for Legislative Texts highlights the restoration of justice among the purposes of canonical penalties, and envisages a tightening up of the penal law contained in the Code. This is reflected, for example, in the higher number of offences and obligatory penalties, and in the general principle of punishment for offences imputable by reason of culpability. While the draft reform limits the scope for discretionary decision-making on the part of the ecclesiastical authority, it nevertheless favours the use of executive power by extending the applicability of the administrative appeal process and fostering the use of penal precepts. Among the innovations of the proposed reform is the emphasis it places on expiatory penalties, which are dealt with in greater detail, particularly with regard to the ways in which they may be invoked.

1341

RCDCP 1 (abril 2014), 169-192: Enrica Martinelli: «Cum mansuetudine rigor, cum misericordia iudicium, cum lenitate severitas»: the Sanction in the Penal Canon System. (Article)

[http://www.eumed.net/rev/rcdcp/01/em.pdf]

The commission of the crime, the trial and the consequent imposition or declaration of the penalty are symptoms of the fracture that has occurred within the ecclesiastical community, and of the trouble that the *homo viator* has in fulfilling his destiny of redemption; a sign that the Church has difficulty in fulfilling its divine vocation completely, since in this way it sees its path towards salvation slowed down. However, the sanction and corresponding trial for its application can only be considered as an extreme and radical attempt at

reconciling the perpetrator of the unlawful behaviour with God and with his fellow Christians, and at the conscious recovery of communion and his destiny of salvation. If, on the one hand, it cannot be doubted that the Church's legislative system is a primary legal order, possessing a *nativum et proprium ius* to resort to penal coercion, on the other hand the theological element implicit within the Church's legal order prevents every aspect of it – and particularly the penal aspect – from being treated as merely human realities to which the categories of secular rights can be applied. For a proper understanding of the canonical penal system and the function it performs, one must start from the absolute element which characterizes this legislative order.

1342

SC 48 (2014), 129-149: Frederick C. Easton: The Development of CIC Canon 1342 §1 and Its Impact upon the Use of the Extra-Judicial Penal Process. (Article)

E. discusses the legislative history of canon 1342 §1. This canon implies the preferential option for the judicial process for the imposition of penalties even though it indicates when an extra-judicial process may be used. In the development of the canon there were certain changes and omissions from the original draft but these provisions were largely retained in the CCEO. Further, commentators have noted that these provisions would have better provided for objectivity of judgement. However, these lost elements could well guide the Ordinary in determining when there are truly just causes standing in the way of the judicial trial and recommending the extra-judicial process. E. hopes that any revision of Book VI will enhance the objectivity of the penal process.

1364

REDC 71 (2014), 921-943: Federico R. Aznar Gil: La salida de la Iglesia por motivos fiscales («Kirchenaustritt») en la legislación canónica particular de Alemania y Austria. (Documents and comment)

The Spanish text is given of two decrees of the episcopal conferences of Austria (2010) and Germany (2012) concerning those who had left the Church by formal declaration before the civil authorities in order to avoid paying the so-called "Church tax". A.G. comments first on the Circular Letter of the Pontifical Council for Legislative Texts (2006), which laid down clear conditions for the recognition of a formal act of defection, including the requirement that it be a conscious and personal decision manifesting a genuine internal will to abandon the Church; a mere declaration before the civil authority was insufficient to effect this, and consequently marriages entered into in these circumstances where canonical form was not observed were to be regarded as invalid. The

motu proprio "Omnium in Mentem" (2009) eliminated from the Code the possibility of a formal act of defection. Subsequent decrees of the Austrian and German episcopal conferences, while recognizing this reality, declared it to be a delict if the person defecting failed to respond to an invitation to engage in dialogue with the ecclesiastical superiors within three months of the latter receiving notification of the defection. Such failure is regarded as a grave act of disobedience against the legitimate authority of the Church. The consequences of this delict are a prohibition or limitation on the person's ability to participate in the sacramental life of the Church or play a part in many of its public ministries or activities. The «*Kirchenaustritt*», therefore, while no longer understood as an act of heresy or schism, still entails serious consequences for those members of the faithful who avail themselves of it.

1382

SC 48 (2014), 331-372: Chad J. Glendinning: The Priestly Society of Saint Pius X: The Past, Present, and Possibilities for the Future. (Article)

See above, Historical Subjects (*20th century*).

1387

IC 54 (2014), 725-754: Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004; Gerardo Núñez: Escándalo y canon 1399. Tutela penal del celibato sacerdotal. Comentario a la Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004. (Sentence and comment)

See below, canon 1399.

1389

IC 54 (2014), 725-754: Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004; Gerardo Núñez: Escándalo y canon 1399. Tutela penal del celibato sacerdotal. Comentario a la Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004. (Sentence and comment)

See below, canon 1399.

1395

IC 54 (2014), 725-754: Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004; Gerardo Núñez: Escándalo y canon 1399. Tutela penal del celibato sacerdotal. Comentario a la Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004. (Sentence and comment)

See below, canon 1399.

1395

RCDCP 1 (abril 2014), 97-119: Giuseppe D'Angelo: La «irriducibile tipicità» del diritto canonico nella dinamica delle attuali relazioni interordinamentali. Brevi note (problematiche e di prospettiva) a partire dalla riforma dei *delicta graviora*. (Article)

[http://www.eumed.net/rev/rcdcp/01/gda.pdf]

D'A. examines the relationship between secular and religious legal systems, and points out the pressure for renewal in the Church which is exerted by the secular community, and the challenges to which this gives rise. One specific area is that of the *delicta graviora*, where the reforms that have been introduced are a reaction to the recent scandals of sexual crimes against minors perpetrated by clerics. D'A. highlights the difficulty of reconciling, on the one hand, the need to respond forcefully and effectively to these social emergencies, and on the other, the basic principles of canonical penal law as well as the pastoral needs of the Church herself. Nevertheless, a broader interpretation of the principle of cooperation could perhaps provide the way for both Church and State to overcome their respective difficulties.

1395

RMDC 20/1 (2014), 79-111: Mario Medina Balam: Responsabilidad de la Iglesia y sus Instituciones en la protección de los menores de edad y los adultos vulnerables. (Article)

The Catholic Church, and institutions acting in the name of the Church, are called to lead the way in combating the physical, moral and psychological abuse of minors. As Pope Benedict XVI pointed out in 2010, when addressing the victims of sexual abuse in Malta, the Church must do all it can to investigate allegations, bring to justice those responsible for abuse, and implement effective measures designed to safeguard young people in the future. It is not enough simply to acknowledge the problem and ask for forgiveness. Concrete steps need to be taken in order to deal appropriately and effectively with accusations of abuse against minors, including the care of the victims and their families and

the meting out of justice to the abuser; but the efforts must be aimed above all at avoiding future abuses. Clear norms are needed in this regard, accompanied by clear programmes and strategies for their implementation.

1395

SC 48 (2014), 301-329: Kevin Gillespie: The Special Faculties Granted to the Congregation for the Clergy: For the Salvation of Souls and the Good Order of the Ecclesiastical Community: Context, Purpose, and Use. (Article)

See below, canon 1720.

1399

IC 54 (2014), 725-754: Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004; Gerardo Núñez: Escándalo y canon 1399. Tutela penal del celibato sacerdotal. Comentario a la Sentencia del Tribunal de la Rota Romana, de 9 de julio de 2004. (Sentence and comment)

In 1993 R, who had been a priest since 1962, was accused before the civil courts of various instances of sexual misconduct with minor boys. In order to help him with his civil defence, his diocesan Ordinary set up a team of experts to investigate the facts. In the course of his discussion with the experts, R confessed on his own initiative that between 1983 and 1990 he had practised anonymous sex in parks and frequented gay bars and bookstores. In December 1995 a priest was appointed to begin the ecclesiastical investigation, and in May 1996 a decree was issued initiating the penal process. The promoter of justice argued that R had infringed canons 1387 (a confessor soliciting a penitent to sin against the sixth commandment), 1389 §1 (abuse of ecclesiastical power or office), 1395 §1 (a cleric continuing in an external sin against the sixth commandment, causing scandal), 1395 §2 (an offence against the sixth commandment with a minor) and 1399 (an especially grave external violation of divine or canon law, requiring the repair or prevention of scandal). The tribunal decided that R had infringed canons 1395 §§1-2 and 1399, but not canon 1389 §1; it chose to refer investigation of the alleged violation of canon 1387 to a separate process. R appealed to the Roman Rota, which in 1999 fixed the terms of the trial as a) the alleged violations of canons 1395 §§1-2 and 1399; and b) the question of whether, in the case of his being found guilty, R should be dismissed from the clerical state or receive some other punishment. In March 2001, in view of the connection between this trial and the offences reserved to the Congregation for the Doctrine of the Faith, the *acta* of the case were transmitted to that Congregation, which in August 2001 returned the *acta* to the Rota, asking it to continue examining the case at second instance. On 9 July

2004 the Rota concluded that the elements in canon 1395 §§1-2 had not been sufficiently established. However, R was considered to have been guilty of having violated canon 1399. In consequence he was to be deprived of all power and office, although he could be permitted to say Mass privately, with his bishop's consent. In a detailed comment on the decision, N. finds certain inconsistencies in the Rota's interpretation of what constituted "scandal" in the particular case.

1399

SC 48 (2014), 301-329: Kevin Gillespie: The Special Faculties Granted to the Congregation for the Clergy: For the Salvation of Souls and the Good Order of the Ecclesiastical Community: Context, Purpose, and Use. (Article)

See below, canon 1720.

BOOK VII: PROCESSES

1400

Ap LXXXVI (2013), 515-546: Ilaria Zuanazzi: Le *contentiones ortae ex Actu potestatis administrativae:* riflessioni critiche tra il "già" e il "non ancora". (Article)

Z. describes the various phases of development of administrative law in the Church, and discusses a number of practical issues concerning the interpretation and application of such law, in connection with a case dealt with by Rotal judgments. These issues include: the scope of administrative functions; those who are entitled to exercise them; the classification of administrative acts; jurisdiction and the object of administrative recourses; compensation for harm caused.

1400

EE 89 (2014), 723-765: Aurelien Favi: ¿Es conveniente la constitución de tribunales administrativos en la Iglesia? Argumentos y propuestas. (Article)

Although the CIC/83 recognizes the rights of the faithful, such rights lack effective procedural protection because of the absence of any system of administrative tribunals. The need for mechanisms, structures and just and fair procedures for resolving conflicts and re-establishing communion in the local Church is as important today as it was in the earliest times of the Church. In addition, arbitrary situations continue to arise in ecclesial administration; hence it is necessary for the faithful to be able to approach tribunals with a view to re-establishing justice. At the time of the promulgation of the CIC/83 the projected canons dealing with the establishment of such tribunals were eliminated, and their absence gives rise to several interesting questions. The debate had largely focused on doctrinal issues as well as both theoretical and practical concerns regarding the viability of administrative tribunals. F. examines the current situation concerning the process of creation of administrative tribunals, and asks what may be expected of them in the future.

1413

QDE 26 (2013), 476-481: Gianluca Marchetti: Il foro dell'eredità (can. 1413, 2º). (Comment)

M. reviews the provisions on the competent tribunal to consider an action based on a will. He looks at how the present law, as contained in canon 1413 2º, evolved from that in the CIC/17, pointing out that the aim of ascertaining the

last will of the testator is best served by granting competence to the tribunal of his last domicile. However, controversies about execution may be best settled in another forum and the exception to the rule provides for this.

1417

IC 54 (2014), 755-778: Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013; Aurora M[a] López-Medina: Querella de nulidad, litisconsorcio pasivo y *ius defensionis* en una causa oriental apelada ante la Rota Romana. Comentario a la Sentencia del Supremo Tribunal de la Signatura Apostólica, de 7 de junio de 2013. (Sentence and comment)

See above, CCEO canons 1302-1321.

1419-1427

FCan IX/2 (2014), 127-128: Francisco: A finalidade pastoral da actividade judicial da Igreja. (Address)

In his first address to the members of the Roman Rota, on 24 January 2014, Pope Francis said that the Church's judicial activity clearly has a pastoral purpose, as previous Popes have insisted. In this connection the Pope briefly sets out the qualities of the ecclesiastical judge: human maturity to grasp the specific issue calmly; professional legal competence in order to harmonize justice and truth; and pastoral charity for the parties involved in the process.

1419-1427

RMDC 20/1 (2014), 193-196: Alocución del Papa Francisco a la Rota Romana, Sábado 24 de enero de 2014. (Address)

Spanish text of the Pope's address referred to in the preceding entry.

1421

IC 54 (2014), 603-638: Antonio Viana: El problema de la participación de los laicos en la potestad de régimen. Dos vías de solución. (Article)

See above, canon 129.

1423

AC 54 (2012), 361-376: Hervé Queinnec: La réforme des officialités françaises de 2011. (Article)

Q. looks at previous reforms of the ecclesiastical tribunal system in France before turning his attention to the changes introduced in the most recent reform (2010-2011).

1432

FCan IX/1 (2014), 41-42: Francisco: Em defesa do Vínculo Matrimonial: o Defensor do Vínculo. (Address)

"The promotion of an effective defence of the marriage bond in canonical nullity proceedings" was emphasized by Pope Francis in his speech to the participants in the Plenary Session of the Supreme Tribunal of the Apostolic Signatura, on 8 November 2013. In particular, the Pope wanted to emphasize the responsibility of the defender of the bond, acting with diligence throughout the canonical process and appealing whenever necessary.

1445

Ap LXXXVI (2013), 515-546: Ilaria Zuanazzi: Le *contentiones ortae ex Actu potestatis administrativae:* riflessioni critiche tra il "già" e il "non ancora". (Article)

See above, canon 1400.

1445

J 74 (2014), 5-29: Raymond Leo Burke: The Service of the Apostolic Signatura in the Church and the Ministry of Justice of the Diocesan Bishop. (Article)

B. addresses the service of the Supreme Tribunal of the Apostolic Signatura to the life of the Church from the perspective of the responsibility of the diocesan bishop for the correct administration of justice, in general, and, in more detail, his responsibility for the local ecclesiastical tribunal, as a privileged locus of his judicial ministry. The major part of the work of the Apostolic Signatura, apart from its direct service to the Roman Curia, is service to diocesan bishops in fulfilling their fundamental ministry of justice in the particular Churches. The article is limited to the treatment of the diocesan bishop and his judicial activity, and does not include the important service to diocesan bishops in what pertains

to individual administrative acts. B. also limits his considerations to the legislation of the Latin Church.

1445

J 74 (2014), 31-57: Raymond Leo Burke: The Relation between the Apostolic Signatura and the Particular Churches. (Article)

B. addresses the relationship between the Supreme Tribunal of the Apostolic Signatura and the local or particular Churches. First, he sets the context in which the subject must be addressed. Then, he addresses the various areas of competence of the Apostolic Signatura in relation to the local Church, with special attention to its competence as an administrative tribunal and as the dicastery which ensures that justice in the Church is correctly administered. Finally, in his treatment of the competence for the correct administration of justice in the Church, he provides a longer reflection on the process for the declaration of nullity of marriage, a topic of special discussion during the time of preparation for the upcoming III Extraordinary General Assembly of the Synod of Bishops. Special reference is made to question 4f of the Preparatory Document *Pastoral Challenges to the Family in the Context of Evangelization*. The reflection is a particular fruit of the long experience of the Apostolic Signatura in its care for the correct administration of justice in the Church.

1445

RMDC 20/1 (2014), 47-78: Marco Antonio Hernández Huijón: Importancia de la jurisprudencia del contencioso administrativo del Tribunal Supremo de la Signatura Apostólica en el derecho administrativo canónico. (Article)

H. laments the lack of published sentences and judicial decrees of the Apostolic Signatura. On the basis of the limited information available to him – that is, decisions which have appeared in assorted canonical publications, without any overall coordination – he comments on the connection between the jurisprudence of the Apostolic Signatura and administrative praxis in the Church, as well as the relationship of such jurisprudence to progress in administrative canon law.

[*Editor's note*: the author does not seem to have been aware of the major work produced by William L. Daniel in 2011, *Ministerium Iustitiae. Jurisprudence of the Supreme Tribunal of the Apostolic Signatura*, Wilson & Lafleur (Gratianus series): see *Canon Law Abstracts*, no. 108, pp. 3-9.]

1547-1573

REDC 71 (2014), 877-890: Giannamaria Caserta: Brevi osservazioni storico-giuridiche sulla prova per testi nell'ordinamento della Chiesa. (Article)

After a brief historical introduction concerning the use of witness statements as elements of proof in canonical trials (not formalized as such until the 12th century), C. goes on to consider and contrast how the Codes of 1917 and 1983 deal with this canonical institution. She does so under the following headings: the obligation to tell the truth; those incapable of being witnesses; the obligation to appear before the judge; the indication of the matters upon which testimony is to be given; the place of interrogation and who may be present; the manner of interrogation and its evaluation.

1574-1581

Ap LXXXVI (2013), 353-386: Francesco Catozzella: La Perizia quale mezzo di prova nelle Cause di incapacità matrimoniale. (Article)

After clarifying the role of the expert's report in the proof of matrimonial incapacity and showing how the two well-known principles – "*peritus in arte credendum est*" and "*iudex peritus peritorum*" – can be reconciled, C. focuses on two main issues: the formulation of the questions to be proposed to the expert, and the assessment of the expert's report. The questions must be specific, not only in relation to the individual situations provided for by canon 1095, but especially in relation to the unique and unrepeatable personal and marital biography of the party concerned. C. provides examples to help understand the concrete matters on which the expert needs to be questioned. The assessment of the expert's report involves, first, an examination of the threefold foundation (anthropological, logical-methodological and factual) on which it is based; and second, the transferral and translation of the expert's conclusions into a canon law setting. C.'s study of Rotal decisions from the year 2004 demonstrates how these theoretical principles have been applied in practice.

1574-1581

Ap LXXXVI (2013), 415-424: Francesco Dentale – Francesco Spagnoli: Il modello alternativo dei disturbi di personalità nel DSM-5 e le sue implicazioni per la Perizia in ambito canonico. (Article)

See above, canon 1095 2º-3º.

1579

IC 53 (2013), 7-61: Carlos M. Morán Bustos: La prueba de las anomalías graves en relación con la capacidad consensual: la pericia como medio de prueba en los supuestos del canon 1095. (Article)

See above, canon 1095.

1608

IC 53 (2013), 7-61: Carlos M. Morán Bustos: La prueba de las anomalías graves en relación con la capacidad consensual: la pericia como medio de prueba en los supuestos del canon 1095. (Article)

See above, canon 1095.

1620

SC 48 (2014), 5-100: William Daniel: The Nullity of the Definitive Sentence in the Jurisprudence of the Tribunal of the Roman Rota. (Article)

Recognizing the generality of the motives of nullity of the sentence established in legislation, D. explains the need for grasping the common jurisprudence of the Roman Rota in order to administer justice when the nullity of the sentence is alleged. After elucidating the general principles employed by the Rota in this question, he provides an organized discussion of what typically does and does not cause the nullity of the sentence according to Rotal jurisprudence. The motives for nullity are explored thematically: defects in the judge; the parties; the object of the trial; the process itself; the sentence.

1620

SC 48 (2014), 569-578: Apostolic Tribunal of the Roman Rota: Irremediable Nullity of the Decree. Violation of the Right of Defence (Can. 1620, 7°; *DC* art. 270, 7°). Decree *coram* Pinto, 22 June 2001, Green Bay, Wisconsin (USA). (Decree)

By this decree, the Rota determined that a decree issued by an appeal tribunal was null, saying that the Rotal auditors were stunned by the ignorance of law on the part of the officials of the tribunals involved in the matter of canons 1620, 1°, 1443 and 1444 § 1, 1°.

1622

SC 48 (2014), 5-100: William Daniel: The Nullity of the Definitive Sentence in the Jurisprudence of the Tribunal of the Roman Rota. (Article)

See above, canon 1620.

1671-1691

Héctor Franceschi (ed.): Matrimonio e famiglia. La questione antropologica. (Book)

See above, canon 1055.

1680

Ap LXXXVI (2013), 353-386: Francesco Catozzella: La Perizia quale mezzo di prova nelle Cause di incapacità matrimoniale. (Article)

See above, canons 1574-1581.

1682

QDE 27 (2014), 314-320: Paolo Bianchi: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimoniale? /2. (Article)

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

1684

AC 54 (2012), 311-332: Maurice Bouvier: Le *vetitum*, ou interdiction, judiciaire de nouvelles noces et sa levée. (Article)

B. carries out a study of canon 1684 of the CIC/83 which refers to the possibility of a prohibition against a subsequent marriage being appended to a judgment or decree of nullity of marriage. He sets out the position as it was prior to the CIC/17; the *vetitum* in the CIC/17 as a figure close to that of an impediment; the developments in the 1936 Instruction *Provida Mater*; the judicial *vetitum* in the CIC/83; and the further refinements introduced by the 2005 Instruction *Dignitas Connubii*. He then studies the question of how a *vetitum* may be removed, before going on to look at two other canonical institutions which are close to the *vetitum*: the permission required of the local Ordinary for certain marriages as listed in canon 1071, and the judicial *monitio* issued to the two parties in accordance with canon 1689.

1684

REDC 71 (2014), 559-614: Julio García Martín: Il vetitum di contrarre matrimonio ai sensi dei cann. 1077 e 1684, §1. (Article)

G.M. begins his treatment of the so-called *vetitum* with a look at its obscure beginnings which are based rather on practice and jurisprudence than on any specific legislation or canonical norm. The first recorded reference to the practice dates from 1629 in a reply from the *Congregatio Concilii*. Canon 1039 of the CIC/17 formalized its status, limiting the authority for its imposition to the local Ordinary. The Instruction *Provida Mater* spoke of its use in tribunals (no mention having been made of this in the CIC/17), thereby acknowledging existing praxis. G.M. considers the canonical nature of the *vetitum*, including whether it is an administrative or a judicial act. In his examination of the present situation in the CIC/83 and in *Dignitas Connubii* he discusses the question of whether it is an impediment to marriage or simply a prohibition; few commentators would now hold it to be a canonical impediment. As regards its use by tribunals G.M. points out that it does not form part of the sentence, among other things on account of its object (it is not deciding on the validity or otherwise of the marriage) and its recipient (it refers almost always to only one of the parties); it is rather a decree setting out reasons, and would not invalidate a future marriage. It is issued *ad illiceitatem* only. In a case of impotence or permanent incapacity a *declaratio inhabilitatis* should be issued. Only the local Ordinary, not the tribunal, can remove a *vetitum*.

1689

AC 54 (2012), 311-332: Maurice Bouvier: Le *vetitum*, ou interdiction, judiciaire de nouvelles noces et sa levée. (Article)

See above, canon 1684.

1720

SC 48 (2014), 301-329: Kevin Gillespie: The Special Faculties Granted to the Congregation for the Clergy: For the Salvation of Souls and the Good Order of the Ecclesiastical Community: Context, Purpose, and Use. (Article)

G. seeks to view the special faculties given to the Congregation for the Clergy by Pope Benedict XVI in the wider context of similar procedural derogations granted to other dicasteries of the Holy See since the promulgation of the CIC/83, and to consider them in the light of their principal purpose, namely the good of souls and the good ordering of the ecclesiastical community. He examines the notable distinctions to be found in the three faculties, as well as

their nature and the import of the derogations in question. He also touches upon some questions that prompt further reflection beyond the scope of this article, such as the principle of subsidiarity in ecclesiastical penal law and the relationship between the three aims of the Church's penal system as set out in canon 1341.

1752

AC 54 (2012), 31-279: Colloque « Nature, grâce et droit canonique », 15-16 novembre 2012. (Conference)

See above, General Subjects (*Legal theory*), especially Laurent Villemin, *Théologie d'une canonicité privilégiant le salut des âmes*; Jean-Paul Durand, *Canonicité de guérison. Mal, pardon, épikie, justice ecclésiale*.

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Anuario de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletin Eclesiastico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- De Processibus Matrimonialibus
- Eastern Legal Thought
- Ephemerides Iuris Canonici
- Ephrem's Theological Journal
- Estudio Agustiniano
- Estudios Eclesiásticos
- Folia Theologica et Canonica
- Forum Canonicum
- Forum Iuridicum
- Indian Theological Studies
- Immaculate Conception School of Theology Journal
- 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
- Quaderni dello Studio Rotale
- Quaderni di Diritto Ecclesiale
- 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
- Vida Religiosa
- Vidyajyoti

ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

AC	L'Année Canonique, Paris – Editor.
ACR	Australasian Catholic Record, New South Wales – V. Rev. Ian B. Waters, Melbourne.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Mgr. Andrej Saje, Ljubljana.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
FThC	Folia Theologica et Canonica, 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 – Abstracts supplied by publisher.
IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.
J	The Jurist, Washington – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Rev. Luke Beckett, Ampleforth, York.
RCDCP	Revista Crítica de Derecho Canónico Pluriconfesional (electronic publication: Grupo eudmed.net, University of Málaga) – 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.
SC	Studia Canonica, Ottawa – Rev. Mgr. John Renken, Ottawa.

BOOKS RECEIVED

- Sahayadas FERNANDO – Jesu PUDUMAI DOSS (eds.), *Youth and Family in Today's India*, Don Bosco Publications, Chennai, India, 2014, 264pp., ISBN 978-81-908833-7-5 [see above, General Subjects (*Family issues*)]
- Héctor FRANCESCHI (ed.): *Matrimonio e famiglia. La questione antropologica*, Pontificia Università della Santa Croce, Facoltà di Diritto Canonico, Rome, 2015, 389pp, ISBN 978-88-8333-450-4 [see above, canon 1055]
- Sergio MUÑOZ FITA – Juan Manuel CABEZAS CAÑAVATE: *La incardinación en los institutos seculares. Estudio genético del c. 715 a partir del Concilio Vaticano II y acercamiento a su aplicación y precisión en el periodo post-codicial*, Universidad San Dámaso, Madrid, 2015, 154pp., ISBN 978-84-15027-70-6 [see above, canon 715]
- Maia LUISI, *Gli istituti misti di vita consacrata. Natura, caratteristiche e potestà di governo*, Aracne, Rome, 2014, 297pp., ISBN 978-88-548-7376-6 [see above, canon 596]