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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.

Editor: Rev. Paul Hayward
4 Orme Court, London W2 4RL, United Kingdom.
e-mail: abstracts@ormecourt.com
<http://canonlawabstracts.uk>

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Enquiries relating to subscriptions should be referred to
Kate Dunn
Administrative Secretary
Diocesan Curia
8 Corsehill Road
Ayr KA7 2ST, United Kingdom.
e-mail: kate.dunn@gallowaydiocese.org.uk

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GENERAL SUBJECTS

Comparative law

AkK 182 (2013), 353-385: Helmuth Pree: Schadenersatz: Common Law und Civil Law in Vergleich. (Article)

P. compares the basic notions of tort damages in the United States with the law on damages in the European codifications, especially those of France, Austria, Italy and Germany. He then examines the importance of these concepts for the development of awards of damages in canon law, especially within the context of cases of sexual abuse of minors by clergy.

Ap LXXXVII (2014), 131-148: Lorenzo Cavalaglio: Il *munus del Trustee* tra Diritto canonico, *common Law* e *civil Law*. (Article)

The trust is an institution typical of the English legal tradition. Studies frequently highlight how it contrasts with the founding principles of civil law legal systems. C. however, dealing with the historical development of the figure of the trust, affirms its unequivocal relationship with canon law. Legal categories derived from canon law directly influence the definition of the trustee's activities and contribute to an easier harmonization of such activities with the civil law tradition. The trust is characterized by the way the powers associated with the trust property are tied to the purposes intended by the settlor. This kind of power is actually a *munus*, a notion characteristic of Roman law, which in recent times has become a central concept in the Church's legal system. Thus a notion developed and used in canon law can help resolve the difficult question as to whether there can be "trusteeship" or "functional ownership" in civil law systems. Canon law can therefore represent a bridge between the two great legal families, common law and civil law.

Ap LXXXVII (2014), 149-170: Varuvel G. Dhas: Il Delitto di pornografia minorile da parte di un chierico. (Article)

See below, canon 1395.

Ap LXXXVII (2014), 171-204: Juri Dvoracek: L'*oikonomia* quale fondamento per le seconde nozze nell'Ortodossia: una possibilità anche per i cattolici divorziati? (Article)

D. briefly presents the concept of *akribeia* and a more detailed account of *oikonomia* in the Orthodox Churches as bases for second marriages, going on to look at the application of *oikonomia* in the sphere of divorce and second marriages. While according to *akribeia*, the Matthew clause is interpreted as a ground for divorce, according to the principle of *oikonomia*, the clause can be applied to different life situations. Some Catholic theologians and canonists have tried to apply the principle of *oikonomia* to the dissolution of consummated and sacramental marriage. However, these proposals have been expressly rejected by the magisterium. In the light of recent statements by Pope Francis, D. asks whether the tradition of *oikonomia* might provide a possible solution for remarried divorcees.

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See below, canons 1059-1060.

ETJ 19 (2015), 42-54: Mathew John Puthenparambil: The Office of the Vicar General: A Comparative Study of the Eastern and the Latin Codes. (Article)

See below, canons 475-481.

RCDCP 2 (febrero 2015), 15-27: Thomas Gergen: Die Bestellung Katholischer Diözesanbischöfe in Deutschland. (Article)

[<http://www.eumed.net/rev/rcdcp/02/tg1.pdf>]

See below, canon 377.

RCDCP 2 (febrero 2015), 175-186: Massimo Luigi Ferrante: La pena: estructura ontologica e dimensione teleologica della pena tra *ius ecclesiae* e diritto penale italiano. (Article)

[<http://www.eumed.net/rev/rcdcp/02/mlf.pdf>]

F. reflects on the ontological and teleological significance of penalties, both in canon law and in Italian penal law. He looks for areas of overlap, and at the same time points out the existence of a moral law, to which State penal provisions often fail to conform.

SC 49 (2015), 161-204: Norman Doe: Comparative Church Law: Toward the Category of Christian Law. (Article)

D. compares the contemporary laws and other regulatory instruments of institutional Churches across ten ecclesiastical traditions (or Church families) worldwide: Catholic, Orthodox, Anglican, Lutheran, Methodist, Reformed, Presbyterian, Congregational, United, and Baptist. He examines norms in relation to the sources and purposes of regulation; the faithful (lay and ordained); the institutions of Church governance; discipline and dispute resolution; doctrine and worship; the rites of passage; ecumenism; property and finance; and Church, State, and wider society. The juridical similarities between the Churches within each tradition indicate that all the Churches share common principles in spite of their doctrinal divisions, and that the existence of these principles suggests the category “Christian law”. D. proposes that whilst dogmas divide the Churches of global Christianity, the profound similarities between their norms of conduct reveal that the laws of the faithful, whatever their various denominational affiliations, link Christians through common forms of action.

Compilations

IC 55 (2015), 387-408: Joaquín Sedano: Crónica de Derecho canónico del año 2014. (Compilation)

In this review of the more significant canonical developments in 2014, S. deals first of all with the activity of the Roman Pontiff, starting with the address given by Pope Francis to the Roman Rota on 24 January 2014 which focused on the pastoral purpose of judicial activity, and the qualities of the ecclesiastical judge. Also mentioned are various decrees of erection and reorganization of ecclesiastical circumscriptions in the Latin and Eastern Catholic Churches, and other pontifical acts including dispositions on the use of the title “Monsignor” (cf. the announcement on Vatican Radio, 7 January 2014, that the Secretariat of

State had sent a Circular Letter to the nunciatures informing them of the Pope's decision in this regard); the *motu proprio* "*Fidelis dispensator et prudens*" establishing a new structure for the coordination of the Holy See's financial and administrative affairs (see below, canon 360); a *motu proprio* transferring the competences hitherto attributed to the Ordinary Section of the Administration of the Patrimony of the Holy See to the new Secretariat for the Economy (8 July 2014: see below, canon 360); the institution of a pontifical commission for the safeguarding of minors (22 March 2014); the institution of a special commission for the study of the reform of the canonical matrimonial process, headed by the Dean of the Rota, Mgr. Pio Vito Pinto (27 August 2014); the decision to apply the *motu proprio* "*Catholica Ecclesia*" (concerning abbasies not dependent on any diocese), issued by Paul VI on 23 October 1976, to the territorial abbacy of Montecassino (whose new territorial jurisdiction will be limited simply to the abbacy church and monastery, while the 53 parishes formerly belonging to the territorial abbacy will now form part of the diocese of Sora-Aquino-Pontecorvo – previously Sora-Cassino-Aquino-Pontecorvo); as well as dispositions regarding the pastoral activity of Eastern married clerics outside the traditionally Eastern territories (see later).

The review goes on to mention the more significant documents and activities of the Roman Curia in 2014, including a letter of 3 April 2014 from Archbishop Becciu, Substitute of the Secretariat of State, to the founder of the Neocatechumenal Way (who had written to the Pope informing him of difficulties being experienced by the Neocatechumenal community as a result of some words addressed by the Holy Father to the community in a general audience on 1 February 2014; Archbishop Becciu assured the founder of the appreciation which the Pope has for the Neocatechumenal Way, and confirmed that the words spoken by the Pope in his address did not in any way modify the statutes approved *in forma definitiva* for the Way in 2008); the entering into force on 5 November 2014 of the norms issued by a *rescriptum ex audientia Ss.mi* concerning the resignation of diocesan bishops and others of pontifical appointment, signed by the Secretary of State on 3 November 2014 (see below, canons 184-186); a meeting on 23 September 2014 between the Prefect of the Congregation for the Doctrine of the Faith and Bishop Bernard Fellay, Superior General of the Society of St Pius X, to discuss problems of a canonical and doctrinal nature with a view to working towards full reconciliation within a reasonable time; a *rescriptum ex audientia Ss.mi* of the Secretariat of State dated 3 November 2014 creating, within the Congregation for the Doctrine of the Faith, a special college for examining recourses from clerics in cases involving the *delicta graviora* (see below, canon 360); a Circular Letter from the Congregation for Divine Worship and the Discipline of the Sacraments on the meaning of the sign of peace in the Mass (see *Canon Law Abstracts*, no. 114, p. 77, and below, canon 838); the erection by the Congregation for Catholic Education of the Antonio Gaudí Faculty of Church History and Christian

General Subjects (Compilations)

Archaeology and Art, promoted by the then Archbishop of Barcelona, Cardinal Martínez Sistach (2 October 2014); the approval by the Holy Father of the election of a new director general of the Legionaries of Christ and the drafting of new Constitutions for the Legion, in accordance with the path of renewal drawn up the Holy See under the guidance of the pontifical delegate Cardinal De Paolis, whose mandate ended on 7 April 2014; a decree of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life dated 18 July 2014, containing various dispositions in relation to the members, apostolates and property of the private/public association of the faithful “Lumen Dei Union/Lumen Dei Priestly Union” (appointing a new director general, seminary rector, general administrator and general secretary, transferring the canonical see of the association to the Archdiocese of Oviedo, and setting out precise guidelines as to how the new governing officials should act); the presentation by the Holy See Press Office of the final report of the apostolic visitation of institutes of women religious in the United States of America (16 December 2014); a document signed by the Prefect of the Congregation for the Oriental Churches on 14 June 2014, making known a set of dispositions approved by the Holy Father on 23 December 2013 (by which the relevant ecclesiastical authorities are given the faculty to allow married Eastern clerics to exercise pastoral ministry outside traditionally Eastern territories); a decree from the Apostolic Penitentiary dated 23 November 2014 establishing the conditions for obtaining indulgences on the occasion of the Year of Consecrated Life (30 November 2014 – 2 February 2016: see below, canons 573-746, 992-997); and the *Relatio synodi* of the III Extraordinary General Assembly of the Synod of Bishops, celebrated from 5-19 October 2014, which the Pope declared would also form the *lineamenta* for the XIV Ordinary General Assembly of the Synod of Bishops to be held in October 2015.

The final sections of the review are dedicated to the diplomatic activity of the Holy See during 2014 [see below, General Subjects (*Relations between Church and State*)], including agreements with Cameroon, Malta and Serbia; ratification of agreements with Hungary, Burundi and Cabo Verde; meetings of the Holy See-Palestine bilateral commission, the permanent Holy See-Israel bilateral working commission, and the Holy See-Vietnam joint working party; relations with China; and documentation and activity of the Spanish Episcopal Conference.

IC 55 (2015), 409-421: Jorge Otaduy: Crónica de legislación 2014. Derecho eclesiástico español. (Compilation)

O. presents a review of national and local legislation in Spain in 2014 in respect of the registration of religious bodies, finance and taxation, the teaching of religion, data protection and cultural patrimony.

IC 55 (2015), 423-456: Jorge Otaduy: Crónica de jurisprudencia 2014. Derecho eclesiástico español. (Compilation)

See below, General Subjects (*Human rights*).

LJ 174 (2015), 123-158: Frank Cranmer – Maria Strauss: Casebook. (Compilation)

See below, General Subjects (*Human rights*).

RCDCP 2 (febrero 2015), 231-234: María Cristina Toledo Báez: Semblanzas de canonistas y eclesiasticistas catalanes en el «Diccionario de juristas de Cataluña y del Rosellón» de noviembre de 2014 y en el tomo 2º del «Diccionario de canonistas y eclesiasticistas europeos y americanos» que aparecerá publicado a finales de 2015. (Article)

[<http://www.eumed.net/rev/rcdcp/02/ctb1.pdf>]

The *Diccionario de juristas de Cataluña y del Rosellón*, published in 2014, contains short biographies of 335 jurists – of whom a small number are canonists – focusing on their academic, teaching, legislative or judicial activity. Among the canonists a significant number are professors of law or jurisprudence. Also given here is a list of the canonists to be featured in volume 2 of the *Diccionario de canonistas y eclesiasticistas europeos y Americanos*, due to be published towards the end of 2015.

Ecclesiology

IE XXVII (2015), 83-103: Federico Marti: Le strutture giurisdizionali sovrametropolitane delle Chiese cattoliche orientali, spunti per una riflessione circa la loro natura canonica ed ecclesiologica. (Presentation)

See below, CCEO canons 27-28.

RCDCP 2 (febrero 2015), 57-82: Stefano Testa-Bappenheim: Gli interventi magisteriali di Paolo VI sul diritto canonico. (Article)

[<http://www.eumed.net/rev/rcdcp/02/stb.pdf>]

T.-B. examines the magisterial pronouncements of Pope Paul VI on the subject of canon law, to which the Pontiff attributed great importance, often expressly

General Subjects (Ecclesiology / Ecumenism and interreligious dialogue)

rejecting and criticizing currents of thought that denied the juridical nature of the Church or the relevance of canon law. Paul VI was convinced that canon law was institutionally ontological to the Mystery of the Church, with deep theological roots, and was not a merely superimposed human addition. After Vatican II, as the work of revision of the CIC/17 was about to start, the Pope made it clear that new Code should reflect the decisions and conclusions of the Council, and said it was a serious error to think that the Council had rejected canon law. These lines of thought appear consistently in his pronouncements, from his first address in 1965 on the reform of the CIC, up to his last address to the Rota in 1978.

Ecumenism and interreligious dialogue

BV 75 (2015), 117-127: Stanislav Slatinek: Education for Interreligious Dialogue in the Family. (Article)

See below, canon 1055.

J 75 (2015), 35-57: John P. Beal: Canon 72 of The Council of Trullo in Catholic Jurisprudence: An Adventure in Ecumenism. (Article)

Canon 72 of the Council of Trullo (691) threatened marriages entered into between the Orthodox and heretics with invalidity. This canon was never formally abrogated by authorities of the Eastern Churches, but it had fallen into desuetude by the time of the disruption of communion between the Churches of the East and West in 1054. In the 1950s, canonists, especially in the United States, anxious to find ways to regularize marriages of Catholics with divorced Orthodox communicants, latched onto the Trullan canon to declare marriages of Orthodox and Protestants to be invalid. The argument for the continued validity of the Trullan impediment rested on the claim that since the schism the hierarchs of the Eastern Orthodox churches have had no jurisdiction to change the law and, as the Roman Pontiff had not abrogated the canon of Trullo, it remained in force. However useful in pastoral practice this approach may have been, it was at odds with the authority of Eastern hierarchs to govern their Churches, as recognized by the Second Vatican Council. By a rather circuitous path, Catholic jurisprudence finally recognized that canon 72 of Trullo had been abrogated.

RCDCP 2 (febrero 2015), 243-246: General Synod of the Anglican Church: Amending Canon No. 33 (Of the consecration of bishops, Of the quality of such as are to be ordained deacons or priests, Of women deacons, Of women priests, Of ministers exercising their ministry, Of admission and

institution, Of the House of Bishops' Declaration on the Ministry of Bishops and Priests). (Document)

[<http://www.eumed.net/rev/rcdcp/02/phd2.pdf>]

The text is given of Amending Canon No. 33 (17 November 2014) whereby the Canons of the Church of England were modified so as to allow the ordination of women as bishops.

Family issues

ADC 4 (abril 2015), 283-329: Vicente Ballester Armela: La familia, cooperadora de la verdad, como sujeto y ámbito de la evangelización. (Article)

B.A. studies the institution of the family in the light of Book III of the Code, the *munus docendi*, so as to highlight its evangelizing aspect, which is so important in present-day society. Together with the rights and duties inherent in any Christian marriage – an essential point of support for the family – and the implications of such rights and duties in relation to education and the transmission of the faith *ad intra*, he looks at the external projection of this evangelizing dimension, which has led among other things to the emergence of missionary families transmitting the faith from their own way life as families in mission areas, fully engaged in the evangelizing task of the Church *ad gentes*. He first defines the relevant concepts, contexts and scope of this topic, examining the provisions of the CIC/83 and discovering a true family law within the broader law of the Church. He also looks at family catechesis and the necessary involvement of the family in the parish: elements which are regarded by the law as valuable instruments of evangelization.

IC 55 (2015), 9-26: Carlos José Errázuriz M: La perspectiva del derecho y la justicia intraeclesial ante los desafíos actuales sobre el matrimonio y la familia. (Article)

The consideration of “right” (“that which is just”) as the object of justice reveals that marriage and the family are an ecclesial juridical good, since there are rights belonging to persons, families and the Church. This also throws light on the relationship between justice and mercy, the primary role of the latter being to respect the rights of others and then generously “going beyond” out of love, but without ever yielding to injustice. In this context there are four challenges regarding justice within the Church which are particularly relevant at the present time: the preservation and spreading of the Gospel of the family in the Church

General Subjects (Family issues)

and throughout the world; promoting the family as a domestic church; the existence of marriage as the foundation of the family; and ecclesial communion among the married faithful.

Ius Comm III (2015), 45-74: Velasio De Paolis: Uniones irregulares y atención pastoral. (Article)

See below, canon 915.

J 74 (2014), 153-192: Velasio De Paolis: Appropriate Pastoral Approaches for the Divorced Remarried. (Article)

See below, canon 915.

RCDCP 2 (febrero 2015), 109-134: Federica Viola: Genesi del concetto di amore coniugale nella dottrina del Concilio Vaticano II. (Article)

[<http://www.eumed.net/rev/rcdcp/02/fv.pdf>]

V. examines the concept of conjugal love, to which the Second Vatican Council gave special consideration in its reflections on the family as a community of life and love. She studies the preparatory acts for the Council and the work of the preparatory commissions in respect of Chapter I of Part II of *Gaudium et Spes*, and reflects on the importance given to conjugal love in the final version of the document (nos. 47-52).

RCDCP 2 (febrero 2015), 273-277: Manuel J. Peláez: Mgr Johan Bonny, obispo de Amberes, con su modelo “revolución del 68” sobre la familia y la institución matrimonial (unas páginas de Teología moral y de Derecho canónico). (Article)

[<http://www.eumed.net/rev/rcdcp/02/mjp7.pdf>]

On the occasion of the Synod on the Family, the bishop of Antwerp issued a document, translated into five languages, dealing with questions to do with the family. P. criticizes the ease with which the document sets aside many aspects of Catholic moral teaching and canonical discipline. Among other things the document calls into question the appropriateness of the distinction between “regular” and “irregular” matrimonial situations.

RCDCP 2 (febrero 2015), 277-298: Elena Sáez Arjona: Consideraciones del jurista republicano y exiliado de España Ángel Ossorio y Gallardo (1873-1946) sobre el matrimonio y el divorcio civil. (Article)

[<http://www.eumed.net/rev/rcdcp/02/esa.pdf>]

S.A. examines the ideas of the lawyer and statesman Ángel Ossorio y Gallardo on marriage and divorce, describing him as man of powerful ideas and convictions, which were reflected in his defence of family stability and unity. In his struggle for democracy, law and freedom at a crucial time in Spanish history, he proved a source of irritation for the Primo de Rivera dictatorship of the 1920s, and after the Spanish civil war was exiled as a result of his opposition to the Franco regime. In writing of the indissolubility of marriage, Ossorio y Gallardo argued that just as a good doctor or soldier will put the good and the safety of others before his own interests, so too an individual entering into marriage needs to have a strong conviction of duty and of the requirement to place family unity above personal convenience. To combat the problem of divorce there must be an awareness of the importance of 1. the family as the cell of society; 2. the rights of the children; and 3. the law of sacrifice.

Human rights

Comm 46 (2014), 333-341: Pope Francis: Allocutio Summi Pontificis apud Consilium Europae die 25 mensis novembris 2014 prolata. (Address)

Pope Francis addresses the Council of Europe, reflecting on how it was established to help build peace after World War II. He speaks of the importance of human rights and a responsible freedom. The Council must not lose sight of its roots. He mentions the importance of the European Court of Human Rights as in a certain way the conscience of Europe. Europe is also “multipolar” and this brings tensions with it. Religion has its part to play, and the Pope alludes to the role of the Council of European Bishops’ Conferences, emphasizing the importance of collaboration.

IE XXVII (2015), 214-232: Papa Francesco: Discorso el Consiglio di Europa, 25 novembre 2014 (con nota di Jean-Pierre Schouppe, *Les droits de l’homme et un programme pour relancer l’Europe*). (Address and comment)

The Italian text is given of the Pope’s address to the Council of Europe in Strasbourg on 25 November 2014 (see preceding entry), together with a comment in French in which S. looks at the Council of Europe’s founding aims

and the need to rediscover the roots of Europe so as to meet the challenges of the changed world of today.

IC 55 (2015), 233-267: Massimo del Pozzo: La configurabilità di «nuovi» diritti fondamentali nella Chiesa del terzo millennio. (Article)

After setting out his methodology, del P. enumerates the rights which are currently held to be “fundamental”, together with a brief overview of present-day thinking in this area. He looks at criticisms of the current formulation of rights and at the corrections that are required, and highlights possible areas in which new rights could be emerging. While on the negative side there are problems such as a failure to respond sensitively to charisms, and a lack of means for defending rights, there are also positive advances in the financial-administrative area (transparency and efficiency) and in the preventive-penal area (the safeguarding and protection of children).

IC 55 (2015), 423-456: Jorge Otaduy: Crónica de jurisprudencia 2014. Derecho eclesiástico español. (Compilation)

O. presents a review of decisions in the Spanish courts in 2014 involving conscientious objection (in relation to abortion, certain medical treatments, and citizenship classes in schools); religious symbols (a 600-year old hill-top cross; use of the Islamic veil); places of worship; taxation matters; freedom of education; religion teachers; religious and ideological freedom; marriage (Islamic and Evangelical marriage; marriages of convenience); and criminal interference with a religious ceremony. O. also refers to various cases decided by the European Court of Human Rights in 2014, involving violations of the European Convention on Human Rights: obstruction of religious ceremonies and of the activities of religious bodies; undue measures to ensure the fulfilment of military service despite conscientious objection; unlawful discrimination regarding the taxation entitlement of certain religious groups; failure to recognize a place of worship; failure to respect the rights of parents in relation to the religious education of their children; an unlawful requirement on a witness in a trial to reveal his religion; failure to respect the presumption of innocence in a sexual abuse case.

Ius Comm III (2015), 9-28: Antonio María Rouco Varela: El derecho a la vida. Un derecho fundamental cuestionado. (Article)

At present the right to life, the most important human right, is grievously threatened by abortion and euthanasia, as well as certain eugenic theories. An ethical reflection on the meaning and content of the right to life must be made

within the intellectual framework of a philosophical and theological anthropology founded on two fundamental and unquestionable truths: the dignity of the human person, and the universality and inviolability of the right to life. In this way the gospel of life will foster a culture of life.

LJ 174 (2015), 123-158: Frank Cranmer – Maria Strauss: Casebook.
(Compilation)

Notes are given for various cases decided in 2014 and 2015 by the European Court of Human Rights involving violations of the European Convention on Human Rights: article 3 (inhuman or degrading treatment), article 6 (fair trial), article 8 (privacy), article 9 (thought, conscience and religion), article 10 (freedom of expression), article 11 (association), article 13 (effective remedy), article 14 (discrimination), Protocol 1, article 1 (peaceful enjoyment of possessions), Protocol 1, article 2 (the right of parents to have their children educated in accordance with their beliefs); also by the UK Supreme Court (conscientious objection to participation in abortions); the England and Wales Court of Appeal (the question of racial or religious discrimination where there is no employment relationship); the Family Division of the High Court of Justice of England and Wales (the legality of non-therapeutic male circumcision); the UK First-tier Tribunal (religious exemption for on-line filing of tax returns; the question of whether a church is a “community asset” for the purpose of preventing a potential purchaser from building on its grounds); the Employment Appeal Tribunal (racial and political discrimination); and the Scottish Court of Session (alleged unjustifiable State interference with the right to respect for private and family life and to unwarranted intrusion into the rights of parents to determine, in accordance with their conscience and religion, the proper approach to the welfare and upbringing of their children).

Law reform

EIC 55 (2015), 129-150: Benjamin Ndubueze Ejeh: Ministero diaconale e diaconia della carità. (Article)

See below, canon 1009.

IC 55 (2015), 27-44: Juan Ignacio Bañares: Sugerencias en torno al consentimiento matrimonial naturalmente suficiente, su nulidad y su sanación en la raíz. (Article)

The Church's law has always defended the natural principles of marriage: that is, of all marriages. Such principles include consent and the observance of form. The former acknowledges that only naturally sufficient consent has efficient causal force to bring about the conjugal pact. The latter recognizes that some kind of formal manifestation of consent is needed, both for the spouses themselves and for society as a whole. B. suggests, *de iure condendo*, that automatic sanation (*ipso iure*) could be applied to certain marriages which were null at the outset because of an impediment, defect of form or defective consent.

Per 103 (2014), 447-489: Damián G. Astigueta: Le pene canoniche «a modo di». (Article)

See below, canons 1331-1338.

Per 103 (2014), 373 -415: Gianfranco Ghirlanda: Implicazione dell'infalibilità nelle canonizzazioni dei santi. (Article)

See below, canon 750.

QDE 28 (2015), 62-64: Tiziano Vanzetto: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimoniale? /4. (Article)

V. points out that although delay in the process is to be avoided where possible, a delay sometimes allows the truth to emerge; also that delay is not always the fault of the tribunal. He suggests that the "penitential route" advocated by some could be seen as engagement in the tribunal process. (See also *Canon Law Abstracts*, nos. 113, p. 9; 114, p. 6; and the following entry.)

QDE 28 (2015), 191-197: Massimo Mingardi: Snellimento della prassi canonica in ordine alla dichiarazione di nullità del vincolo matrimoniale? /5. (Article)

See preceding entry. M. offers a critique of the suggestions that the requirements of the double conforming decision and the collegiate tribunal of three judges in matrimonial cases should be dropped. He points out that the first offers a useful control in a number of cases (examining Italian tribunal statistics) and that the second in fact helps judges. His suggestion is that greater focus on improving

the instruction of cases would be more helpful in achieving the desired aim of speeding up cases.

Legal theory

ADC 4 (abril 2015), 201-221: Pilar Solá Granell: Alcance del principio de legalidad en el Código de Derecho Canónico de 1983. (Article)

In State legal orders the principle of legality is fundamental for ensuring the juridical security of the citizens and the certainty of the law. Does the same apply to canon law? As the Church is founded by Christ, its juridical order has special characteristics which necessarily affect the manner in which it deals with certain juridical institutions and principles. At the heart of all the Church's legislation is the *salus animarum*; hence the principle of legality should be understood in canon law as an instrument for achieving the common good of the Church and ensuring the reasonableness of the Church's laws.

AnCrac 46 (2014), 297-306: Piotr KroczeK: Czy prawodawca potrzebuje wyobraźni? (= Does a legislator need imagination?) (Article)

K. presents the role of imagination in legislation, focusing on some specific areas of legislation action: the legitimacy of enacting a new law; variants of possible interpretations of law; acceptance of law by those for whom it is intended; and the consequences of the law's coming into force. He concludes that a good legislator is a realist with a proper dose of imagination.

Ap LXXXVII (2014), 33-80: Alessandro Biasini: Dal Diritto come *res iusta* al Diritto come *potere*: un confronto tra Tommaso e Suárez. (Article)

B. explores the meaning of *ius* in the thought of St. Thomas Aquinas (1225-1274) and Francisco Suárez (1548-1617), considering such an inquiry to be essential prior to any other investigation concerning the nature of and the relationship between natural law and positive law. There are three meanings to the term *ius*: *res iusta*, *lex*, and *facultas*. B. supports Aquinas's view of the primacy of *res iusta* over *lex* and *facultas*, which, properly understood, acquire their meaning only by virtue of their relationship to the *res iusta*, which constitutes the *princeps analogatum* of *ius*. This first step led Aquinas to distinguish the different levels of reality of law and morality, and to a unitary conception of law. Suárez rejected this unitary conception for a dualistic one, according to which *ius* sometimes meant "law" and sometimes "subjective right". What law and subjective right have in common is simply that they are

both the expression of a “power”: political power (*lex*) and moral power (*moralis facultas*). B. sets out the consequences that flow from this approach, which broadly speaking paved the way for modern juridical-political thought.

Ap LXXXVII (2014), 81-127: Paolo Gherri: Il ruolo ecclesiale del canonista contemporaneo. (Article)

The figure of the canon lawyer is, perhaps, disappearing. Today the Church needs ecclesiastical lawyers who are able to combine the truth of being Church – here and now – with the need to relate to the society and realities in which they live. The contemporary canonist must be a practical ecclesialogist and a lawyer with a wide spectrum of expertise so as to protect the truth and identity of the Church so that it may carry out an effective mission. The way in which canon law is studied also makes a difference as regards achieving the right balance between ecclesiological truth and legal activity.

Comm 46 (2014), 322-330: Pope Francis: Allocutio Summi Pontificis ad delegationem membrorum Consociationis Internationalis Iuris Poenalis coram admissam die 23 mensis octobris prolata. (Address)

In his address to members of the International Penal Law Association, Pope Francis denounces the violence and revenge which are to be seen in modern society, and warns of the dangers of vendetta and of seeking scapegoats. Penal law systems are not simply about punishment but operate within a framework of freedom and the rights of the person. Jurists must seek to curb the tendency to demand more severe punishments. The Pope looks in greater depth at the death penalty, conditions of imprisonment (especially where this is without trial or condemnation), and the use of torture or inhuman and degrading punishment. He condemns extrajudicial executions which he describes as deliberate homicide perpetrated by certain States or their agents. Finally he deals with corruption, the penal system, criminal actions carried out by minors, and modern-day slavery at the hands of criminal organizations. (See also the following entry.)

RCDCP 2 (febrero 2015), 218-225: Franciscus Romanus Pontifex: Discurso del Santo Padre Francisco el jueves 23 de octubre de 2014 a una delegación de la Asociación Internacional de Derecho Penal. (Address)

[<http://www.eumed.net/rev/rcdcp/02/frp1.pdf>]

See preceding entry. Given here is the Spanish text of the Pope’s address of 23 October 2014 to the International Penal Law Association. The editorial team of RCDCP comment that the death penalty existed in the Vatican City after the

Lateran Pacts 1929, in the case of assaulting the Pope, but was never applied and was abolished in 1969. Capital punishment, however, had been in force during the time of the Papal States.

Per 103 (2014), 165-205: Carlo Fantappiè: Ecclesiologia e canonistica nel post-concilio. (Article)

50 years after the end of Vatican II, F. studies the relationship between ecclesiology and canon law in the post-conciliar period. He notes the separation of the two sciences as well as the necessary close relationship so often stressed by St John Paul II between the Vatican Council and the Code of Canon Law promulgated in 1983. One major factor that has influenced the relationship between ecclesiology and canon law has been the exploration in theology of different models of the Church: each of these has given rise to a school of thought among canonists in their reflections on the place of canon law within the life and mission of the Church and the role it has to play. F. concludes his study by offering a few practical interpretative proposals.

RCDCP 2 (febrero 2015), 187-198: Merio Scattola: Was ist Politik? Überlegungen zum historischen Wesen der Politik. (Article)

[<http://www.eumed.net/rev/rcdcp/02/msc2.pdf>]

S. highlights the significance of the religious dimension of politics throughout history. He offers a definition of Political Theology, and in examining the works of the most notable political thinkers at different periods in history he points out the important role which they attributed to religion within the structure of their juridical and political thought.

SC 49 (2015), 205-227: Elisabeth Dufourcq: Normal ou naturel. Peut-on domestiquer l'Esprit Saint par des mots? (Article)

Noting that the words “normal” or “natural” are often used to deconstruct or to sacralize archetypes considered redacted by some and immutable by others, D. examines their many meanings and their limitations. To avoid a relativism whose dangers have been denounced by Pope Benedict XVI, without falling into a complacency that would “domesticate the Holy Spirit”, in the words of Pope Francis, she compares the use of the law conditionally called “normal” with the philosophical history of the natural law. She demonstrates the importance of these two approaches, whose methods could be mutually enriching in the service of an ethical construct, provided that academics, jurists, and moral theologians are mutually introduced to the methods that they do not know, and provided that

they respect the creative imagination without which the very image of the other can disappear.

Relations between Church and State

ADC 4 (abril 2015), 13-70: Vincenzo Buonomo: Considerazioni sul rapporto tra Diritto Canonico e Diritto Internazionale. (Article)

The relationship between canon law and international law highlights various juridical acts and factual situations that jointly, and at times simultaneously, affect these two fully independent juridical orders. In fact, canon law is the recipient of general international laws; it establishes relations with State legal orders by means of treaties (as in the case of concordats) and also with other subjects of international law, by incorporating or else remitting to the laws of such bodies (as in the case of regulations issued by intergovernmental organizations). Such relationship presupposes the presence of the Holy See in the Community of Nations, as a subject of international law. B. analyses a number of aspects of particular interest for jurists: 1. the international subjectivity of the Holy See, as the central governing body of the Catholic Church; 2. the authority and powers exercised by the Holy See over the Vatican City State, and therefore the importance which international law assigns to such territorial sovereignty; 3. the ways in which the domestic law of the Holy See receives and implements international laws, and the contribution of the Holy See to the development of contemporary international law; 4. the relations of the Holy See with intergovernmental organizations, its presence at international conventions, and the resulting consequences as regards its regulatory and institutional framework.

ADC 4 (abril 2015), 331-350: Fabio Vecchi: Il ruolo della chiesa ortodossa serba nelle dinamiche di transizione e negli scenari riformisti dei Balcani Occidentali. (Article)

V. looks at the role of the Serbian Orthodox Church in the task of reorganization and interreligious dialogue in the aftermath of the geographical break-up of the former Yugoslavia. In the face of the diaspora of the Serbian people to new independent national States, the Orthodox Patriarch continues to regard himself as the authentic interpreter of ethnic and confessional sentiment. In response to the historical tendency of this Church to set itself up jealously as the *plenus custos* of its people, the Catholic Church offers the model of the Church *sui iuris* (CCEO, canon 28 §1). A confrontation thus arises between two conceptions of the visible Church: Catholic ecumenism and Orthodox centralism; participatory inclusion and exclusive self-protection; universalism and particularism;

flexibility and rigidity. Orthodoxy is keen to reinterpret the strict Church-State relationship and to update the autocephalous organizational model, but also to reassess the *populus fidelium* and the link of that people to its own bishop-*prótos*. The current period of transition highlights the many inevitable contradictions of the Serbian Orthodox Church. Its reluctance to give up its ancient aspirations to political and spiritual leadership, within the framework of an uncorrupted *potestas in temporalibus*, re-emerges in the so-called “theology of Saint Sava”. [Editor’s note: Saint Sava, patron of Serbia (1174 -1236), was a Serbian prince and Orthodox monk, who founded several monasteries and set about restoring religion and education in the country after the devastating effects of civil war; he became the first archbishop of the autocephalous Serbian Church, of which he is regarded as the founder.]

BV 75 (2015), 129-142: Rok Mihelič: Posebej o pravnem statusu katoliške Cerkve v Sloveniji (= On the Legal Status of the Catholic Church in Slovenia). (Article)

M. discusses the issue of the legal personality of the Catholic Church through the prism of the development of international, constitutional, statutory and regulative legislation in Slovenia. In order to examine the entire thought process and gain an understanding of the legal status of the Catholic Church in the Republic of Slovenia, one needs to consider the interweaving of the legal and symbolic relationships between Church and State. The Constitution of the Republic of Slovenia requires, as regards the State’s relations with religious communities, a legal organizational structure such that the fundamental human right to freedom of conscience and the autonomy of each religious community are sufficiently respected and protected. The current Slovenian legal order has formulated the status of religious communities primarily to protect the common characteristics of religious communities, rather than the differences between them. The Slovenian legislature and even more so the legal sciences have the duty to develop such legal protection of Churches and religious communities so that their differentiation is not limited to legal principles but is extended to the level of concrete realities, which includes differentiation between the legal personalities of religious communities.

RCDCP 2 (febrero 2015), 298-305: Gábor Hamza: Entwicklung und Kodifikation des Privatrechts (Zivilrechts) in Slowenien. (Article)

[<http://www.eumed.net/rev/rcdcp/02/gh.pdf>]

See preceding entry. H. provides an overall evaluation of the importance of private civil law in the history of Slovenia and the other Balkan States.

EIC 55 (2015), 21-37: Venerando Marano: L'art. 17 TFUE e il ruolo delle Chiese in Europa. (Article)

M. analyses the role of the Churches in Europe in the light of recent European Union documents on this topic, looking in particular at the background to article 17 of the 2007 Treaty on the Functioning of the European Union, and offering a number of points of reflection concerning the current regulation of the European Union's relationship with Churches and other religious communities.

EIC 55 (2015), 39-62: Patrick Valdrini: Il principio di laicità nel diritto francese. Neutralità dello Stato e libertà dei cittadini. (Article)

V. offers an exhaustive study on the State regulation of the religious phenomenon in France, a country with a remarkable history of "laicization" of its civil structures. He sets out the benefits of the French model, but also draws attention to some of its notable flaws.

EIC 55 (2015), 63-80: Laura De Gregorio: 1984-2014. Trent'anni di attuazione dell'art. 8, 3 comma della Costituzione. (Article)

In 1984 the decision to amend the Catholic Church's 1929 concordat with the Italian State involved the agreement of "other" religious groups under art. 8 §3 of the Constitution. De G. presents the background to the change and offers some considerations to help understand the current situation.

Comm 46 (2014), 9-22: Pope Benedict XVI: *Conventio inter Sanctam Sedem et Rempublicam Guineae Aequinoctialis quoad attinens ad Relationes inter Catholicam Ecclesiam et Statum.* (Document)

Parallel texts in Italian and Spanish of an agreement between the Holy See and Equatorial Guinea on the relationship between the Catholic Church and the State.

RCDCP 2 (febrero 2015), 255-262: Pablo Mombo Bocamba-Rondo: *Inter Sanctam Sedem et Rempublicam Guineae Aequatorialis de relationibus inter catholicam ecclesiam et statum.* (Document)

[<http://www.eumed.net/rev/rcdcp/02/pmbr.pdf>]

Spanish text and summary of the agreement referred to in the preceding entry.

Comm 46 (2014), 23-44: Pope Francis: *Conventio inter Sanctam Sedem et Rempublicam Promonturii Viridis de Statuto iuridico Catholicae Ecclesiae in eodem territorio missionem peragentis.* (Document)

Parallel texts in Italian and Portuguese of an agreement between the Holy See and Cape Verde on the juridical status of the Catholic Church in that territory.

Comm 46 (2014), 45-57: Pope Francis: *Conventio inter Sanctam Sedem et Rempublicam Hungariae de immutationibus quibusdam in conventionem inducendis die XX mensis iunii 1997 subscriptam de ope ferenda ministerii publici inceptis aliisque negotiis proprie religionis seu “vitae fidei” ab Ecclesia Catholica in Hungaria explendis, nec non de quibusdam causis ad patrimonium spectantibus.* (Document)

Parallel texts in Italian and Hungarian modifying the agreement between the Holy See and Hungary signed on 20 June 1997, primarily concerning Catholic education and financial matters.

RCDCP 2 (febrero 2015), 267-273: Manuel J. Peláez: *Modificación llevada a cabo el 21 de octubre de 2013 del Acuerdo de 20 de junio de 1997 entre la Santa Sede y Hungría sobre la financiación de las actividades de servicio público de la Iglesia Católica en Hungría y otros asuntos de naturaleza patrimonial.* (Document)

[<http://www.eumed.net/rev/rcdcp/02/mjp6.pdf>]

Italian text and brief summary in Spanish of the agreement referred to in the preceding entry.

Comm 46 (2014), 99-104: *Status Civitatis Vaticanae: Lex N. XXIX, die 13 mensis decembris 2013 a Praeside Pontificiae Commissionis Status Civitatis Vaticanae lata, qua normae respicientes rem nummariam pro anno 2013 promulgantur.* (Document)

This Law revises certain articles of that promulgated on 30 December 2010 concerning the currency and coinage of the Vatican City State.

Comm 46 (2014), 290-302: Pope Francis: *Conventio de rebus communis studii inter Sanctam Sedem et Rempublicam Burundiae, die VI mensis novembris anno MMXII inita, necnon postea mutuis notis die V mensis Iulii, anno MMXII accommodata est.* (Document)

Text in French of an agreement between the Holy See and the Republic of Burundi regulating their mutual relationship and the juridical status of the Catholic Church in that country.

Comm 46 (2014), 303-313: Pope Francis: *Conventio inter Sanctam Sedem et Rempublicam Camaruniae de iuridica condicione Ecclesiae Catholicae in Camarunia.* (Document)

Text in French of an agreement between the Holy See and the Republic of Cameroon regulating the status of the Catholic Church. The French text is followed by versions in English and Italian.

RCDCP 2 (febrero 2015), 247-250: Manuel J. Peláez: *Traducción al castellano del Acuerdo-Marco entre la Santa Sede y la República del Camerún sobre el estatuto jurídico de la Iglesia Católica en el Camerún.* (Document)

[<http://www.eumed.net/rev/rcdcp/02/mjp3.pdf>]

Spanish text and brief summary of the agreement referred to in the preceding entry.

Comm 46 (2014), 314-318: Pope Francis: *Conventio inter Sanctam Sedem et Rempublicam Sancti Marini.* (Document)

This is an exchange of notes between the Holy See and the Republic of San Marino remedying the omission of the benefice of Sant'Andrea in Fiorentino from the list of entities recognized by San Marino in the accord dated 2 April 1992.

Comm 46 (2014), 319-321: Pope Francis: *Conventio inter Sanctam Sedem et Rempublicam Melitensem.* (Document)

Text in Italian and English of an agreement between the Holy See and Malta amending that signed on 3 February 1993 and the additional protocol of 6 January 1995 with regard to the giving of civil effects to canonical marriages and to the decisions of ecclesiastical tribunals.

Comm 46 (2014), 342-351: Pope Francis: Allocutio Summi Pontificis apud Senatum Europaeum die 25 mensis novembris 2014 prolata. (Address)

Pope Francis addresses the European Parliament, taking as his themes dignity and transcendence. He uses as an illustration Raphael's fresco in the Vatican where Plato points up to heaven and Aristotle towards the onlooker. Europe must be open to heaven but also practical at a human level.

Comm 46 (2014), 376-378: Secretaria Status: Nuntius publicus habitus cum diurnariis ad eos edocendos congregatis, absoluto Quinto conventu Coetus laboris coniuncti Sanctae Sedis et Reipublicae Vietnamensis (lingua italica una cum versione anglica). (Press statement)

This statement reviews the progress of a joint working party between the Holy See and the Republic of Vietnam. A sixth meeting is to be arranged. The text is in Italian and English.

Comm 46 (2014), 379-380: Secretaria Status: Rescriptum "ex Audientia Ss.mi" quo immutatur art. 12 Normarum respicientium disciplinam de publicae mensae mandato nummario pro nucleo familiari quem dicunt concedendo. (Document)

This rescript varies the provisions for a family allowance set out in article 12 of the Norms of the Vatican City State promulgated on 26 May 1992.

EIC 55 (2015), 99-118: Bruno Fabio Pighin: I rapporti diplomatici tra Chiesa cattolica e Repubblica di Cina: un lungo percorso giunto felicemente alla meta. (Article)

P., making use of several hitherto unpublished documents, reviews the long and difficult diplomatic relations between the Catholic Church and the People's Republic of China from the end of the 19th century up to the 1940s, highlighting the different phases of the process from its outset until its happy conclusion.

FCan X/1 (2015), 7-16: Roland Minnerath: Face ao Estado, reemergência da Igreja «sociedade perfeita». (Article)

The concept of "perfect society" has disappeared from the magisterial vocabulary since Vatican II, but the substance contained within this concept – the Church's autonomy and independence vis-à-vis the State – remains. The use of the concept of "perfect society" goes back to the anti-Protestant apologetics

of the 16th century. The Catholic Church has never accepted being regarded as an association within the State order: she constitutes a primary juridical order, and does not receive her juridical existence from any outside source. She is a “sovereign society” within her own order, vis-à-vis political States and her dialogue with them. In full accord with the classical distinction between the two powers – the two political and religious spheres of authority – the concept of “perfect society” has allowed the Church to resist attempts – first by absolutist, later by liberal States – to meddle in her affairs, as they tried to dictate laws within the religious sphere which was the Church’s responsibility. The concept of the Church’s sovereignty in her own sphere and in international relations is nowadays incorporated into virtually all the concordats or accords signed following the 1984 agreement revising the Italian concordat. The re-emergence of the affirmation of the Church’s sovereignty within her own sphere is simply a return to the clarifying concept of “perfect society”.

FCan X/1 (2015), 113-137: Álvaro Bizarro: A legislação patrimonial da Igreja Católica na Concordata. (Article)

See below, canon 1279.

IC 55 (2015), 115-154: Juan-Cruz Alli Turrillas: Las conexiones –y desconexiones– de las fundaciones privadas con el Derecho público. (Article)

In Spain a foundation is a legal entity that incorporates both private and public purposes in pursuit of the common good: established as an autonomous, non-profit organization to make a lasting patrimonial contribution, it is overseen by legal authorities and legally bound to the general public good. Historically the foundation has been framed by the combination of private and public purposes in hybrid structure recognized in the Spanish legal system. Given this background, and despite its consolidated status, a series of tensions have arisen in recent times prompting a reconsideration of appropriate modes of public intervention as regards a foundation’s nature and functions. A.T. looks at the origins and development of the foundation as such: its similarities to and differences from equivalent structures in culturally-related countries (Germany, France, England and the United States) and the manner in which it is regulated in those countries.

IC 55 (2015), 155-196: Lourdes Ruano Espina: La personalidad jurídica civil de las fundaciones canónicas en España. (Article)

Legal personality is necessary to enable an entity – whether of an associative or a patrimonial nature – to act within the legal order as a subject with rights and obligations and capable of forming legal relations. The recognition of legal personality plays a decisive role especially in proprietary contexts, because it confers on the entity the capacity to acquire, administer and dispose of goods with full legal effect. R.E. analyses the requirements for recognition of the civil legal personality of foundations canonically established by the Catholic Church.

IC 55 (2015), 197-229: Alejandro Blázquez Lidoy: La no-revisión de la Ley del Mecenazgo: historia de una reforma inconclusa. (Article)

B.L. analyses the 2015 reform of Spanish law on charitable contributions, and the conclusions of the earlier (unpublished) report drafted by the ministerial working group, which he considers not to have been properly incorporated into the reform.

IE XXVII (2015), 125-139: Martin Grichting: Sulla necessità di una riforma del diritto ecclesiastico svizzero. (Article)

As a result of social changes, the system of ecclesiastical law of the Swiss cantons with its “community parishes” and “cantonal churches” has become a fiction. Moreover, the system no longer appears to be suitable in the face of the steady distancing of society from traditional religious communities, as well as growing religious pluralism. To avoid a radical measure such as the separation of Church and State, ecclesiastical law needs to be set on a new foundation. Protection of religious freedom needs to be at the centre of the new system.

LJ 174 (2015), 96-108: Frank Cranmer: Wales and the Law of Marriage: ‘Vestiges of Establishment’ Revisited. (Article)

In spite of being disestablished, the Church in Wales is under certain obligations at common law that are not shared by the other denominations: principally in relation to marriages and burials. Nor (unlike the Church of England) does it have the capacity of its own motion to amend the law relating to marriages in church in order to take account of changing social conditions. C. argues for devolution of marriage law in Wales to the National Assembly and, more generally, for wholesale reform and consolidation of marriage law both in Wales and in England in a manner that would make it more accessible to non-specialists and better in tune with modern social realities.

RCDCP 2 (febrero 2015), 39-54: Marco Parisi: Associazionismo ateista ed accesso all'intesa con lo stato. Riflessioni a margine della sentenza n. 7068/2014 del Tar Lazio. (Article)

[<http://www.eumed.net/rev/rcdcp/02/mpr.pdf>]

Arguing for a more balanced approach by the State authorities to the question of individual and collective religious freedom, P. suggests that as the public and collective aspects of atheism become more manifest, these should also benefit from suitable juridical protection.

RCDCP 2 (febrero 2015), 253-255: María Cristina Toledo Báez: Traducción al castellano del acuerdo de colaboración de enseñanza superior entre la República de Serbia y la Santa Sede de 27 de junio de 2014, ratificado el 12 de enero de 2015. (Document)

[<http://www.eumed.net/rev/rcdcp/02/ctb3.pdf>]

Spanish text and brief summary of the agreement between the Holy See and Serbia concerning higher education and the mutual recognition of academic degrees, in the light of the Lisbon Recognition Convention of 11 April 1997 and the so-called Bologna Process.

RDC 65/1 (2015), 143-163: Patrick Boinot: Vœux religieux et relations de travail: Quelle(s) qualification(s) juridique(s)? (Article)

A century ago, although religious life in France was essentially based on the Catholic religion, which had a significant influence on the legal system, religious vows were not recognized by French State law. Courts therefore distinguished between spiritual activity and work relationships, basing their decisions on the personal commitment of religious – in particular, the vow of obedience – or on the exercise of their activity, in order to exclude or acknowledge the existence of an employment relationship. Today, both law and jurisprudence have abandoned the reference to the taking of religious vows, without however wishing to undermine their canonical value. Religious commitment constitutes a private matter affecting the relationship between religious and their superiors. B. shows that State private law in France has gradually detached itself from canonical authority.

SC 49 (2015), 263-274: Jean-Paul Durand: Radiation civile de mention canonique de baptême? (Article)

In 2001 a French citizen succeeded in having a note added in the margin of the canonical baptismal register to the effect that he had decided to leave the Catholic Church. Later he unsuccessfully asked the Court of Appeal of Caen to order the Catholic diocesan authority to remove all traces of his religious past from the register. The civil court held that there was no breach of privacy as such records are not open to the public.

Religious freedom

EIC 55 (2015), 81-97: Giorgio Feliciani: La questione del Crocifisso. La situazione italiana. (Article)

F. presents a summary of Italian legislation and of the most recent developments in European case law concerning the displaying of crucifixes in public places. He looks not only at the strictly legal aspects of the matter but also at the effects on public opinion of the declaration of the European Court of Human Rights in 2009 that it was unlawful to display the crucifix in school classrooms – a decision ultimately reversed (see *Canon Law Abstracts*, nos. 109, p. 20; 110, pp. 27-28).

LJ 174 (2015), 77-95: Peter Smith: Towards the Reasonable Accommodation of Religious Freedom. (Article)

S., a practising barrister, comments on the case of *Mba v. Mayor and Burgesses of the London Borough of Merton* (2013). Mrs Mba, a care worker in a children's home, had resigned after a dispute with her employer over a contractual requirement to work on Sundays, which she refused to do for reasons connected with her beliefs as a Baptist Christian. Her claim of indirect religion or belief discrimination was initially rejected by an employment tribunal, on the grounds that the employer had attempted to accommodate Mrs Mba's beliefs for two years, and that her belief that Sunday should be a day of rest and worship was not a core component of the Christian faith. An Employment Appeal Tribunal upheld the employment tribunal's decision. The Court of Appeal decided that the employment tribunal had been wrong to focus on whether or not the refusal to work on Sunday was a core component of the Christian faith, but nevertheless in the particular circumstances of the case upheld the original decision. S. reflects on the right of reasonable accommodation of religious convictions, looking in particular at the most developed model of reasonable accommodation, which is that of Canada.

Social issues

Per 103 (2014), 663-694: Valerio Marotta: *Ius sanguinis, ius soli*. Una breve nota sulle radici storiche di un dibattito contemporaneo. (Article)

M. considers the historical roots of the contemporary debate concerning the source of citizenship. The fundamental question underlying the debate is: does one become a citizen by virtue of being born to one who is already a citizen, or by virtue of being born within the territory of the State, regardless of the citizenship of one's parents? M. traces the origins of the dichotomy to the writings of some 12th century canonists and considers the concepts of *origo* and *domicilium* in relation to *ius sanguinis* and *ius soli*. After looking at *ius soli* in common law and French law, he examines briefly the evolution of the issue in contemporary Italian legislation.

HISTORICAL SUBJECTS

1st millennium

ADC 4 (abril 2015), 387-401: Javier Belda Iniesta: El ministerio judicial del Obispo hasta el surgimiento de la *lex christiana* (ss. I-IV). (Article)

The episcopal ministry has necessarily involved, from the outset, the exercise of a judicial role over the members of the People of God. The bishops, first in a clandestine manner and then openly, were called upon to resolve disputes that arose among the faithful, until such time as the Empire acknowledged them to be official judges. However, while such recognition meant legal protection and made it possible to fulfil the biblical requirement that causes among believers should not be dealt with by pagans, it also created certain problems, and many bishops complained about having to carry out this official role since it prevented them from attending to other duties and placed them in an awkward situation with respect to the faithful. B.I. focuses on three particular aspects: 1. the theological, biblical and Patristic basis of the administration of justice, with a view to understanding how the judicial mission should be carried out while not forgetting the overall objective of salvation; 2. the process whereby the *episcopalis audientia* acquired official status, up to the time of the Constantinian legislation; and 3. the manner of exercising the *officium iudiciorum* by bishops and the problems arising from this.

J 74 (2014), 265-288: Atria A. Larson: Killing a Career: Homicide and the Development of Medieval Clerical Discipline. (Article)

Medieval canonical jurisprudence developed sophisticated theories of culpability and liability in connection with homicide. It did so especially in the context of considering whether clerics involved in the death of another could retain their office or be promoted to a higher one. This jurisprudence had not been present in the early Middle Ages, when bishops considering how to discipline clerics involved in homicides would have had to rely on a small body of canons that was by no means standardized. A standardized and systematic consideration of the discipline of clerics in connection with homicide emerged primarily from Gratian's discussion of lapsed clerics in his *Decretum* D.50 and the commentary on it. By the decretals of Innocent III, clerics involved in the death of another person faced a longer and more systematic process. That process involved at least two or three investigations into their actions; these involved precise terminology and categories for considering levels of culpability and especially for considering whether they could retain their office or receive promotion to higher orders.

J 75 (2015), 35-57: John P. Beal: Canon 72 of The Council of Trullo in Catholic Jurisprudence: An Adventure in Ecumenism. (Article)

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

RDC 65/1 (2015), 13-27: Marcel Metzger: Les vœux religieux dans la documentation canonique des premiers siècles. (Article)

The practice of vows, which characterizes the monastic and religious states of life, appears only very briefly in the documentation of Christianity during the first four centuries. However, the New Testament, especially the Apostle Paul, and later the Fathers of the Church (Ignatius, Justin, Tertullian and others), gave many recommendations and writings providing a framework for celibacy, virginity and widowhood as stable states of life, chosen in the name of faith in Christ. Nonetheless, these usually appear in spiritual and apologetic rhetoric books. Only in the ecclesiastical laws (*Didascalia*, Apostolic Constitutions, Canons of St. Basil) is there explicit mention of vows related to these states of life, to ensure compliance and punish violations.

SC 49 (2015), 89-109: Brigitte Basdevant-Gaudemet: La création du droit dans l'enracinement au passé grâce aux collections canoniques: réflexions sur la formation du droit canonique. (Article)

The sources of law are not neutral, and the process of the formation of canon law corresponds to the very nature of the ecclesial society which that law is to govern. The Church anchors its legal system in fidelity to the message delivered by Christ and Tradition. Canon law evolves, however, in order to be applied to societies in constant transformations. The canonical collections – collections of previous texts and sources of law constantly renewed – are one of the specific characteristics of the law of the Church that are not found in secular legal systems. They have evolved for more than a millennium, constantly supporting the dominant ecclesiology of an epoch and allowing the progressive affirmation of Roman centralization and the *plenitudo potestatis* of the Supreme Pontiff. In continuation of this same movement, the Pope extended his authority over this vast juridical corpus, and became the supreme legislator up to the promulgation of the CIC/17.

SC 49 (2015), 597-611: François Richard: Cinq livres français récents sur Constantin. (Article)

Constantine, who had seemed a little forgotten by French historical research, has been the subject of five books in the last few years. After a presentation of each

book, R. compares their respective assessments of the religious evolution of the emperor, and of his religious policy vis-à-vis the pagans.

Classical period

ADC 4 (abril 2015), 351-370: Dominique Bauer: Custom in Francisco Suárez's *De lege non scripta*. Between factuality and the legal realm. (Article)

B. addresses some specific aspects of Francisco Suárez's treatment of custom in the seventh book – *De lege non scripta* – of his *De legibus*, looking in particular at chapters I and IX. Starting out from some of the ideas of his predecessors, Suárez examines the dynamics and tension between the public and private realms. He argues for the existence of a pre- or extra-legal realm, outside the scope of juridical classification, which embraces the private, factual and concrete dimensions of individuals and aggregates of persons, legal actions and rights. Juridical classification on the other hand is a process of abstraction which focuses on the rational, non-physical and general aspects of persons, actions, things and rights. These characteristics define the scope of a custom classified as juridical. The relationships between *usus* and *consuetudo*, the *communitas perfecta* and the *communitas imperfecta privata*, or the prince in his public role and as a private individual, exemplify these dynamics. A tension arises between juridical subjectivity, expressed in the notion of “right” as a *facultas moralis*, and a concept of law rooted in the force of the various types of laws.

J 74 (2014), 265-288: Atria A. Larson: Killing a Career: Homicide and the Development of Medieval Clerical Discipline. (Article)

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

RCDCP 2 (febrero 2015), 165-174: Thomas Gergen: Paix de Dieu, protection des pèlerins et le pèlerinage punitif: des vrais sanctions ou même une protection des criminels? (Article)

[<http://www.eumed.net/rev/rcdcp/02/tg2.pdf>]

The Peace and Truce of God (*Pax et Treuga Dei*) was a medieval institution aimed at protecting the weak and defenceless from violence; it also sought to provide security to pilgrims en route to places of pilgrimage. These included both “traditional” pilgrims and those on enforced pilgrimage as a punishment for not having respected the Peace and Truce of God in their own country. The

Historical Subjects (Classical period / 16th-19th centuries)

latter category remained free, and some of these “involuntary” pilgrims knew how to take full advantage of such freedom. In comparison with the “voluntary” pilgrims and with other delinquents, they received favourable treatment.

RDC 65/1 (2015), 43-58: Rémy Lebrun: Profession et consécration: les vœux des convers cisterciens. (Article)

In order for the monks to follow strictly the Rule of St. Benedict and remain within the monastic enclosure, the first Cistercians accepted lay brothers known as *conversi* who constituted a sort of “external brother”. Their profession differed from that of the monks and involved a change in the rite, in which the emphasis was now on the concept of contract rather than consecration, and in which is to be found the origin of the enduring distinction between profession and religious vows.

SC 49 (2015), 89-109: Brigitte Basdevant-Gaudemet: La création du droit dans l'enracinement au passé grâce aux collections canoniques: réflexions sur la formation du droit canonique. (Article)

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

SC 49 (2015), 357-378: Thibault Joubert: L'élection épiscopale dans le décret de Gratien. Un exemple de tradition canonique. (Article)

The Decree of Gratian (1120-1140) is one of the major sources of the history of canon law, marking by its style as well as by its doctrinal concern the birth of scholastic canonical science. J. discusses the hermeneutics deployed by Gratian when dealing with the question of episcopal election (D. 62 and 63). J.'s goal is not to deal with the episcopal election as such but rather to identify how Gratian developed a canonical solution from the abundance of the law that had been transmitted to his time. J. proposes in the conclusion of the article some elements of discernment in order to recognize today what it is that may constitute canonical tradition as understood in canon 6 of the CIC/83.

16th-19th centuries

EIC 55 (2015), 151-175: Simona Langella: Il *Dominium* in *Francisco de Vitoria*. (Article)

L. offers a historical study on one of the themes in the thought of the theologian Francisco de Vitoria concerning the Spanish conquest of the indigenous peoples

of the Americas, or rather on the dominion exercised over this population by Europeans. She analyses de Vitoria's lectures during the 1535-1536 academic year at the University of Salamanca, which prove remarkably relevant today.

FCan X/1 (2015), 91-107: João Seabra: A inseparabilidade de contrato e sacramento no Matrimónio dos baptizados na *Tentativa Teológica* de António Pereira de Figueiredo. (Article)

António Pereira de Figueiredo, a 17th century theologian and canonist serving under the famous minister Pombal, attempted to convince the Portuguese bishops during the period of severance from Rome (1760-1770) to dispense from marriage impediments reserved to the Pope. Among the many arguments he put forth was the claim that there was a substantial separation between the contract and the sacrament in marriages between baptized persons, thus anticipating the proposition which was to be condemned by the Church's magisterium in the 19th century. S. presents a historical reconstruction and a contemporary canonical interpretation of the event.

IE XXVII (2015), 11-35: Nicolás Álvarez de las Asturias: Il Concilio di Trento e l'indissolubilità del matrimonio: questioni ermeneutiche. (Article)

The Council of Trent offered an important contribution to the doctrine and canonical discipline of marriage. In particular, Trent affirmed the indissolubility of marriage in a canon – canon 7 of the canons on sacred matrimony – the drafting of which resulted in a formula that has provoked doubts regarding its doctrinal value. This article addresses the criteria for interpreting the value of that Tridentine canon, concluding that the Church's teaching on the absolute indissolubility of a *matrimonium ratum et consummatum* can be considered as a truth *de fide tenenda*.

RCDCP 2 (febrero 2015), 83-108: Merio Scattola: Diritto naturale e diritto di resistenza nella polemica luterana di metà cinquecento. (Article)

[<http://www.eumed.net/rev/rcdcp/02/msc1.pdf>]

S. sets out the theories of the reformer Philip Melancthon and other Lutheran writers on the wars of religion, lawful self-defence, and the sending of money and troops by the Pope to Germany to defend the Catholic religion. The natural law is just and eternal and is inscribed in the Decalogue.

RCDCP 2 (febrero 2015), 225-230: Franciscus Romanus Pontifex: Occasione celebrationis agendi Deo gratias pro CC Anniversaria memoria restitutionis Societatis Iesu. (Address)

[<http://www.eumed.net/rev/rcdcp/02/frp2.pdf>]

Given here is the Spanish text of an address given by Pope Francis on 27 September 2014 on the occasion of the bicentenary of the restoration of the Society of Jesus. The Jesuits had been expelled from Portugal in 1759, dissolved in France in 1764, expelled from Spain in 1767, and, as a result of political pressure from France, Portugal and especially Spain, suppressed by Pope Clement XIV in 1773. They were restored by Pius VII in 1814, although they were to experience further expulsions from Spain in the 19th century and again in the 1930s.

RDC 65/1 (2015), 59-88: Jeanne-Marie Tuffery-Andrieu: Les vœux: un enjeu pour la définition de l'état de vie religieuse, du Concile de Trent au Code de 1917. (Article)

From the time of the Council of Trent up to the end of the 19th century the Church's magisterium sought to define solemn vows and simple vows, so that together they might become the gateway to "consecrated life". During this period there are two phases: the first reveals the Church's wish to see solemn vows recognized as the only vows that create a state of religious life; while the second is the period of canonical adaptation to the theological reality of charisms, making evangelical counsels, in whatever form they might take, the source of religious life.

RDC 65/1 (2015), 89-107: Catherine Maire: Les vœux religieux au prisme des relations Église-État au siècle des Lumières. (Article)

M. examines the two major controversies surrounding religious vows that marked the second half of the 18th century in France, the so-called Age of Enlightenment. These public discussions accompanied two events: the parliamentary campaign against the constitutions of the Jesuits, followed by their expulsion in 1764, and the reform implemented by the *Commission des Réguliers* from 1766, relating in particular to the age for taking vows. They demonstrate the rise of a questioning of the meaning of the religious state in society, starting with the specific case of the Society of Jesus, and extending to conventual life in general, the cloister, and the civil death it implied. Their roots go back to the 17th century Gallican jurists, and they were to have a significant impact during the French Revolution.

RDC 65/1 (2015), 109-142: Marta Peguera Poch: Le droit français et les vœux religieux. (Article)

From 1790, French legislators no longer recognized religious vows and abolished their civil effects. However, French law cannot ignore them completely because, even if the legislator may disregard vows, the same does not hold true for congregations. These two realities are inseparable, and therefore the judge in considering laws relating to congregations (tolerant or hostile depending on the period) is forced to focus on vows, which are central to religious life.

SC 49 (2015), 89-109: Brigitte Basdevant-Gaudemet: La création du droit dans l'enracinement au passé grâce aux collections canoniques: réflexions sur la formation du droit canonique. (Article)

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

SC 49 (2015), 333-356: Pierre Hurtubise: Le rôle méconnu des évêques «suffragants» au XVI^e siècle. (Article)

Already in the 16th century, Catholic reformers attributed the problems of the Church of their time to episcopal absenteeism, that is, to the fact that numerous bishops did not reside in their dioceses but often relied on bishops *in partibus*, who acted as their substitutes, and who had the title of “suffragan” bishops. These suffragan bishops have not so far been the object of any serious study. H.’s article aims to fill at least a part of this gap and to show that thanks to them the situation of the dioceses in question was much less catastrophic than was long claimed.

1917 Code

SC 49 (2015), 89-109: Brigitte Basdevant-Gaudemet: La création du droit dans l'enracinement au passé grâce aux collections canoniques: réflexions sur la formation du droit canonique. (Article)

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

20th century

EIC 55 (2015), 119-127: Velasio De Paolis: Ricordo di Pio Fedele. (Article)

De P. pays homage to the canonist Pio Fedele, founder of the periodical *Ephemerides Iuris Canonici*, on the tenth anniversary of his death, looking at his personal and academic life and providing an overview of his work, with special focus on his canonical contributions. This gives an insight into the thought of one of the most original authors in contemporary canonical authorship.

RCDCP 2 (febrero 2015), 1-14: Manuel J. Peláez – Miriam Seghiri – María Cristina Toledo Báez: Estudios en homenaje a Pio Ciprotti, Luigi Dadaglio, Agostino Casaroli y Josiah George Chatham por el centenario de su nacimiento y a Karl Hildenbrand y François-Louis-Michel Maupied por el bicentenario de su nacimiento. (Article)

[<http://www.eumed.net/rev/rcdcp/02/mpmsctb.pdf>]

The second issue of this multiconfessional canon law journal (which aims to study not only Catholic canon law but also the laws of other Christians denominations, with a view to protecting the right of Churches and ecclesial communities to have their own laws, and ensuring that such laws are respected by the State authorities) is intended as a homage to Pio Ciprotti, Luigi Dadaglio, Agostino Casaroli and Josiah George Chatham on the occasion of the centenary of their birth, and to Karl Hildenbrand and François-Louis-Michel Maupied on the occasion of the bicentenary of their birth (see *Canon Law Abstracts*, no. 114, p. 28).

RCDCP 2 (febrero 2015), 29-37: Alessandro Bucci: Pio X e la monopolizzazione statale dell'insegnamento: L'enciclica *Acerbo Nimis* e l'Istituzione delle *Scholae Religionis*. (Article)

[<http://www.eumed.net/rev/rcdcp/02/ab.pdf>]

B. studies the reaction of Pope Pius X and in particular his publication of the Encyclical *Acerbo nimis* (1905) following the Italian State's abolition of the teaching of religion in schools in the late 19th century.

RCDCP 2 (febrero 2015), 135-163: Gaia Pinto: Pio XI, ideologia razziale e delitti contro l'umanità. (Article)

[<http://www.eumed.net/rev/rcdcp/02/gp.pdf>]

P. studies the reaction of the Holy See in general, and of Pius XI in particular, to the racist and anti-Semitic legislation of the 1930s, examining the historical ideological background to such legislation and the development of theories of racial inequality from Arthur de Gobineau in the mid-19th century to H. S. Chamberlain in the first part of the 20th century. She assesses the devastating impact of the racial myth on all peoples and races, before focusing on the position adopted by the Church in Nazi Germany shortly prior to the occurrence of what was considered to be the greatest crime ever committed against humanity, the Holocaust.

RCDCP 2 (febrero 2015), 199-214: Manuel J. Peláez: José Luis Illanes Maestre, jurista, canonista y quizás el teólogo más relevante científicamente hablando que ha habido en España entre 1950 y 2015. (Article)

[<http://www.eumed.net/rev/rcdcp/02/mjp1.pdf>]

P. provides a biographical sketch and details of the publications of José Luis Illanes Maestre, emeritus ordinary professor of the Faculty of Theology of the University of Navarre, whose vast academic output includes – in addition to his abundant theological writings – works on canon law, philosophy of law and business ethics.

RCDCP 2 (febrero 2015), 214-218: Manuel J. Peláez – María C. Amaya Galván – Cristina M. Castillo: Pedro Rodríguez García, lawyer, canonist and a first-class of European Theology (Cartagena, 19th July 1933). (Article)

[<http://www.eumed.net/rev/rcdcp/02/mjpcagcmc.pdf>]

This article consists of a biographical sketch of Pedro Rodríguez García, theologian, doctor of law, ordinary professor at the University of Navarre and later professor emeritus, author of impeccable editions of classics of spirituality and of studies demonstrating the relationship between ecclesiology, history of the Church and canon law.

Historical Subjects (20th century / Vatican II and revision of the CIC and CCEO)

RCDCP 2 (febrero 2015), 277-298: Elena Sáez Arjona: Consideraciones del jurista republicano y exiliado de España Ángel Ossorio y Gallardo (1873-1946) sobre el matrimonio y el divorcio civil. (Article)

[<http://www.eumed.net/rev/rcdcp/02/esa.pdf>]

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

RDC 65/1 (2015), 109-142: Marta Peguera Poch: Le droit français et les vœux religieux. (Article)

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

Second Vatican Council and revision of the CIC and CCEO

ADC 4 (abril 2015), 71-147: Juan Damián Gandía Barber: El proceso de redacción de los cánones acerca de las iglesias y oratorios: del Código de 1917 al proyecto de 1977. (Article)

G.B. studies the drafting process of the canons on churches, oratories and private chapels in the discussions which took place in the period 25-30 October 1971. These discussions crystallized in the canons that would later be inserted in the schema sent on 15 November 1977 for various church bodies to comment on. In this process, the *coetus*, after agreeing on the general criteria that would govern the revision of these particular canons, looked at each one of them, in order to modify, remove or compose new texts to be introduced into the schema that would be sent out for consultation. G.B. adds a summary of the content of each of the canons of the CIC/17 which served as a starting point for the discussions.

Comm 46 (2014), 105-108: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Litterae N. 1208/68 quibus convocatur V sessio Coetus Studii de iure poenali simulque Consultores Coetus rogantur quid de indice emendationum praecipuarum ad Primum Schema Generale de delictis et poenis a Relatore propositarum sentiant. (Report)

The relator of the revision process for penal law sends the consultants an index of the principal revisions proposed at the December 1967 session and invites their comments.

Comm 46 (2014), 109-123: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Animadversiones Consultorum factae ad Primum Schema Generale de delictis et poenis a Relatore apparatus. (Report)

Comments of the consultors to the first general schema of canons on penal Law prepared by the relator. These are presented individually: Stephen Gomez; William O’Connell; Mark Said.

Comm 46 (2014), 124-125: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Litterae N. 1291/68 quibus adnexae transmittuntur ad Consultores “Quaestiones praeviae de recognoscendo Codice Iuris Canonici quoad attinet ad canones de poenis in singula delicta”. (Report)

Cardinal Felici invites the consultors on the revision of penal law to the next session in March 1968; this is accompanied by three preliminary procedural questions about how comprehensive this section of the Code should be.

Comm 46 (2014), 126-131: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Animadversiones a Consultoribus propositae quoad “Quaestiones praevias de recognoscendo Codice Iuris Canonici respicientes canones de poenis in singula delicta”. (Report)

Given here are the responses of the consultors Mark Said, Peter Huizing and Bolesław Filipiak to the question about the comprehensiveness of the revised penal law. Said favours considerable simplification, Huizing a much more radical pruning (more an instruction on observing discipline, but listing only offences reserved to the Holy See), but Filipiak a complete list as in the CIC/17 and extended to include penal laws currently outside the Code.

Comm 46 (2014), 132-155: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Relatio Sessionis V^{ae}. (Report)

The consultors discuss canon by canon the first 67 canons of the schema. They hope to be able to resolve the question of the extensiveness of the penal law as they look at individual offences.

Comm 46 (2014), 156-190: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Delictis et Poenis” (Sessio I, diebus 3-8 mensis martii 1980 habita). (Report)

The consultors discuss the first 63 canons of the schema on penal law for the Oriental Code with special attention to canon 15 on imputability and the question of criminal intent.

Comm 46 (2014), 191-276: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Normis Generalibus necnon De Bonis Temporalibus” (Sessio II, a die 24 mensis novembris ad diem 5 mensis decembris 1980 habita). (Report)

The first part of this session of the consultors on the revision of the Oriental Code focuses on the whole range of general norms. Brief consideration is given to some aspects of penal law, and then attention turns to temporal goods and the particularly difficult problems of the relationship with civil law in the Middle East and of the jurisdiction of patriarchs outside their historical territory.

Comm 46 (2014), 408-409: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Litterae N. 1356/68 quibus Consultores rogantur ut “Principia directiva quae recognitionem iuris poenalis substantive dirigant” proponant necnon suas suggestiones iustificent. (Report)

Given that the previous meeting considered that only those offences should be included in penal law that were of universal application, the Secretary asks consultors to consider the criteria for applying this when they look at individual delicts.

Comm 46 (2014), 410-423: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Animadversiones Consultorum factae quoad Principia directiva recognitionis iuris poenalis substantive. (Report)

These are the responses to the criteria requested by the Secretary from Mark Said, Peter Huizing, Joseph Pašek, Alexander Dordett and William O’Connell. Most are general criteria but Dordett sets out a list of those offences which he considers should be included.

Comm 46 (2014), 423-431: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Litterae N. 1480/68 quibus adnexis *Praevium canonum schema de Poenis in singula delicta* a Relatore apparatus transmittitur. (Report)

This is the text of the schema of canons covering individual delicts (canons 71-100), with an appendix containing cross-references to the provisions of the CIC/17.

Comm 46 (2014), 432-475: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Animadversiones factae ad *Praevium canonum schema de Poenis in singula delicta* a Relatore apparatus. (Report)

Given here are the responses of the consultors to the first schema of canons on individual delicts (canons 72-100): Peter Huizing, Thomas Mundy, Joseph Pašek, William O’Connell, Alexander Dordett, Mark Said and Gerald Moverley.

Comm 46 (2014), 476-493: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Litterae Relatoris Pii Ciprotti quibus transmittitur “Alterum schema generale de delictis et poenis” (exceptis canonibus de poenis in singula delicta). (Report)

Following the earlier responses of the consultors the relator sent out a second schema on delicts in general, but excluding those on individual delicts – canons 1-70.

Comm 46 (2014), 494-512: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Relatio Sessionis VI^{ae}. (Report)

The sixth session of the consultors on penal law examines in detail the proposed canons 73-87 on individual delicts (offences against religion, the unity, authority and liberty of the Church, and usurpation of ecclesiastical functions).

Comm 46 (2014), 513-573: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Schema Canonum de Normis Generalibus et de Bonis Temporalibus. (Report)

This is the text of the schema of canons for the Oriental Code on General Norms and Temporal Goods, titles XVIII-XX, XXII and XXIX – persons and juridical acts, ecclesiastical offices, power of governance, temporal goods, law, custom, administrative acts, prescription and calculation of time.

N L 7-8/14, 368-382: Arthur Roche: Il contesto storico, teologico e pastorale in cui nasce la Costituzione Liturgica *Sacrosanctum Concilium*. (Article)

The author marks the 50th anniversary of the Constitution on the Liturgy *Sacrosanctum Concilium* by setting it in context: a progressive historical maturation; a theological vision of the liturgy; and pastoral dimensions such as movements and the responses to various issues referred to in the text of the Constitution itself.

N L 7-8/14, 383-412: N. Giampetro: Rileggendo dopo mezzo secolo il Motu proprio “Sacram Liturgiam”. (Article)

G reflects after half a century on the *motu proprio* “*Sacram Liturgiam*” introducing the first reforms implementing the Constitution on the Liturgy. He sets the context and explores and evaluates the main themes of the *motu proprio*.

N L 9-10/14, 449-512: Congregatio de Cultu Divino et Disciplina Sacramentorum: “*Sacrosanctum Concilium*. Gratitudine e impegno per un grande movimento ecclesiale”. (Symposium)

The Congregation reports on a symposium held 18-20 February 2014 to mark the 50th anniversary of *Sacrosanctum Concilium*. This issue of *Notitiae* includes several interventions and papers: an opening message from Pope Francis (pp. 450-451); Cardinal A. Cañizares Llovera on the relationship between liturgical renewal and the renewal of the Church (pp. 452-463); E. dal Covolo, for whom the themes of the symposium are thanksgiving and communion (pp. 464-468); Arthur Roche, inviting reflection not just on the past but also on where we are now and where we go from here (pp. 469-475); Cardinal M. Ouellet on the Council as a pastoral event for the new evangelization of the contemporary world, the intentions of Popes John XXIII and Paul VI and the reception of the Council: he also considers whether the Council is to be understood as a break with tradition or a reform in continuity and the need for an adequate

hermeneutic in the light of *Sacrosanctum Concilium* (pp. 476-502); G. Ramis Miquel on the current state of the Mozarabic Liturgy in Spain (pp. 503-512).

RDC 65/1 (2015), 165-184: Anne Bamberg: Les vœux religieux dans le Code de droit canonique de 1983. (Article)

See below, canon 654.

SC 49 (2015), 59-87: Jobe Abbass: A Legislative History of Eastern Canons 584-594 on Evangelization. (Article)

See below, CCEO canons 584-594.

CODE OF CANONS OF THE EASTERN CHURCHES

Historical

RDC 65/1 (2015), 29-42: Marc Aoun: L'engagement monastique dans l'histoire du christianisme oriental. (Article)

In the ancient and medieval Christian East, commitment to the monastic life represented a freely chosen means of spiritual development that was unhindered by any binding legal framework. Vows were unknown at the time, as their practice only became established in the 17th century, as a result of the growing influence of Latin discipline on the law and the institutions of the Eastern Catholic Churches.

CCEO 11

SC 49 (2015), 443-482: Dominique Le Tourneau: Les droits et les devoirs fondamentaux de la femme dans l'Église. (Article)

See below, CIC canon 208.

CCEO 25

SC 49 (2015), 483-500: Sahayaraj Lourdusamy: Canonical Perspective on Social Justice and Charity. (Article)

See below, CIC canon 222.

CCEO 27-28

IE XXVII (2015), 83-103: Federico Marti: Le strutture giurisdizionali sovrametropolitane delle Chiese cattoliche orientali, spunti per una riflessione circa la loro natura canonica ed ecclesiologica. (Presentation)

The ecclesiological and canonical nature of suprametropolitan jurisdictional structures in the Eastern Catholic Churches is a very involved topic into which authors have ventured on a number of occasions but without obtaining good results. The reason for this seems to be not so much the inherent difficulty of the subject as the lack of clear and univocal conceptual categories accepted by all. Hence M. explains that an essential prerequisite for his presentation on suprametropolitan jurisdictional structures is an examination of the concepts of Eastern Catholic Church and *Ecclesia sui iuris* following which he feels able to

proceed more confidently in offering his thoughts on the suprametropolitan jurisdictional structures of the Eastern Catholic Churches.

CCEO 28

ADC 4 (abril 2015), 331-350: Fabio Vecchi: Il ruolo della chiesa ortodossa serba nelle dinamiche di transizione e negli scenari riformisti dei Balcani Occidentali. (Article)

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

CCEO 78

QDE 28 (2015), 10-15: G. Paolo Montini: La territorialità della Chiesa patriarcale (can. 78 §2 CCEO). Il presupposto degli ordinariati per fedeli orientali in territorio latino. (Article)

M. notes that the territorial nature of the jurisdiction of Eastern Church patriarchs is reaffirmed by the Vatican II Decree on the Eastern Catholic Churches *Orientalium Ecclesiarum*, and that their leadership of their Church does not do away with this. The discussions surrounding the drafting of the Eastern Code questioned this, but the Holy See reaffirmed the territorial limit on jurisdiction and invited proposals for specific laws to address specific situations. M. also looks at openings for institutional structures that go beyond the traditional territories of these Churches.

CCEO 146

QDE 28 (2015), 10-15: G. Paolo Montini: La territorialità della Chiesa patriarcale (can. 78 §2 CCEO). Il presupposto degli ordinariati per fedeli orientali in territorio latino. (Article)

See above, CCEO canon 78.

CCEO 146-150

Comm 46 (2014), 191-276: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Normis Generalibus necnon De Bonis Temporalibus” (Sessio II, a die 24 mensis novembris ad diem 5 mensis decembris 1980 habita). (Report)

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

CCEO 210-211

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See below, CIC canons 184-186.

CCEO 218

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See below, CIC canons 184-186.

CCEO 245-251

ETJ 19 (2015), 42-54: Mathew John Puthenparambil: The Office of the Vicar General: A Comparative Study of the Eastern and the Latin Codes. (Article)

See below, CIC canons 475-481.

CCEO 311

QDE 28 (2015), 16-37: Federico Marti: Gli ordinariati per i fedeli di rito orientale: una ricostruzione storico-giuridica. (Article)

M. examines the development of structures of pastoral care for the Eastern Church faithful living outside their traditional homes. He looks at the *ad hoc* ordinariates of the early 20th century erected with different configurations to respond to different cases, the apostolic administrations that were erected in the difficult periods following the two world wars, and the later 20th century move towards a specific and stably configured structure for this pastoral care, the exarchy. Now all but two of these structures are exarchies.

CCEO 311

QDE 28 (2015), 38-51: Alberto Perlasca: Gli ordinariati e gli esarcati per i fedeli orientali in relazione alle Chiese in territorio latino. (Article)

P. compares ordinariates and exarchies as structures for the pastoral care of Eastern Church faithful living in the territories of the Latin Church. Both offer the possibility of experiencing the full richness of the Church’s patrimony, but

are problematic from perspectives that look at territorial and jurisdictional overlap questions. P. sketches the Eastern Church solution of an exarchy and the Latin solution of an ordinariate, and looks at the advantages and problems that these solutions can bring. The specific example of the ordinariate for Eastern Church faithful in France is then examined in more detail.

CCEO 313

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See below, CIC canons 184-186.

CCEO 462-470

RDC 65/1 (2015), 185-197: Antoine Rajeh: Les vœux religieux dans le Code des canons des Églises orientales de 1990. (Article)

Despite the many similarities between the CIC/83 and the CCEO in relation to religious life, especially religious vows, there are several provisions that remain specific to each. The variants are largely explained by the existence of different ancient monastic and religious traditions in East and West.

CCEO 526-535

RDC 65/1 (2015), 185-197: Antoine Rajeh: Les vœux religieux dans le Code des canons des Églises orientales de 1990. (Article)

See above, CCEO canons 462-470.

CCEO 584-594

SC 49 (2015), 59-87: Jobe Abbass: A Legislative History of Eastern Canons 584-594 on Evangelization. (Article)

In this article of the *Festschrift* to honour Father Roland Jacques, O.M.I., A. writes a legislative history of canons 584-594 of the CCEO on evangelization, not only to highlight Father Jacques' keen appreciation for the Eastern Catholic Churches and his known dedication to the missions, but also to offer a first study of the *iter* of these canons from their initial presentation until promulgation. Based upon the proceedings of the *Pontificia Commissio Codici Iuris Canonici Orientalis Recognoscendo* (PCCICOR) reported in *Nuntia*, the first part of the article describes the various stages of the codification process that resulted in the

promulgation of canons 584-594. Part 2 of the article traces the *iter* of each of these canons as they were first proposed and subsequently refined within PCCICOR.

CCEO 595-666

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See below, CIC canons 375-572.

CCEO 667-895

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See below, CIC canons 375-572.

CCEO 698

Ap LXXXVII (2014), 273-321: Mateusz Nowak: Le Fonti e il cammino di elaborazione dei Canoni 897 del *CIC* 1983 e 698 del *CCEO* 1990. (Article)

See below, CIC canon 897.

CCEO 700-702

SC 49 (2015), 229-261: Brian Dunn: The Regulation of Concelebration by the Diocesan Bishop. (Article)

See below, CIC canon 902.

CCEO 779-781

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See below, CIC canons 1059-1060.

CCEO 780-781

J 75 (2015), 35-57: John P. Beal: Canon 72 of The Council of Trullo in Catholic Jurisprudence: An Adventure in Ecumenism. (Article)

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

CCEO 784-785

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See below, CIC canons 1059-1060.

CCEO 909-995

Comm 46 (2014), 513-573: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Schema Canonum de Normis Generalibus et de Bonis Temporalibus. (Report)

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

CCEO 916

QDE 28 (2015), 52-61: G. Paolo Montini: I tribunali degli esarcati apostolici e degli ordinariati per gli orientali in territorio latino. (Documents and commentary)

M. reproduces and analyses two decrees of the Apostolic Signatura giving Latin tribunals competence in cases involving Syro-Malankar faithful in America, and Armenian faithful in Romania. He looks at the two possible ways forward: in one case all American Latin tribunals are granted jurisdiction, in the other a specific diocesan tribunal. The question of an appeal tribunal is also reviewed, as is the question of which substantive and which procedural law to use. These prorogations are a response to the particular needs of these under-resourced Churches.

CCEO 931

SC 49 (2015), 309-331: John M. Huels: Acts with a Juridic Effect in the Canons on Marriage. (Article)

See below, CIC canon 124.

CCEO 965

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See below, CIC canons 184-186.

CCEO 1007-1054

Comm 46 (2014), 191-276: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Normis Generalibus necnon De Bonis Temporalibus” (Sessio II, a die 24 mensis novembris ad diem 5 mensis decembris 1980 habita). (Report)

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

CCEO 1007-1054

Comm 46 (2014), 513-573: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Schema Canonum de Normis Generalibus et de Bonis Temporalibus. (Report)

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

CCEO 1372

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See below, CIC canons 1059-1060.

CCEO 1401-1467

Comm 46 (2014), 156-190: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Delictis et Poenis” (Sessio I, diebus 3-8 mensis martii 1980 habita). (Report)

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

CCEO 1401-1467

Comm 46 (2014), 191-276: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus Studiorum Specialis “De Normis Generalibus necnon De Bonis Temporalibus” (Sessio II, a die 24 mensis novembris ad diem 5 mensis decembris 1980 habita). (Report)

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

CCEO 1488-1546

Comm 46 (2014), 513-573: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Schema Canonum de Normis Generalibus et de Bonis Temporalibus. (Report)

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

CODE OF CANON LAW
BOOK I: GENERAL NORMS

6

SC 49 (2015), 357-378: Thibault Joubert: L'élection épiscopale dans le décret de Gratien. Un exemple de tradition canonique. (Article)

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

7-8

AkK 182 (2013), 386-425: Heribert Hallermann: Kunst kommt von Können. Betrachtungen zur Gesetzgebungskunst am Beispiel der Leitlinien zum Umgang mit sexuellem Missbrauch im Bereich der deutschen Bischofskonferenz. (Article)

H. considers that the art of legislation is not very evident in the German dioceses, even though legislating is an indispensable part and a necessary function of the bishop's competence in governing his diocese. In 2013 the German episcopal conference published guidelines for combating sexual abuse in the Church. Since it is not the role of the episcopal conference to enact such guidelines, they need to be validly promulgated by the individual bishops to acquire legal force. The guidelines were in fact published in a variety of ways in 24 out of the 27 German dioceses, but only in three cases were they lawfully promulgated.

14

Per 103 (2014), 629-662: G. Paolo Montini: Il soggetto che conduce l'indagine previa e il giudice del collegio nel processo penale: la valenza del can. 1717 §3, seconda parte. (Article)

See below, canon 1717.

19

ADC 4 (abril 2015), 149-199: María Victoria Hernández Rodríguez: El problema de las lagunas. Rasgos distintivos y razones de las peculiaridades de las lagunas canónicas. (Article)

H.R. looks at the question of legal *lacunae*. The importance of this issue arises out of the fact of the juridical system being presented as complete, consistent

and unified as possible, yet at the same time being affected by such *lacunae*, as well as by silence as to ways of resolving them. H.R approaches the topic from the point of view of general legal theory, before examining the specific provisions of the CIC/83.

35-93

SC 49 (2015), 643-660: Szabolcs Anzelm Szuromi: Canon Law Historical Background of Categories of the Canonical Singular Administrative Acts. (Article)

A singular administrative act is a decision linked to ecclesiastical executive power, which creates a right regarding certain individuals. Although according to the law currently in force it is not a legal norm, it was so considered in late medieval canon law. Later on, however, as a result of the distinctions drawn by jurisprudence, it ceased to be regarded as a legal norm. A singular decision, precisely because of its administrative character, is not to be confused with a decision made in a judicial process, whether contentious or penal, in spite of the fact that in many cases the competent ecclesiastical authority's decision to make an administrative act is taken with a view to avoiding a trial or to safeguarding the reputation of the Church. Singular decrees – the *decretum singulare* (and its most characteristic form, the singular precept: *preceptum singulare*), the rescript (*rescriptum*), the privilege (*privilegium*), the dispensation (*dispensatio*), etc. – were already known in early canon law. Singular administrative acts in Latin canon law in fact have a long tradition – generally going back to Roman law – and the canonical norms relating to them have continued to expand, especially from the end of the Middle Ages and into modern times.

110

ADC 4 (abril 2015), 223-252: Vicente Benedito Morant: La canonización de la adopción y su extinción por falta de anuencia de los padres. (Article)

Canon 110 of the CIC/83 provides the general rule concerning canonical recognition of civil adoptions, giving the adoptive couple the rights and duties of parents, and those adopted the status of children, subject to the principles and restrictions applicable to children in the Code. B.M. looks at the question of extinction of adoption caused by lack of consent on the part of the parents. This issue is raised as the result of a number of cases which are currently *sub iudice* in Spain and which have brought to light the need for effective legal provision in this area. Because of the principle in canon 110, civil extinction of adoption would also bring about canonical extinction. However, at the level of proofs and as regards the canonical effects of canonical extinction, it would be necessary to initiate an administrative or judicial process. M.B. looks at the implications of

such processes, and assesses the points that would require attention so as to ensure effective legal protection at the administrative and judicial level.

113-116

BV 75 (2015), 129-142: Rok Mihelič: Posebej o pravnem statusu katoliške Cerkve v Sloveniji (= On the Legal Status of the Catholic Church in Slovenia). (Article)

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

114

IC 55 (2015), 91-113: Francesco Grazian: Le fondazioni non autonome. Aspetti canonistici. (Article)

See below, canons 1299-1310.

114-115

IC 55 (2015), 47-89: Javier Otaduy: La *universitas rerum* como soporte de la personalidad en el ordenamiento canónico. (Article)

Foundations have existed in canon law throughout history, from the time of the charitable *venerabiles domus* in Justinian law. The legal forms which they have taken have varied greatly, and at present they are defined as aggregates of things – *universitates rerum*. Whereas the notions of *universitas* and *universitas personarum* have been frequently used in canon law, that of *universitas rerum* is less common. It is not of classical origin; rather, it arose as a result of the distinction made in Germany in the 19th century between corporations and foundations. It represents an improvement on the distinction in the CIC/17 between collegiate and non-collegiate juridical persons, but it is still of limited usefulness and there is scope for refining the current categories of *universitates rerum* and *universitates personarum*

114-115

IC 55 (2015), 115-154: Juan-Cruz Alli Turrillas: Las conexiones –y desconexiones– de las fundaciones privadas con el Derecho público. (Article)

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

114-115

IC 55 (2015), 155-196: Lourdes Ruano Espina: La personalidad jurídica civil de las fundaciones canónicas en España. (Article)

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

116

Ius Comm III (2015), 95-118: Antonio Ciudad Albertos: La distinción público-privado en las asociaciones canónicas de fieles: nuevas perspectivas para la reforma del derecho de la Iglesia. (Article)

See below, canon 301.

119

BV 75 (2015), 129-142: Rok Mihelič: Posebej o pravnem statusu katoliške Cerkve v Sloveniji (= On the Legal Status of the Catholic Church in Slovenia). (Article)

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

121

Comm 46 (2014), 7-8: Pope Benedict XVI: Rescriptum ex Audientia Ss.mi quo Academia Immaculata cum Pontificia Academia Mariana Internationali unitur. (Document)

See below, canon 360.

124

SC 49 (2015), 309-331: John M. Huels: Acts with a Juridic Effect in the Canons on Marriage. (Article)

H. analyses all references to acts that have juridical effects in the canons on the sacrament of marriage. He organizes them in six categories: liturgical acts, non-jurisdictional public juridical acts, acts of the power of governance, private juridical acts, acts that are juridical facts, and illicit acts. These six categories are also applicable, to a greater or lesser extent, to other areas of canon law, both Latin and Eastern. (See also *Canon Law Abstracts*, no. 99, p. 22.)

184-186

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis diocesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

This rescript sets out norms concerning the resignation from office of diocesan bishops and office holders nominated by the Pope and is an application of the norms contained in canons 401-402 and 411 (CCEO 210-211, 218 and 313). (See *Canon Law Abstracts*, no. 114, p. 43.)

202

J 74 (2014), 353-398: Richard Bona: The Canonical Day and Liturgical Day: Possible Conflicts in their Interpretation and Application. (Article)

See below, canon 1248.

BOOK II, PART I: CHRIST'S FAITHFUL

207

J 75 (2015), 71-107: Nancy A. Bauer: The State of Consecrated Life: *Vita et Sanctitas Ecclesiae*. (Article)

See below, canon 574.

208

SC 49 (2015), 443-482: Dominique Le Tourneau: Les droits et les devoirs fondamentaux de la femme dans l'Église. (Article)

Some may feel it is good form to accuse the Catholic Church of being anti-feminist and of giving prominence to men in its organization and its operations. Does such discrimination against women really exist in the Church? What about its fundamental rights and obligations, proclaimed by the Second Vatican Council and taken up again by the present legislation, Latin as well as Eastern, that proclaims the radical equality of all the baptized, women as well as men? In order to answer these questions, Le T. looks first of all at Jesus' attitude towards women and demonstrates the complementarity of man and woman in Christian anthropology, before pointing out that it was at the time of the Renaissance that the place and role of women in civil society started to lose importance, the turning point being the medieval *Roman de La Rose* [an allegorical poem of chivalric love]. The Church held back this development, until the proclamation by Vatican II of the equality of all the baptized. Le T. also explains the true meaning of discrimination and equality. He then turns to the application of the principle of the fundamental equality of men and women in the Church, in relation to offices held by women in the exercise of the *tria munera docendi, sanctificandi et regendi*, an area that still allows for certain inequalities. Le T. rejects the need to create a "status for women", which he believes would actually imply that a woman is different from a man. He then examines the question of the non-accession of women to ministerial priesthood, pointing out the absence of any "right" on the part of anyone, male or female, to be ordained: in this respect men and women remain equal in nature, rights, and obligations. Finally in relation to the question of women and the diaconate, Le T. looks at the current legislation and underlines its deficiencies.

212

Per 103 (2014), 417-445: Justin M. Wachs: *Obsequium*: Why and how it is still possible to demand and to offer. (Article)

See below, canons 752-753.

218

Per 103 (2014), 417-445: Justin M. Wachs: *Obsequium*: Why and how it is still possible to demand and to offer. (Article)

See below, canons 752-753.

222

IC 55 (2015), 269-312: Jaime Vázquez Sánchez: El derecho-deber de los fieles de ayudar a la Iglesia en sus necesidades (c. 222 §1 del CIC). (Article)

The basis of canon 222 §1 is stewardship. The good steward receives gifts from God, accepts and appreciates them, gives heartfelt thanks for them, looks after them responsibly, shares them with others, and returns them to the Lord with interest. Canon 222 §1 is new to canon law and should not be reduced simply to making financial contributions towards the needs of the Church. A more comprehensive understanding of its meaning should lead the faithful to engage more fully in the Church's mission.

222

SC 49 (2015), 483-500: Sahayaraj Lourdasamy: Canonical Perspective on Social Justice and Charity. (Article)

Pope Benedict XVI said that the nature of the Catholic Church is expressed in its threefold responsibility of proclaiming the word of God (*kerygma-martyria*), celebrating the sacraments (*leitourgia*) and exercising the ministry of charity (*diakonia*). These duties presuppose one another and are inseparable. The service of charity is also a constitutive element of the Church's mission and an indispensable expression of its very being. The works of charity especially towards the poor and the needy should be the chief concern of the Catholic Church in the modern world, and for this purpose there should be specific regulations concerning the utilization of the goods of the Church. The two Codes, following the long tradition of Catholic social teaching, insist on the double obligation of all the faithful to promote social justice and charity. They also set out regulations for the proper administration of the temporal goods which are the "patrimony of the poor". The vision and mission of the Catholic

Church of promoting social justice and charity remind us of the prophetic invitation of Pope Francis for the Church to remain with the poor.

281

IE XXVII (2015), 114-124: Supremo Tribunale della Segnatura Apostolica: Decreto del Segretario, *Di sostentamento*, 11 marzo 2013 (con nota di Javier Canosa, *Aspetti dello statuto giuridico dei chierici trattati in due decisioni della Segnatura Apostolica*). (Document and comment)

See below, canons 1732-1739.

290

SC 49 (2015), 379-410: Robert J. Kaslyn: Canon 290 and Loss of the Clerical State. (Article)

Canon 290 succinctly expresses three ways in which a cleric could “lose the clerical state” (*statum clericalem amittit*). Nonetheless, given the complexity of the theological and canonical issues connected to loss of the clerical state, the interpretation and application of the canon’s three provisions are correspondingly complex. K. provides an interpretation of canon 290 and also relates the canon’s provisions to papal emendations of the law, other papal as well as curial documents, dispensations and faculties granted by the Pope to the Congregation for the Doctrine of the Faith and the Congregation for the Clergy, and curial praxis. Through this analysis, K. provides a systemic overview of the current law and praxis on loss of the clerical state.

294-297

SC 49 (2015), 501-527: Kurt Martens: *Quod Superest Date Pauperibus*. Incardination of Clerics and a Better Distribution of Clergy as a Road to Personal Prelatures? (Article)

The CIC/83 contains four canons on personal prelatures. Personal prelatures are totally new in the Code; there was no parallel institution in the CIC/17. But where do they come from and what was the intention of the legislator by giving them a place in the Code? M. examines the historical problems leading to the creation of personal prelatures: how can a better distribution of priests over the entire world be achieved while at the same time preserving the institute of incardination? The examples of the *Fidei donum* priests and the *Mission de France* show how the CIC/17 could not provide an adequate canonical response to these new demands. The Second Vatican Council addressed the situation briefly by suggesting the erection of personal prelatures to address the problems

which the *Mission de France* was facing and to promote a better availability and distribution of clergy worldwide.

295

IC 55 (2015), 315-344: Decreto de nombramiento del Vicario Auxiliar de la Prelatura del Opus Dei, 9 de diciembre de 2014: Valentín Gómez-Iglesias C.: La figura del Vicario Auxiliar, prevista por el derecho de la Iglesia para la Prelatura del Opus Dei. (Document and comment)

On 9 December 2014 the prelate of Opus Dei appointed Mgr Fernando Ocariz, hitherto vicar general, as auxiliary vicar of the prelatute. In his comment G.I. sets out the situations in which the statutes approved for the prelatute at the time of its erection in 1982 foresee the possibility of such an appointment, and comments on the reasons for this particular development and the role which the auxiliary vicar is called upon to play. He then looks at the historical antecedents of the auxiliary vicar in the various legal structures which applied to Opus Dei before its definitive approval as a personal prelatute in 1982.

295

IE XXVII (2015), 233-243: Prelatura dell'Opus Dei: Decreto di nomina di Vicario Ausiliare, 9 dicembre 2014 (con nota di Eduardo Baura, *Commento al decreto di nomina di un "vicario ausiliare" per la prelatuta dell'Opus Dei*). (Document and comment)

See preceding entry. The Latin text is given of the decree of appointment of the auxiliary vicar for Opus Dei. B. comments that the office of auxiliary vicar, although foreseen in the particular law of the prelatute, is not one that features (at least, not under that name) in the universal law of the Church. Hence the study of this figure pertaining to the realm of particular law also stimulates a broader reflection on the nature and the various forms of vicarious power in the Church.

301

Ius Comm III (2015), 95-118: Antonio Ciudad Albertos: La distinción público-privado en las asociaciones canónicas de fieles: nuevas perspectivas para la reforma del derecho de la Iglesia. (Article)

The exercise of the right of association within the ecclesial law cannot be independent of the hierarchical constitution of the Church. This requires finding a balance between the freedom of the faithful and the ecclesial authority. For this reason the CIC/83 introduced the public–private distinction which exists in

civil law, and thus opened up a different path from that which had previously been followed.

313

Ius Comm III (2015), 95-118: Antonio Ciudad Albertos: La distinción público-privado en las asociaciones canónicas de fieles: nuevas perspectivas para la reforma del derecho de la Iglesia. (Article)

See above, canon 301.

325-326

Ius Comm III (2015), 121-149: *Supremum Signaturae Apostolicae Tribunal: Decreto definitivo, 9 mayo 2008 (Supresión de una asociación y destino de sus bienes); Roberto Serres López de Guereñu: Comentario al Decreto definitivo de la Signatura Apostólica, 9 de mayo de 2008.* (Decree and comment)

By means of this definitive Decree the Apostolic Signatura gave its verdict on a case involving the suppression of an association and the question of what should happen to the association's goods. The fundamental issue to be determined was the juridical nature of the goods of the association. Prior to the CIC/83 the association had been a public association, but under new statutes approved in 1993 it became a private association of the faithful, although the same statutes stipulated that the association's goods continued to be ecclesiastical goods. The subsequent deliberate and repeated non-fulfilment by the association's board of directors of the canonical legislation concerning ecclesiastical goods led the diocesan bishop to decree the suspension of the association. Against that decree the association had recourse to the Pontifical Council for the Laity, which confirmed the bishop's decree. The association then appealed to the Supreme Tribunal of the Apostolic Signatura, where the association's recourse was rejected both by Congress and later by the College of Judges. The Signatura's definitive Decree, setting out the fundamental legal issues, identifies the two main questions at issue: the nature of the association's goods, and the lawfulness of the suppression of the association by the diocesan bishop; and in commenting on the case S.L. looks at each of these aspects in turn. He concludes that the Decree deals with a number of topics which are complex and which have important repercussions as regards ecclesial life, such as the faithful's right of association, the relationship between this right and the authority of the Church, the juridical classification of associations of the faithful which existed prior to the coming into force of the CIC/83, and the norms on ecclesiastical goods.

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

336-337

ADC 4 (abril 2015), 373-385: Gerhard Ludwig Müller: Colegialidad y ejercicio de la Potestad Suprema de la Iglesia. (Article)

M. looks at collegiality and the exercise of supreme power in the Church from a theological and ecclesiological perspective, that is, from the question of God and the knowledge of his human presence in Jesus Christ and from the Church of the Triune God. It is not simply a question of structural problems within a sociological-immanentist context, or within the antagonism and dialectic of the relationship between the universal Church and local Churches. The Christological-ecclesiological approach provides the background to the readjustment of the independence and collaboration of the local Churches (*communio ecclesiarum*), and of episcopal collegiality and the primacy of the Pope as responsibility and as fraternal unity (collegial unity) *cum et sub Petro*, in the unity of the apostolic confession and the sacramental-liturgical renewal of salvation in Christ, as communion and mission.

349

Comm 46 (2014), 76: Pope Francis: Nuntius de Consistorio in diem 22 mensis februarii 2014 convocato ad candidatos ad cardinalatum purpura romana cohonestandos. (Announcement)

Pope Francis invites the cardinals to a Consistory on 22 February 2014 to welcome new cardinals to the service of the Church.

360

Comm 46 (2014), 7-8: Pope Benedict XVI: Rescriptum ex Audientia Ss.mi quo Academia Immaculata cum Pontificia Academia Mariana Internationali unitur. (Document)

This rescript creates an extinctive union between two bodies established to foster studies of the Blessed Virgin Mary, the *Pontificia Accademia dell'Immacolata* and the *Pontificia Accademia Mariana Internazionale*. The former had been inactive for some years and is extinguished, its assets being transferred to the Holy See.

360

Comm 46 (2014), 58-59: Pope Francis: *Litterae Apostolicae Fidelis dispensator et prudens a summo Pontifice die 24 mensis februarii 2014 motu proprio datae.* (Document)

Following the recommendations of the commission studying the economic and administrative organization of the Holy See (Chirograph of 18 July 2013), Pope Francis establishes two new bodies: a Council for the Economy comprising fifteen members, including eight cardinals to provide orientations and oversight; and a Secretariat for the Economy as a dicastery answering directly to the Pope to put controls in place and exercise vigilance, presided over by a Cardinal Prefect who will work with the Cardinal Secretary of State. (See also *Canon Law Abstracts*, nos. 113, pp. 54-55; 114, pp. 54-55; and the following entries.)

360

Comm 46 (2014), 95-98: Ex *Ephemeride L'Osservatore Romano: Articulus explanans Litteras Apostolicas Fidelis dispensator et prudens a summo Pontifice die 24 mensis februarii 2014 motu proprio datas.* (Article)

See preceding entry. This article explains the new structure for the coordination of the financial and economic affairs of the Holy See and Vatican City State put in place by the *motu proprio* "*Fidelis dispensator et prudens*". This is intended to guarantee greater transparency and better use of resources by having one structure that coordinates and supervises both the Holy See and the Vatican City State. It also clarifies the roles of the Administration of the Patrimony of the Holy See (*Apsa*) as a kind of central bank, and of the Finance Information Authority (*Aif*) as one of vigilance. The article concludes with a brief biography of Cardinal Pell as Prefect.

360

IC 55 (2015), 345-371: Estatutos de los organismos económicos de la Santa Sede (Consejo de asuntos económicos, Secretaría de asuntos económicos y Oficina del Auditor General), 22 de febrero de 2015; Diego Zalbidea: Comentario a los nuevos estatutos de los organismos económicos de la Santa Sede. (Document and comment)

See preceding entries. On 22 February 2015 Pope Francis approved, by means of a *motu proprio*, the statutes of the new financial organisms of the Holy See: the Council for the Economy, the Secretariat for the Economy and the office of General Auditor (the organisms created by the *motu proprio* "*Fidelis dispensator et prudens*" in February 2014). The statutes were approved *ad experimentum* and came into force on 1 March 2015, before their publication in

Acta Apostolicae Sedis. In his comment Z. briefly sets out the functions and internal structure of each organism.

360

Comm 46 (2014), 287-289: Pope Francis: Litterae Apostolicae, Motu Proprio datae, de translatione Sectionis Ordinariae Administrationis Patrimonii Apostolicae Sedis ad Secretariam de re Oeconomica. (Document)

See preceding entries. Following the *motu proprio* “*Fidelis dispensator et prudens*”, this Apostolic Letter revises articles 172-175 of *Pastor Bonus*, transferring the work that was previously entrusted to the Ordinary Section of the Administration of the Patrimony of the Holy See to the Secretariat for the Economy, with the result that the Administration is no longer divided into sections.

360

IE XXVII (2015), 187-188: Papa Francesco: Lettera Apostolica in forma di «motu proprio» *Fidelis dispensator et prudens* per la costituzione di una nuova struttura di coordinamento degli affari economici e amministrativi della Santa Sede e dello Stato della Città del Vaticano, 24 febbraio 2014. (Document)

Italian text of the *motu proprio* “*Fidelis dispensator et prudens*”.

360

IE XXVII (2015), 189-190: Papa Francesco: Lettera Apostolica in forma di «motu proprio», Trasferimento della Sezione Ordinaria dell’Amministrazione del Patrimonio della Sede Apostolica alla Segreteria per l’Economia, 8 luglio 2014. (Document)

Italian text of the Apostolic Letter transferring the work of the Ordinary Section of the Administration of the Patrimony of the Holy See to the Secretariat for the Economy.

360

Comm 46 (2014), 402-407: Ex Ephemeride *L'Osservatore Romano*: Prima actorum diurnorum commentatio (quam *Editoriale* vocant) de Motu proprio respiciente translationem Sectionis Ordinariae Administrationis Patrimonii Sedis Apostolicae (*Apsa*) ad Secretariam de re economica. (Editorial)

This editorial in *L'Osservatore Romano* addresses the transfer of “*Apsa*” (the Ordinary Section of the Administration of the Patrimony of the Holy See) to the new Secretariat for the Economy. It explains the implications for pension funds and also the media and the Institute for Works of Religion (IOR).

360

IE XXVII (2015), 141-155: Jesús Miñambres: Riorganizzazione economica della Curia Romana: considerazioni giuridiche “in corso d’opera”. (Article)

The establishment of the new structures in the Roman Curia for the management of its material resources (Council for the Economy, Secretariat for the Economy and General Auditor) poses some juridical questions: the relationship between the “sources” of canon law and Vatican law, the limits of responsibility of those who manage, audit and supervise resources, and the need for coordination. M. studies the possibilities and the risks involved in the different solutions.

360

Comm 46 (2014), 62-63: Pope Francis: Allocutio Summi Pontificis ad eos qui, die 31 mensis ianuarii Conventui Plenario Congregationis pro Doctrina Fidei interfuerunt, prolata. (Address)

The role of the Congregation for the Doctrine of the Faith is to promote and safeguard the teaching of the Church. Pope Francis reminds those attending the plenary session of the Congregation that this should not be reduced to abstract and crystallized theories but rather is at the service of the People of God and should ensure that the faith is placed on secure foundations. It is a delicate matter to be carried out in consultation with local bishops and calls for constructive dialogue. The Pope notes that the Congregation’s most recent session focused on the relationship between faith and the sacrament of marriage along the lines suggested by Pope Benedict XVI in 2013.

360

Comm 46 (2014), 64-71: Pope Francis: Allocutio Summi Pontificis ad eos qui, die 27 mensis februarii Conventui Plenario Congregationis pro Episcopis interfuerunt, prolata. (Address)

Pope Francis notes that the primary role of the Congregation for Bishops is to select new bishops. The People of God do not want managers but men who will lead them on God's path. For this reason those responsible for choosing them must raise their minds above the everyday and look at things from God's perspective. The Pope invites them to look at the criteria used in the Apostolic Church – witnesses to the Risen Lord. God is the one who chooses. Their role is one of discernment – kerygmatic, praying and pastoral bishops.

360

IE XXVII (2015), 37-59: Juan Ignacio Arrieta: Presupposti organizzativi della Riforma della Curia Romana. (Article)

A. sets out the ecclesiological, organizational and juridical-canonical principles which any reform of the Roman Curia must take into account. On the basis of the model in the Apostolic Constitution *Pastor Bonus*, which continues to be valid as the general framework, A. examines the technical means for translating the postulates of “*communio ecclesiarum*” and “synodality” into organization and work; the ways of achieving coordination and spontaneous cooperation among dicasteries; the formulas for respecting the competences entrusted to each; the possibilities and limitations of the grouping together of dicasteries; etc. He looks at the requirements of decentralization, taking into account the effective possibilities of each episcopate, while also bearing in mind that the current situation is often the result not so much of centralization as of the local Church's need for assistance. The main dysfunctional aspects of the Curia relate especially to its “working methods” and insufficient self-monitoring on the part of the more important dicasteries. Hence the reform should be aimed primarily at the personal attitudes of those who work there and at achieving collegial, open and collaborative work methodologies. Rather than recourse to international collegial representative bodies, what is called for is the establishment of appropriate administrative procedures for the drafting and issuing of provisions, which (together with due monitoring) allow diocesan bishops and the appropriate dicasteries to be involved.

360

J 75 (2015), 197-228: Kurt Martens: The Reform of the Roman Curia at the Service of the New Evangelization. (Article)

Since the beginning of the pontificate of Saint John Paul II, emphasis has been placed on the new evangelization. This new evangelization was defined, not as a re-evangelization, but as a new evangelization. John Paul's two successors, Benedict XVI and Francis, have continued to emphasize this new evangelization. How can the reform of the Roman Curia, proposed by Pope Francis and desired by many, be at the service of this new evangelization? M. suggests that what is needed is not so much new structures, or a reshuffling of the existing structures, but above all a *novus habitus mentis*, with emphasis on professionalism and service to the Roman Pontiff and the particular Churches. To put it in the words of Pope Francis: "What we especially need in these times are credible witnesses who make the Gospel visible by their lives as well as by their words." Such is also true for the Roman Curia.

360

Comm 46 (2014), 385-386: Secretaria Status: Rescriptum "ex Audientia Ss.mi" quo collegium de examinandis recursibus ecclesiasticis respicientibus "delicta graviora" in Congregatione pro Doctrina Fidei instituitur. (Document)

Pope Francis establishes within the Congregation for the Doctrine of the Faith a special college as an instance of the *Feria IV* to examine more effectively recourses in the case of "more grave delicts".

360

IE XXVII (2015), 191-213: Papa Francesco: Rescritto sulla istituzione di un Collegio all'interno della Congregazione per la Dottrina della Fede per l'esame dei ricorsi di ecclesiastici per i "delicta graviora", 3 novembre 2014 (con nota di Joaquín Llobell, *Il diritto al doppio grado di giurisdizione nella procedura penale amministrativa e la tutela della terzietà della "Feria IV" della Congregazione per la Dottrina della Fede*). (Document and comment)

The Congregation for the Doctrine of the Faith (CDF) has special competence for the offence of sexual abuse of a minor on the part of a cleric. The Popes have given the CDF the faculty to impose perpetual faculties in an extrajudicial manner, enabling them to punish offenders rapidly so as to protect the victims and the ecclesial community, while at the same time granting the accused the substantive right to a double level of jurisdiction (the right to an "appeal") and to a just process. To facilitate this process Pope Francis has created a new

“college” within the Ordinary Session (“*Feria IV*”) of the CDF. This college is made up of seven cardinals and bishops appointed by the Pope, including persons not previously belonging to the Ordinary Session.

362-363

EIC 55 (2015), 5-19: Silvano Maria Tomasi: Sull’orlo della ‘III guerra mondiale’? La Santa Sede davanti ai conflitti attuali. (Article)

The Permanent Observer of the Holy See to the United Nations in Geneva presents the position of the Holy See regarding critical situations and international conflicts. He examines recent pontifical magisterium on the theme of war and puts forward various considerations to facilitate a critical understanding of the Holy See’s view of one of the most problematic questions in present-day international law: the legitimacy of the use of force to resolve conflicts.

370

IC 55 (2015), 387-408: Joaquín Sedano: Crónica de Derecho canónico del año 2014. (Compilation)

See above, General Subjects (*Compilations*) (concerning the territorial abbacy of Montecassino).

372

QDE 28 (2015), 38-51: Alberto Perlasca: Gli ordinariati e gli esarcati per i fedeli orientali in relazione alle Chiese in territorio latino. (Article)

See above, CCEO canon 311.

375-572

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

This is the second edition of a work originally published in 2005 (see *Canon Law Abstracts*, no. 96, p. 48), updated to take into account subsequent documents issued by the Apostolic See and other ecclesiastical authorities. The most important among these are the 2004 Directory for Bishops *Apostolorum Successores*; the 2005 Instruction *Dignitas Connubii* on the handling of cases of nullity of marriage by diocesan and interdiocesan tribunals; Pope Benedict XVI’s post-synodal Apostolic Exhortations *Sacramentum Caritatis* (2007) on

the Eucharist and *Verbum Domini* (2010) on the word of God; Pope Francis's Apostolic Exhortation *Evangelii Gaudium* (2013) on the joy of the Gospel; the Congregation for Catholic Education's Instruction on the admission of persons with homosexual tendencies to the seminary and to holy orders (2005); the Congregation for the Doctrine of the Faith's Doctrinal Note on some aspects of evangelization (2007); the 2010 revised papal norms *Sacramentorum Sanctitatis Tutela* for addressing cases of grave delicts; the Conference of Catholic Bishops of India's 2013 *Pastoral Plan for the Church in India*; and the particular laws of the Syro-Malankara (2012) and Syro-Malabar (2013) Churches *sui iuris*. Also important are the documents issued by the Conference of Catholic Bishops of India on *Mutual Relations* (2006) between bishops and religious; the *All India Catholic Education Policy* (2007); and the *Norms for Dealing with Cases Involving Sexual Abuse of Minors* (2012). The aim is to provide a comprehensive guide to the ecclesiastical norms in order to facilitate a correct understanding and application of the relevant juridical texts and to promote effective pastoral ministry especially in the pluralistic cultural and ritual milieu of the Church in India. (For bibliographical details see below, Books Received.)

377

RCDCP 2 (febrero 2015), 15-27: Thomas Gergen: Die Bestellung Katholischer Diözesanbischöfe in Deutschland. (Article)

[<http://www.eumed.net/rev/rcdcp/02/th1.pdf>]

G. deals with the procedure for electing and appointing bishops in Germany, highlighting the areas of overlap between canon law and civil law, especially in the concordats entered into by the *Länder* (federal states) and the Federal Republic of Germany with the Holy See.

383

QDE 28 (2015), 38-51: Alberto Perlasca: Gli ordinariati e gli esarcati per i fedeli orientali in relazione alle Chiese in territorio latino. (Article)

See above, CCEO canon 311.

391

AkK 182 (2013), 386-425: Heribert Hallermann: Kunst kommt von Können. Betrachtungen zur Gesetzgebungskunst am Beispiel der Leitlinien zum Umgang mit sexuellem Missbrauch im Bereich der deutschen Bischofskonferenz. (Article)

See above, canons 7-8.

401-402

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See above, canons 184-186.

411

Comm 46 (2014), 381-384: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Episcopis dioecesanis atque titularibus, a Summo Pontifice nominati sunt, officio renuntiantibus. (Document)

See above, canons 184-186.

455

SC 49 (2015), 275-307: Chad J. Glendinning: *The General Instruction of the Roman Missal: Adaptations Introduced by the Canadian Conference of Catholic Bishops.* (Article)

See below, canon 838.

455

SC 49 (2015), 555-576: Silvia Recchi: *L’activité législative des conférences épiscopales. Les normes complémentaires au Cameroun.* (Document and commentary)

The present Code leaves significant room for local Churches to create a particular law which takes into account different socio-cultural contexts. In this regard, the legislative competence of episcopal conferences is very important for the adaptation of universal law in the territory of their conference. This work of adaptation is more necessary in the young Churches of central Africa which nonetheless are lagging behind in accomplishing this owing to a lack of experts

and difficulties of the pastoral order. The national episcopal conference of Cameroun is the first conference in the region of central Africa to have deliberated Norms complementary to the Code. R. offers a presentation and a commentary on these Norms.

473

SC 49 (2015), 111-138: Alphonse Borras: L'évêque diocésain, son conseil épiscopal et le conseil presbytéral au service du gouvernement du diocèse. (Article)

What are the respective roles of the episcopal council (canon 473 §4) and the presbyteral council (canon 495 §1)? What is the relationship of these two councils in the ministry of governance of the diocesan bishop? These are the two questions which B. addresses, pointing out immediately the constitutive aspect of "governance" in the "ministry" of the diocesan bishop. The presbyteral council and the episcopal council are formally recent institutions; they are like one another, but there are differences between them. Their specific contribution to the pastoral governance of the diocese is not always honoured in practice. That is why, after a review of the nature and purpose of these two institutions, B. comes to propose some recommendations for their proper functioning.

475-481

ETJ 19 (2015), 42-54: Mathew John Puthenparambil: The Office of the Vicar General: A Comparative Study of the Eastern and the Latin Codes. (Article)

The vicar general is the pre-eminent official of the diocesan curia. In administrative matters of the diocese he is the personal representative of the diocesan bishop; he is the closest collaborator of the diocesan bishop, and his authority extends throughout the diocese. P. looks at the norms governing the appointment of the vicar general, the qualifications required, the place of the vicar general among the clergy, the powers of the vicar general, and the various situations in which his office may cease. He also examines the corresponding provisions of the CCEO in respect of the protosyncellus, the equivalent of the vicar general in the Eastern Churches.

486-491

QDE 28 (2015), 65-87: Gianluca Marchetti: Gli archivi ecclesiastici diocesani e parrocchiali. (Article)

M. examines the ecclesial context of an archive, and then reviews the provisions of the canons on diocesan archives. He looks in detail at the way the diocesan archive should work, considering the people involved, how the archive should be catalogued, how access and consultation should be arranged, and how the physical material within the archive should be treated. A briefer consideration of the parish archive follows, which surveys the archive in itself and reflects on its links with the diocesan archive.

495

SC 49 (2015), 111-138: Alphonse Borras: L'évêque diocésain, son conseil épiscopal et le conseil presbytéral au service du gouvernement du diocèse. (Article)

See above, canon 473.

515

Per 103 (2014), 207-239: Gianfranco Ghirlanda: Il parroco pastore proprio della comunità. (Article)

Noting that the term “pastor” is used in different ways in the CIC/83 to denote the holders of different offices, such as parish priest, bishop, and Pope, G. reflects on the phrase found in canon 515 §1 which indicates that the parish priest is the proper pastor of the community of the faithful to which he has been assigned. In his reflections, he touches on a variety of interrelated themes: the identity of the priest, the identity of a parish as a community of the faithful, the relationship between the parish priest and other members of the faithful, communion and participation in the life of the parish, and the exercise of the three *munera Christi* by the parish priest.

518

AkK 182 (2013), 426-446: Wolfgang F. Rothe: Redaktionelle Versehen im Motu proprio „Summorum pontificum”. Eine Anfrage an die kirchliche Rechtskultur. (Article)

R. points out two apparent editorial errors in the authentic version of the *motu proprio* “*Summorum pontificum*”, as a result of which the power to celebrate the sacrament of confirmation in the Extraordinary Form of the Roman Rite is

granted only to ordinaries; while not only diocesan bishops but also all local ordinaries are granted the right to erect personal parishes for the celebration of the Extraordinary Form for groups of the faithful who feel themselves drawn to it. R. indicates various possibilities for dealing with these apparent editorial errors, and comes to the conclusion that the mistakes can be rectified only by the hope that a body of contrary legal praxis will be developed and that those erroneously given the right to erect personal parishes will renounce the exercise of that right.

535

QDE 28 (2015), 65-87: Gianluca Marchetti: Gli archivi ecclesiastici diocesani e parrocchiali. (Article)

See above, canons 486-491.

569

IC 55 (2015), 375-383: Harald Tripp: Capellán militar. (Dictionary entry)

Given here is the text of the entry on military chaplains appearing in the *Diccionario General de Derecho Canónico* published by the University of Navarre in 2013, in which T. looks at the notion of military chaplain, the development of cumulative jurisdiction as distinct from exemption, the types of military chaplain and their incardination, their recruitment and appointment, their military status, and the particular features of their pastoral ministry.

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

573

RDC 65/1 (2015), 165-184: Anne Bamberg: Les vœux religieux dans le Code de droit canonique de 1983. (Article)

See below, canon 654.

573

RDC 65/1 (2015), 231-238: José Rodríguez Carballo: Les vœux religieux aujourd’hui, réalité et enjeux. (Article)

Without denying the many difficulties which it faces and which the Church must be able to address with courage and energy, religious life is characterized by the public profession of evangelical counsels and common fraternal life. It is and remains before anything else a witness to the Good News addressed to our world: “Love is all!”

573-746

Comm 46 (2014), 354-365: Pope Francis: Litterae Apostolicae ad omnes consecratos occasione anni vitae consecratae missae. (Document)

Pope Francis writes to members of institutes of consecrated life at the beginning of the Year of Consecrated Life (30 November 2014 – 2 February 2016). He sets out the objectives of the Year, expectations and horizons.

574

J 75 (2015), 71-107: Nancy A. Bauer: The State of Consecrated Life: *Vita et Sanctitas Ecclesiae*. (Article)

The state of those who are consecrated to God by profession of the evangelical counsels “does not belong to the hierarchical structure of the Church; it nevertheless belongs to its life and holiness.” This statement about how consecrated life does and does not fit in to the ecclesial body appears in canon 207 §2. The latter part is repeated in canon 574 §1: “The state of those who profess the evangelical counsels in institutes of this type (i.e. institutes of consecrated life) belongs to the life and holiness of the Church.” B. explores two questions: what is the source of this statement, and what does it mean. What

does it mean, canonically, that consecrated life is not part of the hierarchical structure of the Church? What does it mean, canonically, that consecrated life belongs to the life and holiness of the Church?

584

SC 49 (2015), 529-554: Francis G. Morrissey: Planning for the Demise or Diminishment of Canadian Religious Institutes: Canonical Issues. (Article)

See below, canon 616.

599-601

RDC 65/1 (2015), 199-217: Germain Mbida: Les vœux de religion dans le contexte culturel africain. Enjeux et défis pour un droit ecclésial particulier. (Article)

The practice of religious vows in Africa is expressed in a context of numerical growth and institutional expansion of the Catholic Church. Formation for the taking and practising of vows is rooted in the CIC/83 and the main documents of the magisterium. The current difficulties in the practice of vows in an African environment stem from a lack of peaceful dialogue between the essential requirements of “counsels” and the “fundamentals” of African cultures.

599-601

RDC 65/1 (2015), 219-230: Danielle Gauthier: Les vœux religieux face à une expérience de vie. D’une petite congrégation apostolique à l’«ermitage solidaire». (Article)

Following recurrent difficulties in the community life of a small apostolic congregation, some nuns discovered over the years a new way of life they which describe as a “hermitage of solidarity”. The positive aspects of this new life led them to think critically about traditional religious life and to question the manner of living the evangelical counsels.

607

RDC 65/1 (2015), 165-184: Anne Bamberg: Les vœux religieux dans le Code de droit canonique de 1983. (Article)

See below, canon 654.

613

Joseph Geelen: Ius Proprium Ordinis Canonialis. Synthèse historico-juridique du régime interne de la Confédération canoniale et des neuf Congrégations canoniales confédérées (1959-2009). (Book)

The year 1959 saw the birth of the Confederation of the Canons Regular of St Augustine. The process of union of different congregations of canons regular within a single Confederation, and its subsequent development, were not without their problems, as G. makes clear. In the first part of the book he describes how the Confederation came about, first from a historical perspective and then from the point of view of the development of its law. In the second part he analyses the law of the Confederation currently in force, comparing this to the laws of the three other Confederations which exist in the Latin Church: the Benedictine Confederation, the Confederation of Oratorians of St Philip Neri, and the Cistercian Order. In the third part he sets out the internal laws of each of the congregations which form part of the Confederation of the Canons Regular of St Augustine, as well as other congregations of canons regular of pontifical right, so as to identify similarities and differences. (For bibliographical details see below, Books Received.)

616

SC 49 (2015), 529-554: Francis G. Morrissey: Planning for the Demise or Diminishment of Canadian Religious Institutes: Canonical Issues. (Article)

Many religious institutes in Canada and elsewhere are facing the prospect of either joining with other institutes or dying out. It is important not to let events take over. Rather, members should be proactive in helping to determine their future. M. spells out the various steps to be taken when a union or a fusion (merger) is considered, as well as the possibility of covenant relationships with another institute. The recent establishment by the Holy See of *Canadian Religious Stewardship* as a pontifical public juridical person also provides for institutes that need assistance in these difficult times.

634-640

Comm 46 (2014), 390-399: Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae: Epistula circularis tradens Lineas directorias aptas ad recte dirigendam rationem administrandi bona in Institutis vitae consecratae necnon in Societatibus vitae apostolicae. (Document)

This circular letter sets out guidelines on the administration of temporal goods on the part of institutes of consecrated life and societies of apostolic life. There

are three sections: handling of temporal goods in the light of their charism and mission; collaboration with the local Church and other institutes and advisers; formation in this area.

654

RDC 65/1 (2015), 165-184: Anne Bamberg: Les vœux religieux dans le Code de droit canonique de 1983. (Article)

On the basis of developments in religious life in the 20th century and of magisterial documents, B. looks at the background to the revision of the Code of Canon Law. After examining a series of key theological canons, she stresses the importance of vows – acts of divine worship – and the idea of evangelical excellence, which demand that particular attention be paid to the consecrated life.

731

FCan X/1 (2015), 139-153: Gonçalo Fernandes: Sociedades de Vida Apostólica. (Conference presentation)

Societies of apostolic life are defined in canon 731 of the CIC/83 as having certain similarities with institutes of consecrated life. They are characterized by their apostolic purposes. Their specific nature is based on three essential elements: mission, as they are called to follow Christ, the evangelist; fraternal life in common, which helps make the apostolate effective; and the bonds, the aspiration to perfection in charity. For a better understanding of societies of apostolic life, there is also a connection with institutes of consecrated life and secular institutes. The life of the members of societies of apostolic life is centred on their living out and dedicating themselves to their baptismal consecration.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747-833

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

750

Per 103 (2014), 373-415: Gianfranco Ghirlanda: Implicazione dell'infallibilità nelle canonizzazioni dei santi. (Article)

G. tackles the issue of infallibility in the context of the canonization of saints. He begins his reflections by considering the holiness of the Church, basing his comments in the first place on the affirmation of the Creed before moving to the teaching of *Lumen Gentium* and the Second Vatican Council. He examines what the magisterium is and the different ways in which it is exercised, noting the distinction concerning adherence to the infallible and the non-infallible magisterium. G. points out that the doctrinal note *Inde ab ipsis*, accompanying the *motu proprio* “*Ad tuendam fidem*” of Pope John Paul II, lists the canonization of the saints in the second category of infallible teaching, i.e. those things that depend on historical facts. One of the consequences of this is that the obstinate denial of the contents of a canonization results in the imposition of a just penalty and not necessarily in excommunication as is the case for the first category of infallible teaching. After examining the formula used to proclaim the saint and the manner in which penalties were invoked, G. concludes that the juridical status of the canonization is indeed clearly that covered by canon 750 §2. In order to avoid any confusion, he suggests a change in the formula, replacing “*decernimus et definimus*” with “*declaramus*”. He underlines the need of a deeper study of the status of beatification, especially its relationship to canonization.

752-753

Per 103 (2014), 417-445: Justin M. Wachs: *Obsequium*: Why and how it is still possible to demand and to offer. (Article)

W. considers the concept of *obsequium* as it occurs in canon law, and asks whether or not it is still possible on the part of ecclesiastical authority to demand it, and whether or not it is still possible on the part of the Christian faithful to offer it. He places the discussion in the context of a more radical question, that of obedience within the Church. W. reflects on the *obsequium intellectus et*

voluntatis and its relationship with the *obsequium rationabile*, the *obsequium fidei*, and the *obsequium divinum* of Christ. He illustrates his comments with some graphics, before arriving at what he describes as some practical theoretical conclusions. By acting on the conclusions offered, W. believes that the Church can still demand *obsequium* and the faithful can still offer it. Bringing the article to a close, he comments: “this full participation in the mystery of Christ is ... a life lived in *obsequium Christi* and the certain and free path to it is the personal offering of the *obsequium fidei* by means of the *obsequium intellectus et voluntatis*”.

753

ADC 4 (abril 2015), 373-385: Gerhard Ludwig Müller: Colegialidad y ejercicio de la Potestad Suprema de la Iglesia. (Article)

See above, canons 336-337.

767-769

N L 11-12/14, 523-634: Congregatio de Cultu Divino et Disciplina Sacramentorum: Homiletic Directory. (Document)

The Congregation for Divine Worship and the Discipline of the Sacraments provides the complete text in English of the Homiletic Directory issued on 29 June 2014. The first part considers the homily and its liturgical setting in general. The second part applies the art of preaching through the year, the Paschal Triduum and Eastertide, Sundays in Lent, Advent, Christmas and Ordinary Time, then briefly other occasions such as weekday Masses, weddings and funerals. An appendix provides links to the *Catechism of the Catholic Church* over the three-year cycle and for Holy Days. The text is prefaced by a letter to bishops' conferences (pp. 517-519) and a presentation by the Archbishop Secretary (pp. 520-522).

781

SC 49 (2015), 29-58: Anne Asselin: Les propositions finales du synode des évêques sur la nouvelle évangélisation: questions canoniques et voies d'avenir. (Presentation)

The new evangelization is a topic on which much has been said and written. At the time when A. gave this conference presentation (May 2013), the 2012 Synod of Bishops on the new evangelization had yet to be translated into a post-synodal exhortation, but the synodal final propositions had provided food for thought. Some had expressed disappointment in the propositions and the feeling

was that they might have fallen short of providing the Church with the “shot in the arm” that it so desperately needs. What is certain, however, is that there is no mention of canon law in the document. Was the omission an oversight or was it intentional? Could canonists see in this an invitation to discover how canon law can be of service to the efforts of the new evangelization? In any event, the propositions are worthy of consideration, and hence A. looks briefly at the reasons that led to the choice of theme for the Synod and the preliminary work in the synodal process, before turning to the final propositions of the Synod. These were divided in the document into four main sections: 1. new evangelization; 2. ministry today; 3. pastoral responses; and 4. agents of the new evangelization. There were 58 final propositions in total. A. selects a few which contain something that canonists could explore as a way forward.

807

RCDGP 2 (febrero 2015), 253-255: María Cristina Toledo Báez: Traducción al castellano del acuerdo de colaboración de enseñanza superior entre la República de Serbia y la Santa Sede de 27 de junio de 2014, ratificado el 12 de enero de 2015. (Document)

[<http://www.eumed.net/rev/rcdgp/02/ctb3.pdf>]

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

816

AnCrac 46 (2014), 281-295: Jan Dyduch: Organizacja i awanse naukowe w Uniwersytecie Papieskim Jana Pawła II w Krakowie (= Organization and scientific promotion in the Pontifical University of John Paul II in Krakow). (Article)

The Apostolic Constitution *Sapientia Christiana* (1979) stipulates coherency and compatibility of the rules for ecclesiastical universities and other universities in the different ecclesiastical regions. The rules are fully implemented in the Pontifical University of John Paul II in Krakow. The university's status and programme are founded on both canonical rules and civil laws, as well as the rich academic tradition of Krakow. The system of career advancement of the academic teachers embodies Polish law. As a result, Polish authorities recognize the academic titles and degrees granted by the university.

822

Comm 46 (2014), 86-93: Secretaria Status: Normae applicativae respicientes ordinationem de televisificae imprimendis ac transmittendis

caerimoniarum ac locorum, a Sancta Sede directe dependentium, imaginibus (“Regolamento per le riprese televisive delle cerimonie e dei luoghi direttamente dipendenti dalla Santa Sede”). (Document)

This is an update of norms issued in 2002 concerning the televising of ceremonies and places directly dependent on the Holy See. The norms set out their background and scope and the requirements for permission to be granted, whether the applications concern projects or news reporting.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

Comm 46 (2014), 94: Congregatio de Cultu Divino et Disciplina Sacramentorum: Responsa ad dubia de formulario Missae pro pace adhibendo proposita, die 1 mensis ianuarii currentis anni data. (Reply)

The Congregation for Divine Worship makes it clear that the Votive Mass for Peace may not be celebrated on 1 January because it is a solemnity. The General Instruction of the Roman Missal (GIRM), no. 374, excludes it by implication; the formularies for the Mass at the Beginning of the Civil Year (25) and the Mass for the Preservation of Peace and Justice (30) explicitly exclude 1 January.

838

N L 5-6/14, 243-281: Congregatio de Cultu Divino et Disciplina Sacramentorum: Decretum *Pastor Aeternus*, quo commemorationes Sancti Ioannis XXIII, papae et Sancti Ioannis Pauli II, papae, in Calendarium Romanum generale inseruntur. (Document)

The Congregation decrees the introduction into the Roman Calendar as optional memorials the commemorations of St John XXIII (11 October) and St John Paul II (22 October). The liturgical texts for both follow in various languages (pp. 245-281).

838

N L 5-6/14, 282-320: Congregatio de Cultu Divino et Disciplina Sacramentorum: Circulares Litterae: Significatio ritualis doni pacis in Missa. (Document)

In May 2008 Pope Benedict XVI asked the Congregation for Divine Worship to examine the rationale for the current siting of the sign of peace in the Roman Missal and evaluate a proposed change in this regard. The Letter sets out the theological rationale for the current placing of this sign and urges bishops to make it better known so that inappropriate expressions are avoided. The Latin text is followed by the same in Italian (pp. 288-293), English (pp. 294-300), French (pp. 301-307), German (pp. 308-314) and Spanish (pp. 315-320). (See also *Canon Law Abstracts*, no. 114, p. 77).

838

N L 7-8/14, 330-348: Congregatio de Cultu Divino et Disciplina Sacramentorum: Guida per le Grandi Celebrazioni. (Document)

These guidelines on celebrations involving large numbers of people and concelebrants are a response to a request made at the 2005 Synod of Bishops and taken up by Pope Benedict XVI in the exhortation *Sacramentum Caritatis*, no. 61. A preliminary assessment had been given in N XLIII (2007) 535-542 (see *Canon Law Abstracts*, no. 100, p. 90). The document falls into four sections: care to be taken to facilitate participation; presuppositions and context; liturgical space and ministries; the various stages of the celebration.

838

SC 49 (2015), 275-307: Chad J. Glendinning: The General Instruction of the Roman Missal: Adaptations Introduced by the Canadian Conference of Catholic Bishops. (Article)

G. examines the adaptations introduced into the General Instruction of the Roman Missal (GIRM) by the Canadian Conference of Catholic Bishops. Where appropriate, comparisons are made with similar adaptations promulgated by the conferences of bishops for Australia, England and Wales, Scotland, and the United States of America. G. first provides some general remarks about the GIRM, particularly its history and evolution. He then discusses the various types of liturgical adaptations in the light of the Second Vatican Council and the CIC/83. In the final section he focuses primarily on the various opportunities for adapting the GIRM and identifying how this has or has not occurred in Canada.

846

ADC 4 (abril 2015), 255-282: Julio García Martín – Félix Pérez López: La preghiera universale dei fedeli nella celebrazione unita della messa e della liturgia delle ore. (Article)

Vatican II's reforms of the liturgy and the liturgical books were put into effect at different times. 1970 saw the introduction of the Roman Missal and its General Instruction; and in the following year the Congregation for Divine Worship issued the General Instruction on the Liturgy of the Hours, which introduced certain novelties when the Mass and the Liturgy of the Hours were celebrated together: these concerned the introductory rites and the prayer of the faithful, which could be replaced by the Breviary invocations. However, the 1975 General Instruction of the Roman Missal did not include these novelties. The CIC/83 establishes that the sacraments are to be celebrated according to the liturgical books approved by the competent authority, and that no one may on a

Book IV: The Sanctifying Office of the Church

personal initiative add or omit or alter anything in those books (canon 846 §1). In 2000 a new General Instruction of the Roman Missal was issued, which allows modifications to be made to the introductory rites, and confirms the intentions of the prayer of the faithful in response to the epistle and gospel, but makes no mention of such intentions being replaced by the invocations from the Liturgy of the Hours. The authors conclude that it is no longer permitted to use the invocations from the Liturgy of the Hours instead of the prayer of the faithful, since the liturgy is not the property of the celebrant or the community.

BOOK IV, PART I, TITLE I: BAPTISM

849-878

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

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

879-896

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

882-884

AkK 182 (2013), 426-446: Wolfgang F. Rothe: Redaktionelle Versehen im Motu proprio „Summorum pontificum“. Eine Anfrage an die kirchliche Rechtskultur. (Article)

See above, canon 518.

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

897

Ap LXXXVII (2014), 273-321: Mateusz Nowak: Le Fonti e il cammino di elaborazione dei Canoni 897 del CIC 1983 e 698 del CCEO 1990. (Article)

In response to St John Paul II's suggestion, made during the presentation of the CCEO on 25 October 1990, that canon law faculties undertake a comparative study of the two Codes now in force in the Church, N. compares the first of the canons in each Code that deal with the Eucharist. The sources and background to the drafting of canon 897 of the CIC/83 and canon 698 of the CCEO reveal the same faith of the Church in regard to the most Blessed Sacrament, even though sometimes this is expressed in different terms. Throughout history, there have been varying emphases in the Eucharistic theology of East and West, expressed in the sources and canons examined, but the foundation is always the same: the Tridentine teaching of the true, real and substantial presence of Our Lord in the Eucharist as reaffirmed by the documents of Vatican II.

897-958

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

902

SC 49 (2015), 229-261: Brian Dunn: The Regulation of Concelebration by the Diocesan Bishop. (Article)

The Roman Missal calls on the diocesan bishop to regulate the discipline of concelebration (General Instruction of the Roman Missal, no. 202). Any such regulation requires a certain amount of background not only of the documents directly connected with concelebration but also of the developments associated with concelebration itself. D. examines some of the history connected with concelebration including the studies on concelebration within the liturgical movement in the early 20th century, the papal and curial pronouncements in the 1950s, and the preparation and promulgation of the new rite of concelebration in 1965. D. also considers the possibilities of concelebration within the various revised rituals, the canonical provisions regarding concelebration, and the theological and practical issues related to concelebration over the past 30 years including ongoing criticism of the rite. In the light of this background, he offers a proposal for the regulation of concelebration in a diocese.

915

Ius Comm III (2015), 45-74: Velasio De Paolis: Uniones irregulares y atención pastoral. (Article)

The Church is experiencing within herself the crisis of marriage and the family. Among the various situations, that of the divorced and remarried has raised important doctrinal and pastoral problems regarding the indissolubility of marriage, the Pope's authority over marriage, the inseparability of the natural bond and the sacrament in a marriage between baptized persons, the judgment as to the validity of many Christian marriages celebrated in the Church but without the necessary preparation, procedures for the declaration of nullity of marriage, and the exclusion from the Eucharist of faithful living in irregular unions. In relation to this last question, if the faithful cannot receive Holy Communion it is because their marital status is not regular, as they live with someone who is not their spouse since the prior canonical marriage has not been declared null by the competent authority. This is a doctrine and a part of the heritage of faith that the Church has to develop and study more deeply, but never alter, still less deny.

915

J 74 (2014), 153-192: Velasio De Paolis: Appropriate Pastoral Approaches for the Divorced Remarried. (Article)

(Expanded version of the article referred to in the preceding entry.) The phenomenon of irregular marriages has been on the rise for decades, and highlights the crisis of marriage and the family. Civil society, however, does not seem to take any notice, nor think it worth its attention. The reason for this neglect is that civil society itself is in crisis, and the crisis of the family is its mirror image. Civil society and the family suffer from the same disease: a crisis of the vision of man. The Church on the contrary makes the family the object of her assiduous pastoral action, particularly in this time of crisis. A large part of her faithful however no longer seem to live in accord with her teaching and discipline on marriage and the family. What has aroused the special concern and pastoral care of the Church is the situation of irregular unions, particularly the situation of the divorced, who after divorce, have switched to a second, merely civil marriage and have given rise to a new family. These unions have raised doctrinal and pastoral problems of great importance, in particular the alienation from certain parts of the life of the Church, and especially the exclusion from the Eucharist, of those living in irregular unions. In the light of the Extraordinary General Assembly of the Synod of Bishops in 2014 and the Ordinary General Assembly in 2015, on the pastoral challenges to the family in the context of evangelization, De P. reflects on this important issue and offers some solutions.

915

Per 103 (2014), 541-594: Velasio De Paolis: I divorziati risposati e i sacramenti dell'eucarestia e della penitenza. (Presentation)

Given here is the text of De P.'s presentation before the Extraordinary Synod of Bishops in 2014, in which he addresses the delicate question of the relationship between the sacraments of the Eucharist and Penance and those who are divorced and remarried. De P. divides his contribution into two parts: a general introduction to the question of those who are divorced and remarried, followed by a more detailed reflection on the issue of their access to the sacraments. In this second part, De P. examines several sources of the magisterium and discipline of the Church; he then passes to a consideration of the ecclesiastical discipline concerning participation in the sacraments. After offering some reflections on the fact that divine law is involved in this question, he moves to a direct consideration of the position of Cardinal Kasper and a critical examination of some of the arguments advanced in favour of a change in the traditional doctrine and pastoral practice. He concludes that the problem of the divorced and remarried can only be dealt with within the framework of a Christian moral vision, and of a profound spiritual renewal of the Christian life in the light of the mystery of Christ to which each Christian is called to be conformed.

915

SC 49 (2015), 411-441: Wojciech Kowal: The Non-Admission of the Divorced and Remarried Persons to Holy Communion: Canon 915 Revisited. (Article)

K. deals with the question of the interpretation of canon 915 in the context of non-admission of divorced and remarried persons to Holy Communion. He refers to matters related to the understanding and interpretation of the current legislation, without touching on the issue of the indissolubility of marriage and the notion of marriage bond. Given the complexity of the subject matter, his considerations are limited to recent writings published in the canonical milieu of North America. On the basis of a detailed analysis of the process of the revision of canon 855 of the CIC/17, corresponding to canon 915 of the CIC/83, he studies the proper meaning of the term "manifest grave sin" and explains its canonical consequences, offering some practical considerations in relation to pastoral life. His aim is that his canonical reflection will help in a better understanding of the logic of the proposed solutions and their critical evaluation, and thus contribute to the debate before the ordinary assembly of the Synod of Bishops on the Family (October 2015).

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

959-997

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

992-997

Comm 46 (2014), 400-401: Paenitentia Apostolica: Decretum Paenitentiae Apostolicae quo statuitur requisitum opus ad Indulgentiarum donum totum per vitae consecratae Annum consequendum. (Document)

The Apostolic Penitentiary sets out the conditions to be fulfilled to earn indulgences during the course of the Year of Consecrated Life (30 November 2014 – 2 February 2016).

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

998-1007

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1054

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

1009

EIC 55 (2015), 129-150: Benjamin Ndubueze Ejeh: Ministerio diaconale e *diaconia* della carità. (Article)

E. examines the role of the diaconate in the history, magisterium and praxis of the Church, and concludes that the result expected from Vatican II's decision to restore this ancient ministry is yet to be satisfactorily achieved. As a possible contribution to this end, he proposes that the governance of the Church's charity be made a juridical duty of the diaconate, within the hierarchical communion.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AkK 182 (2013), 447-468: Andrzej Pastwa: Die kanonische Ehe im Zuge der personalistischen Erneuerung. (Article)

In his 2013 address to the Roman Rota, coinciding almost exactly with the 30th anniversary of the promulgation of the CIC/83, Pope Benedict, inspired by the celebration of the Year of Faith and by a particular commentary on the canons on marriage in the Code, reaffirmed the nature of matrimony as “an irrevocable covenant between a man and a woman”. Following Benedict XVI’s line of reasoning, P. points out that within the notion of “covenant” the Pope not only identifies the key to the contemporary doctrine on marriage, but also attributes to it a key role in the task of linking the two aspects of canonical marriage: the natural and the supernatural. On the one hand, the internal truth of the covenant act of marital love, the totality of the personal gift, as well as its inherent irrevocability, constitute the framework for the *consortium totius vitae*; while on the other, what seems most inspiring is the Pope’s statement regarding the common linguistic roots of the terms *fides* and *foedus*.

1055

BV 75 (2015), 117-127: Stanislav Slatinek: Education for Interreligious Dialogue in the Family. (Article)

The extent of religious intolerance towards the public profession of the Catholic faith in the world today is a major cause for concern. S. focuses on the most hidden forms of religious intolerance, namely those that occur between spouses and within the family circle. Religiously intolerant spouses often learn religious intolerance in their youth, since they have grown up in environments opposed or even hostile to faith. All the negative feelings, experiences, abuse and trauma in relation to religion from their youth are brought into their marriage and family. Research of marriage annulment cases at the diocesan ecclesiastical tribunal in Maribor, Slovenia, confirms that religious intolerance is often transferred from one marriage to another, and from one family to another. Victims of religious intolerance are always deeply religious spouses and minors. Fostering religious tolerance in families should therefore be one of the most important priorities of the Catholic Church, with its current emphasis on the new evangelization in the world and religious pluralism in families.

1055

FCan X/1 (2015), 29-89: Miguel Falcão: Falta de Fé e Sacramentos (em particular, o Matrimónio). (Article)

The Extraordinary Synod of 2014 proposed a study of the relevance of lack of faith to the validity of the sacrament of marriage, given that all valid marriages between baptized persons are sacramental. F. examines the teaching contained in the *Catechism of the Catholic Church* and the magisterial declarations made over the centuries in response to specific pastoral needs. He analyses the conciliar statement that “the sacraments presuppose faith”, distinguishing between a valid sacrament and a fruitful sacrament. He studies the relevance of lack of faith in baptism, the Eucharist, penance and order, showing that the lack of faith of the minister is of no relevance as far as the validity of the sacraments is concerned, as long as he intends to do what the Church does (perform the sacramental sign established by the Church), since the minister is an instrument of Christ, who acts in the sacrament. Lack of faith in an individual is an obstacle to receiving the grace of the sacraments, but not for the sacraments themselves (except penance, in which lack of faith can prevent repentance). In the sacrament of marriage, in which the spouses are both ministers and recipients of the sacrament, F. shows that, in line with what happens in the other sacraments and taking into account the special characteristics of the sacrament of marriage, lack of faith on the part of the spouses does not affect validity, provided they want to commit themselves to a true conjugal union, faithful, indissoluble and open to procreation: the marriage is valid, although it will only become fruitful according to the disposition of each spouse.

1055

FCan X/1 (2015), 91-107: João Seabra: A inseparabilidade de contrato e sacramento no matrimónio dos baptizados na *Tentativa Teológica* de António Pereira de Figueiredo. (Article)

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

1055

Ius Comm III (2015), 75-93: Giuseppe Sciacca: Relación entre fe y matrimonio sacramental. (Article)

See below, canon 1101.

1055

QDE 28 (2015), 135-163: Paolo Bianchi: Transsessualismo e diritto matrimoniale canonico. (Article)

B. outlines the physiological, psychological and social notions involved in transsexualism. He briefly notes how Italian law treats the question. He then considers the canonical position both before and after any possible surgical intervention to “change sex”, suggesting that in both cases any marriage contracted would be null, and looking at the reasons for these judgments. Rotal sentences on transvestism are considered as a parallel source of reasoning. B. concludes with moral and pastoral reflections on how this problem should be handled in practice.

1055-1165

SC 49 (2015), 309-331: John M. Huels: Acts with a Juridic Effect in the Canons on Marriage. (Article)

See above, canon 124.

1055-1165

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

1059-1060

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

R. looks at the indissolubility of marriage with reference to some specific issues concerning nullity, separation and divorce, which she analyses from the point of view of the canon law of the Catholic Church and the Serbian Orthodox Church. She compares certain aspects of matrimonial and procedural law, taking into account the instruction *Dignitas Connubii* and documents issued by the Supreme Tribunal of the Apostolic Signatura in 2006 and 2007 and by the Pontifical Council for Legislative Texts in 2003. She focuses on the topic of the verification of the freedom to marry of a member of the Serbian Orthodox Church, which she examines under three aspects. The first and most common situation is that of a member of the Serbian Orthodox Church who, having been

previously married in the Orthodox Church to an Orthodox and having obtained a divorce from an Orthodox ecclesiastical tribunal, comes to the Catholic Church with the intention of entering into a new marriage to a Catholic. The second concerns an Orthodox who has previously been married but only in a civil ceremony. The third aspect refers to the possibility of recognition by the Catholic Church of some of the decisions of the ecclesiastical tribunals of the Serbian Orthodox Church.

1060

Ius Comm III (2015), 75-93: Giuseppe Sciacca: Relación entre fe y matrimonio sacramental. (Article)

See below, canon 1101.

1061

Per 103 (2014), 241-271: Andrea D'Auria: Una caro e la consumazione del matrimonio: Alcune considerazioni. (Article)

D'A. offers some canonical considerations on the delicate issue of what constitutes the act of consummation of a marriage. In doing so, he necessarily touches on several related topics, such as impotence and sterility, taking into account also many contemporary moral and canonical realities and how these are dealt with in the jurisprudence and praxis of the Holy See.

1066-1067

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See above, CIC canons 1059-1060.

1091

QDE 28 (2015), 164-179: Alessandro Giraudo: Fecondazione assistita eterologa e matrimonio canonico. (Article)

See below, canon 1101.

1095

QDE 28 (2015), 135-163: Paolo Bianchi: Transessualismo e diritto matrimoniale canonico. (Article)

See above, canon 1055.

1095 2°-3°

QDE 28 (2015), 107-124: Cesare Maria Cornaggia: Le ripercussioni che gli abusi avuti in ambito sessuale possono avere sulla capacità matrimoniale: profili clinici. (Article)

C. notes the extent of the problem of abuse and then explains from a Freudian perspective how this trauma has an immediate effect and a subsequent effect. Offering two case studies he illustrates the way in which the legacy of abuse can affect capacity in specific cases. From this basis he offers guidance about how psychiatric expert evidence should be evaluated in a canonical context.

1098

Per 103 (2014), 525-538: Acta Tribunalium Sanctae Sedis. Romanae Rotae Tribunal *coram* Erlebach, Sententia definitiva diei 4 octobris 2012. (Sentence)

This Rotal sentence *coram* Erlebach offers an example of how the substance of canon 1098 concerning *dolus* is to be handled from a procedural point of view. The case was heard at the Apostolic Tribunal in second instance after the Regional Tribunal of Sicily gave a negative decision to the petition on two grounds of nullity: 1. the condition *de futuro* applied by the petitioner to the act of consent concerning the respondent's procreative capacity; 2. deceit perpetrated by the respondent against the petitioner in the manner described in canon 1098. After dealing summarily with the issue of condition and demonstrating that there was no foundation whatsoever to the petitioner's claim, the sentence passes on to a more detailed examination of the question of deceit. Four elements must be identified and demonstrated in the acts if canon 1098 is to be invoked in a case of nullity: 1. an act that is deceitful; 2. the error into which the victim fell; 3. the purpose of the deceit, i.e. that it was perpetrated in order to obtain consent to marriage; 4. the quality of the person which is the object of the deceitful act and the error induced. The sentence gives some attention to medical information concerning the inherited blood condition thalassaemia, the condition that lies at the heart of the case: in particular the distinction between thalassaemia major and thalassaemia minor. In their analysis of the facts, the judges noted that that condition itself was not a quality that meets the description found in canon 1098, nor was it something that the

respondent had concealed from the petitioner in order to obtain the respondent's consent. They point out that the petitioner's claim that the respondent was sterile is also contradicted by medical evidence: no children were conceived in this marriage, but there was no organic reason why the respondent could not have conceived. The Rota returned a negative decision on all grounds.

1098

QDE 28 (2015), 164-179: Alessandro Giraudo: Fecondazione assistita eterologa e matrimonio canonico. (Article)

See below, canon 1101.

1098

QDE 28 (2015), 180-190: Adolfo Zambon: Maternità surrogata: profili canonistici matrimoniali. (Article)

See below, canon 1101.

1099

FCan X/1 (2015), 109-111: A Intenção Matrimonial. Discurso de Sua Santidade o Papa Francisco aos membros da Rota Romana na inauguração do Ano Judicial, de 23 de Janeiro de 2015. (Address)

Addressing the Roman Rota, Pope Francis spoke of a kind of spiritual worldliness which leads to the pursuit of well-being instead of the glory of the Lord. This in turn leads to a purely subjective faith which lacks value as a normative force of orientation. Lack of knowledge of the content of the faith can lead to a determining error of the will under canon 1099 – a situation which can no longer be regarded as exceptional as in the past. The Pope reminds the judges of their role in the *salus animarum*, and expresses the wish that all processes should be free.

1101

Ius Comm III (2015), 75-93: Giuseppe Sciacca: Relación entre fe y matrimonio sacramental. (Article)

Nullity of marriage for lack of faith in the baptized can only be considered in cases in which the absence or lack of faith has led to a rejection of marriage in some of its essential elements or properties, or to the exclusion of marriage itself. This does not imply that the faith of the spouses is something extrinsic,

unnecessary or irrelevant in relation to the marital consent; nor, on the other hand, does it mean that valid consent is impossible without the light and gift of a full and mature faith.

1101

J 74 (2014), 193-213: Kenneth E. Boccafola: Invalid Convalidation: A Legitimate Autonomous Ground of Marriage Nullity? (Article)

See below, canons 1156-1160.

1101

QDE 28 (2015), 164-179: Alessandro Giraud: Fecondazione assistita eterologa e matrimonio canonico. (Article)

G. begins by defining donor fertility treatment and looking at the bioethical issues involved and how Church teaching treats them. He then examines the possible impact on matrimonial consent of an intention to use such techniques, considering the *bonum prolis*, the *bonum fidei* and the *bonum coniugum*, and reflects on the evidential issues surrounding the proof of such an intention. The article goes on to examine possible links with deceit, with impediments to marriage (especially consanguinity), and with the legitimacy of children born as a result of the use of these techniques.

1101

QDE 28 (2015), 180-190: Adolfo Zambon: Maternità surrogata: profili canonistici matrimoniali. (Article)

Z. begins by defining the various senses of surrogate motherhood, and goes on to see how this might be involved in the exclusion of matrimonial consent. He suggests the possibility of a new impediment based on gestation, and looks at other suggestions as to how canonical practice should adapt itself to take account of this new social reality.

1102

Per 103 (2014), 525-538: Acta Tribunalium Sanctae Sedis. Romanae Rotae Tribunal coram Erlebach, Sententia definitiva diei 4 octobris 2012. (Sentence)

See above, canon 1098.

1135-1136

BV 75 (2015), 117-127: Stanislav Slatinek: Education for Interreligious Dialogue in the Family. (Article)

See above, canon 1055.

1141-1142

Comm 46 (2014), 331-332: Pope Francis: Allocutio Summi Pontificis ad eos, qui in Cursu “super rato” a Tribunale Rotae Romanae promoti partem habuerunt, die 5 mensis novembris 2014 prolata. (Address)

Pope Francis greets participants in the Rotal course on non-consummation cases and speaks briefly of the commission he established before the Synod to look at the handling of marriage cases and the difficulties encountered by people from 15 dioceses having to travel up to 240 km in order to access the Tribunal of Buenos Aires.

1156-1160

J 74 (2014), 193-213: Kenneth E. Boccafola: Invalid Convalidation: A Legitimate Autonomous Ground of Marriage Nullity? (Article)

B. discusses a ground of nullity which has been appearing with greater frequency in recent years in cases submitted to tribunals, especially in the English-speaking world, that is, the ground of invalid convalidation of a merely civil marriage entered into by a Catholic party who was bound to the canonical form. His intent is to determine whether or not, when used in the context of rectifying a merely civil union celebrated by a Catholic party, invalid or defective convalidation constitutes a legitimate autonomous ground of marriage nullity, distinct from simulation or other grounds because its source of nullity derives uniquely from the canons dealing with the institute of simple convalidation, namely canons 1156-1160 of the CIC/83 (canons 1133-1137 of the CIC/17). He examines first what is meant by the term and why it is proposed as an autonomous ground of nullity. At the same time he clearly delineates the strict limits of the inquiry. The thesis that this ground is a legitimate and autonomous *caput nullitatis* seems to be based on two presuppositions, which B. evaluates as either erroneous or at least dubious. The first is that the canonical ceremony rectifying a Catholic's merely civil union can be considered as coming under the canonical institute of simple convalidation. The second is that the requirement for renewed consent contained in canons 1156 and 1157 is also necessarily applicable in the case of the ceremony rectifying the civil union of a Catholic. B. then concludes that invalid convalidation is not an autonomous ground of nullity and should not be accepted as a legitimate ground by tribunals.

The proper ground of nullity for the circumstances envisioned is simulation. Recent jurisprudence would seem to be in accord with this view.

1162

IC 55 (2015), 27-44: Juan Ignacio Bañares: Sugerencias en torno al consentimiento matrimonial naturalmente suficiente, su nulidad y su sanación en la raíz. (Article)

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

1165

IC 55 (2015), 27-44: Juan Ignacio Bañares: Sugerencias en torno al consentimiento matrimonial naturalmente suficiente, su nulidad y su sanación en la raíz. (Article)

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

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

1166-1185

Sebastian S. Karambai: Ministers and Ministries in the Local Church. A Comprehensive Guide to Ecclesiastical Norms. (Book)

See above, canons 375-572.

1214

J 75 (2015), 5-34: Duncan G. Stroik: Church Architecture Since Vatican II. (Lecture)

Conventional wisdom holds that before Vatican II all churches were built in traditional styles and materials, while after Vatican II churches were required to be theatre-like with abstract iconography and a separate chapel for the tabernacle. However, a closer look at the conciliar documents and the broader architectural movements of the early and mid-20th century suggests that the conventional narrative does not give an accurate account of the shift from traditional to modernist sacred architecture. S. discusses some of the other contributing influences, such as the rise in popularity of the “theatre church” among Protestants in the late 1800s, the rejection of tradition by architects in post-war Germany and America, and the push from the Liturgical Movement to return focus to the liturgy by eliminating other distractions (including architecture and art). He also discusses some of the trends in sacred architecture today. Finally, he discusses how understanding a church as more than merely a functional building for the liturgy can give a better understanding of elements of church design.

BOOK IV, PART III: SACRED PLACES AND TIMES

1248

J 74 (2014), 353-398: Richard Bona: The Canonical Day and Liturgical Day: Possible Conflicts in their Interpretation and Application. (Article)

The current ecclesial legislation recognizes two differing concepts: canonical day (canon 202 §1) and liturgical day. How did the Church come to differentiate between these two and what are the exact differences? The first two parts of this article attempt to answer these queries by tracing the historical development of the *termini a quo* and *ad quem* for the canonical and liturgical day respectively. B. examines the historical and legislative evidence dispersed throughout the centuries, commencing with the early Church. In the final part of the article he considers the concurrence of two Mass obligations (Sunday and holy day of obligation) during the same evening. Can a person fulfil these two obligations by participating in one Mass only? Using this concrete example, B. analyses canon 1248 §1 and the principles and theories used to determine the application of the respective definitions of the day and the resolution of possible conflicts.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

Per 104 (2015), 1-22: Yuji Sugawara: Compiti specifici degli amministratori dei beni temporali nella Chiesa. (Article)

Beginning with the fundamental principle enunciated in canon 1254 which recognizes the Church's innate right to acquire, possess, administer and alienate temporal goods, S. examines the responsibilities that belong to those who are designated as administrators of temporal goods within canon law. After indicating some of the current problems besetting the Church in the area of finances, S. examines first of all some general principles that affect all administrators, before moving on to a more detailed reflection on the particular task assigned to them. The final section of the article deals with the role and authority of the administrator, as well as the relationship between the one designated as superior and the administrator. While the superior and the administrator have clearly defined roles within canon law, S. points out that all members of the Church – or any juridical person within the Church – have a responsibility to ensure that temporal goods are administered always for the proper purpose, i.e. divine worship, charity, the apostolate, and the sustenance of ministers.

1257

Ius Comm III (2015), 121-149: Supremum Signaturae Apostolicae Tribunal: Decreto definitivo, 9 mayo 2008 (Supresión de una asociación y destino de sus bienes); Roberto Serres López de Guereñu: Comentario al Decreto definitivo de la Signatura Apostólica, 9 de mayo de 2008. (Decree and comment)

See above, canons 325-326.

1258

BV 75 (2015), 129-142: Rok Mihelič: Posebej o pravnem statusu katoliške Cerkve v Sloveniji (= On the Legal Status of the Catholic Church in Slovenia). (Article)

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

1273-1298

Per 103 (2014), 273-300: Ismael Arturo Garceran Ramos: Amministrazione e alienazione dei beni temporali ecclesiastici secondo il Concilio Vaticano II. (Article)

G. examines the theme of the administration and alienation of ecclesiastical goods in accordance with the teaching of the Second Vatican Council. From his study, it is clear that the current norms contained in Book V are not simply technically and juridically the successors of the norms found in the CIC/17. They are rather an effort to translate into canonical terms some of the principles enunciated in a number of the documents promulgated during the Council.

1276-1277

QDE 28 (2015), 202-229: Adolfo Zambon: I beni ecclesiastici: amministrazione e vigilanza. (Lecture)

Z. analyses the definition of ecclesiastical goods, relating them to public juridical persons and also to *res sacrae*. He goes on to look at the nature of administration, distinguishing it from acquisition and alienation. Ordinary and extraordinary administration are examined, as are the notions of acts of greater importance and acts which could worsen the position of the juridical person. Z. looks at the criteria for administration and at the function of vigilance, examining in particular the licence or permission given by one with this function to another body.

1277

SC 49 (2015), 577-596: John Anthony Renken: Acts of Extraordinary Administration of Ecclesiastical Goods in Book V of the CIC. (Article)

To administer ecclesiastical goods means to protect them, to help them bear fruit (e.g. revenue), and to use them for their proper ends. The Code distinguishes between acts of ordinary administration and acts of extraordinary administration, both of which are performed by the administrator of a public juridical person. After a study of the development of canons 1277 and 1281 §§1-2, R. proposes a definition of acts of extraordinary administration, distinguishing acts of extraordinary administration identified *iure universali* from acts of extraordinary administration to be established *iure particolari*.

1279

FCan X/1 (2015), 113-137: Álvaro Bizarro: A legislação patrimonial da Igreja Católica na Concordata. (Article)

B. studies the situation of canonical entities which are the rightful owners of assets, in the light of the 2004 Concordat between Portugal and the Holy See. He looks at the religious purposes for which such assets are intended, which are the reason for the creation of such canonical entities and for the existence of the Concordat. He stresses the importance of treaties of international law. He distinguishes between norms governing the use and administration by canonical entities of nationalized or legally registered property, and the use, enjoyment and disposal of temporal goods fully owned by the canonical entity. He comments on the tax implications of acquiring, owning, managing and disposing of assets, and examines some particular situations, including the recovery of Value Added Tax by canonical entities, and the liability of clerics for income tax in respect of earnings arising out of the exercise of the spiritual *munus*.

1281

Ius Comm III (2015), 121-149: Supremum Signaturae Apostolicae Tribunal: Decreto definitivo, 9 mayo 2008 (Supresión de una asociación y destino de sus bienes); Roberto Serres López de Guereñu: Comentario al Decreto definitivo de la Signatura Apostólica, 9 de mayo de 2008. (Decree and comment)

See above, canons 325-326.

1281

SC 49 (2015), 577-596: John Anthony Renken: Acts of Extraordinary Administration of Ecclesiastical Goods in Book V of the CIC. (Article)

See above, canon 1277.

1284

QDE 28 (2015), 230-246: Francesco Grazian: I beni ecclesiastici: soggetti e procedure. (Lecture)

G. looks at the various individuals, bodies, committees and offices that are involved in the administration of temporal goods, sketching the different roles of each. He then looks at the various procedural steps which are necessary in cases where administration goes beyond the limits of the ordinary or in cases of alienation.

1299-1310

IC 55 (2015), 91-113: Francesco Grazian: Le fondazioni non autonome. Aspetti canonistici. (Article)

G. examines the key features of non-autonomous foundations and the provisions in the CIC/83 relating to their nature, constitution, administration, episcopal oversight, and extinction. He deals with several current-day issues affecting non-autonomous foundations, especially those arising out of legacies for Masses. The difficulties which these foundations are undergoing give rise to the question of whether some revision of their legal framework is called for.

1303

IC 55 (2015), 155-196: Lourdes Ruano Espina: La personalidad jurídica civil de las fundaciones canónicas en España. (Article)

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

BOOK VI: SANCTIONS IN THE CHURCH

1311-1312

Comm 46 (2014), 72-75: Pope Francis: Litterae Summi Pontificis missae ad eos qui, die 30 mensis maii in XIX Congressu Internationali Consociationis Internationalis Iuris Poenalis ac in III Congressu Internationali Consociationis Latino-americanae Iuris Poenalis necnon Criminologiae, partem habuerunt. (Document)

In his letter to the International Congress of Penal Law Pope Francis focuses on three points connected with Jesus' attitude in the face of human frailty: reparation; confession and recognition of and regret for one's failings; contrition as the gateway to repentance.

1311-1363

Comm 46 (2014), 476-493: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum "De Iure Poenali" (Sessio VI): Litterae Relatoris Pii Ciprotti quibus transmittitur "Alterum schema generale de delictis et poenis" (exceptis canonibus de poenis in singula delicta). (Report)

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

1311-1399

Comm 46 (2014), 105-108: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum "De Iure Poenali" (Sessio V): Litterae N. 1208/68 quibus convocatur V sessio Coetus Studii de iure poenali simulque Consultores Coetus rogantur quid de indice emendationum praecipuarum ad Primum Schema Generale de delictis et poenis a Relatore propositarum sentiant. (Report)

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

1311-1399

Comm 46 (2014), 109-123: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum "De Iure Poenali" (Sessio V):

Animadversiones Consultorum factae ad Primum Schema Generale de delictis et poenis a Relatore apparatus. (Report)

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

1311-1399

Comm 46 (2014), 124-125: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Litterae N. 1291/68 quibus adnexae transmittuntur ad Consultores “Quaestiones praeviae de recognoscendo Codice Iuris Canonici quoad attinet ad canones de poenis in singula delicta. (Report)

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

1311-1399

Comm 46 (2014), 126-131: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Animadversiones a Consultoribus propositae quoad “Quaestiones praevias de recognoscendo Codice Iuris Canonici respicientes canones de poenis in singula delicta”. (Report)

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

1311-1399

Comm 46 (2014), 132-155: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio V): Relatio Sessionis V^{ae}. (Report)

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

1331-1338

Per 103 (2014), 447-489: Damián G. Astigueta: Le pene canoniche «a modo di». (Article)

A. highlights two difficulties in relation to the theme of penalties in canon law. The first has to do with the distinction between medicinal and expiatory

penalties, and the second with the actual imposition of penalties. He proceeds to reflect on the nature of penalties in the light of the teaching of Vatican II concerning the Church and the Code's presentation of the Christian faithful and delicts. Noting that the CIC/83 gives no definition of penalties, he adopts as a framework two of the essential elements found in canon 2215 of the CIC/17, i.e. the deprivation of some good for the correction of the delinquent or the punishment of the crime. According to A., there are two ways in which penalties may be imposed: as medicinal penalties (i.e. censures) or as expiatory penalties, and he offers some information as to how the latter are presented in the proposed new Book VI of the Code. A. concludes by making some proposals for a new ordering of the different kinds of penalty foreseen by the law, indicating that many of these can be imposed not solely as expiatory penalties but also "*a modo di censura*", i.e. as medicinal penalties. He offers the opinion that such a reordering of the material would remove penalties from the logic of retribution and open instead the way towards the reconstruction of what was destroyed by the crime in the individual delinquent and in the community.

1336

Comm 46 (2014), 374-375: Secretaria Status: Declaratio quoad Exc.mum Iosephum Wesoloski in Aula Sanctae Sedis diurnariis edocendis die 25 mensis augusti a Rev.mo Directore Friderico Lombardi facta. (Statement)

In response to requests from journalists the Director of the Vatican Press Office makes a statement concerning the former nuncio Józef Wesoloski. He had appealed against his dismissal from the clerical state. This appeal would probably be heard in October. However he had ceased functioning as a diplomat and lost the immunity attached to this. Judicial action from courts that had jurisdiction might be anticipated. The text is in Italian and English. [*Editor's note: Józef Wesoloski died from a suspected heart attack on 27 August 2015, before the case had gone to trial.*]

1350

IE XXVII (2015), 114-124: Supremo Tribunale della Segnatura Apostolica: Decreto del Segretario, *Di sostentamento*, 11 marzo 2013 (con nota di Javier Canosa, *Aspetti dello statuto giuridico dei chierici trattati in due decisioni della Segnatura Apostolica*). (Document and comment)

See below, canons 1732-1739.

1364-1399

Comm 46 (2014), 408-409: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Litterae N. 1356/68 quibus Consultores rogantur ut “Principia directiva quae recognitionem iuris poenalis substantive dirigant” proponant necnon suas suggestiones iustificent. (Report)

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

1364-1399

Comm 46 (2014), 410-423: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Animadversiones Consultorum factae quoad Principia directiva recognitionis iuris poenalis substantive. (Report)

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

1364-1399

Comm 46 (2014), 423-431: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Litterae N. 1480/68 quibus adnexis *Praevium canonum schema de Poenis in singula delicta* a Relatore apparatus transmittitur. (Report)

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

1364-1399

Comm 46 (2014), 432-475: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Animadversiones factae ad *Praevium canonum schema de Poenis in singula delicta* a Relatore apparatus. (Report)

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

1364-1399

Comm 46 (2014), 494-512: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio VI): Relatio Sessionis VI^{ae}. (Report)

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

1365

EIC 55 (2015), 177-197: Pierpaolo Dal Corso: La tutela dell’Eucaristia nel can. 1365 CIC. (Article)

The offence of unlawful *communicatio in sacris* was introduced into the canonical penal system by the CIC/83. The legislator wanted to penalize the numerous violations – sometimes constituting real abuses against the Eucharist – that were being perpetrated in the name of a wrongly-understood ecumenism. The preparatory work on the revised Code confirms this need. The general nature of the wording in canon 1365, making prohibited participation in religious rites an offence punishable with a just penalty, provides a certain elasticity to the provision, allowing it to survive any changes that may occur in the discipline of ecumenical relations. While it is capable of bringing a wide range of acts within its scope, one of the main reasons behind it is the protection and safeguarding of the Eucharist.

1374

J 74 (2014), 289-352: Edward Condon: The Enduring Force of the Canonical Prohibition of Masonic Membership in the 1983 Code of Canon Law. (Article)

The canonical prohibition of Catholic membership of a masonic lodge or society was expressly articulated in canon 2335 of the CIC/17, which attached a penalty of excommunication *latae sententiae*. Further canonical effects explicitly linked to freemasonry were contained in six additional canons spread throughout the Code. The CIC/83 contains no explicit mention of freemasonry. Canon 1374 lays down indeterminate penalties for those who joined societies which “plot against the Church”, but there is no consensus as to what the canonical definition of plotting (“*machinatio*”) means, nor which societies, if any, might be intended by the canon. C. traces the origin of the Church’s opposition to freemasonry, along with the canonical provisions made against it, through the formulation of both Codes of Canon Law, and establishes the existence, necessity, and justice of an enduring universal canonical prohibition of Catholic membership of the freemasons.

1395

AkK 182 (2013), 353-385: Helmuth Pree: Schadenersatz: Common Law und Civil Law in Vergleich. (Article)

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

1395

Ap LXXXVII (2014), 149-170: Varuvel G. Dhas: Il Delitto di pornografia minorile da parte di un chierico. (Article)

Paedopornography is a new delict in canonical legislation, and for a better understanding of the matter, D. analyses what the crime consists of in the legislation of a selection of industrialized nations. Although civil legislation and canonical legislation have much in common, there are also certain noteworthy differences. While canonical legislation considers the delict in only three cases – acquisition, possession and distribution — civil legislation also envisages acts such as production, financing, etc. Moreover, while it seems that the ecclesiastical legislator does not intend to punish virtual paedopornography, civil law explicitly penalizes it, and is therefore more all-embracing in its approach to the offence. As regards the safeguarding aspect, civil law punishes any form of violation of the sexual intangibility of minors, whereas canon law specifies that to be punishable the act must have been “for purposes of sexual gratification”, thus leaving a possible loophole whereby a guilty party may escape. However it should be recognized that the canonical legislation on paedopornography is without doubt a great means to enable the Church to seek to eradicate the menace of sexual abuse of minors by clergy, although jurisprudence on the matter has still to develop.

1395

Comm 46 (2014), 385-386: Secretaria Status: Rescriptum “ex Audientia Ss.mi” quo collegium de examinandis recursibus ecclesiasticis respicientibus “delicta graviora” in Congregatione pro Doctrina Fidei instituitur. (Document)

See above, canon 360.

1395

IE XXVII (2015), 191-213: Papa Francesco: Rescritto sulla istituzione di un Collegio all’interno della Congregazione per la Dottrina della Fede per l’esame dei ricorsi di ecclesiastici per i “delicta graviora”, 3 novembre 2014

(con nota di Joaquín Llobell, *Il diritto al doppio grado di giurisdizione nella procedura penale amministrativa e la tutela della terzietà della “Feria IV” della Congregazione per la Dottrina della Fede*). (Document and comment)

See above, canon 360.

1395

Per 103 (2014), 307-319: Tim Healy: Una nota sulla collaborazione interdisciplinare tra psicologia e diritto canonico. (Presentation)

On 27 March 2014, the first Study Day took place under the auspices of the “Ignacio Gordon” Chair, sponsored by the Canon Law Faculty and Psychology Institute of the Pontifical Gregorian University, and the Pontifical Teutonic Institute of Santa Maria dell’Anima. Its theme was “*Crime: an insane act, an immoral act, or a crime?*” Its focus was on the response to a given case of alleged sexual abuse of a minor by a cleric. Responses were given by a psychologist, a moral theologian, and a canonist. In his contribution, H., a psychologist, offers a short note on the interdisciplinary collaboration between psychology and canon law. Beginning with some general considerations of a philosophical nature, he moves on to study the contribution of psychology to the evaluation of an individual’s capacity to understand and to will. As well as looking at different approaches to diagnosis in general, H. notes the greater effectiveness in canonical penal proceedings of direct personal contact between the accused subject and a psychologist.

1395

Per 103 (2014), 321-340: Humberto Miguel Yáñez: La cura di sé e la cura dell’altro. Risposta della teologia morale a un caso di abuso sessuale sui minori. (Presentation)

This presentation is Y.’s contribution to the “Ignacio Gordon” Study Day. He offers a moral theologian’s response to the case of sexual abuse. The title of his presentation translates as “care of oneself and care of others”. In his reflections, he touches on subjects such as the function of the moral norm, the meaning of the sixth commandment, the concept of the invincibly erroneous conscience, the understanding of the term “paedophile”, and the various responsibilities involved in any given case. He concludes by asking some searching questions that will require an interdisciplinary approach, all relating to the phenomenon of a priest who is a paedophile.

1395

Per 103 (2014), 341-367: Damián G. Astigueta: Il diritto penale in dialogo con la psicologia e la morale. (Presentation)

The third contribution to the “Ignacio Gordon” Study Day comes from A., a canonist, and professor of penal law at the Gregorian University. He opens his contribution by presenting the difficult work of a judge who has to make a decision in a given case. This decision has two facets: it must first judge the responsibility of the individual involved after considering all the facts, and then it must propose something for the future for the good of the person. In carrying out this task, the judge is assisted by psychology and moral theology since they facilitate the translation into more strictly juridical categories of terms and concepts that are not properly juridical. A. devotes particular attention to the concepts of crime, imputability, the criteria for making a judgment, and their application to a sentence.

1395

SC 49 (2015), 139-160: Karlijn Demasure – Buuma M. Maisha: Abus sexuel des enfants: péché ou pathologie? Une réflexion interdisciplinaire sur la question. (Article)

For decades, researchers inside and outside the Catholic Church have addressed the issue of sexual abuse of children. For some, perpetrators suffer from a pathology; for others, they have committed a sin. The two perceptions call for different strategies in dealing with the abuse issue. In case of pathology, abusers must be subjected to clinical or medical treatment in order to restore their mental health and make them capable once more of making conscious and free decisions. In the case of sin, granting absolution after confession would be sufficient. Based on a multidisciplinary approach, the authors analyse and discuss both positions. This leads them to a twofold conclusion: 1 sexual abuse is basically a violent act which causes suffering to others and to God; therefore it is a sin if it is a matter of free will; 2. when abusers suffer from mental and emotional conditions, including paraphilic disorders such as paedophilia, their ability to emit a conscious and free choice is affected but not excluded. The authors suggest that an integrative approach is needed for dealing with sexual abuse, which includes both sin and pathology.

BOOK VII: PROCESSES

1403

Ius Comm III (2015), 29-44: Angelo Amato: La Instrucción *Sanctorum Mater*: Presentación general. (Presentation)

After 25 years of experience, the Instruction *Sanctorum Mater*, issued by the Congregation for the Causes of Saints in 2007, offers an excellent instrument for the instruction of causes of saints at diocesan level, without wishing to impose more rigorous requirements on the process but rather to facilitate the proper observance of what is already prescribed in the existing law.

1419-1427

Comm 46 (2014), 60-61: Pope Francis: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos die 24 mensis ianuarii 2014 prolata. (Address)

In his first address to the Rota, Pope Francis emphasizes the harmony between the juridical and pastoral in the ministry of the Church. To be an ecclesiastical judge calls for human maturity, serenity in judgement and detachment from personal views. Part of this is an awareness of the mentality and aspirations of the community. The judge must enter deeply into the personal situations of the parties. Judgement requires both deep knowledge and fairness or impartiality safeguarding the truth while exercising pastoral sensitivity and humanity. The judge is an expression of the pastoral solicitude of the Pope or bishop and must be animated by pastoral charity. (See also *Canon Law Abstracts*, no. 114, p. 115.)

1432

QDE 28 (2015), 92-106: Elena Lucia Bolchi: Criteri e suggerimenti per la elaborazione delle *animadversiones* del difensore del vincolo e delle *defensiones* dell'avvocato nella fase dibattimentale di una causa di nullità matrimoniale. (Article)

See below, canons 1601-1606.

1442-1445

J 75 (2015), 197-228: Kurt Martens: The Reform of the Roman Curia at the Service of the New Evangelization. (Article)

See above, canon 360.

1445

J 75 (2015), 229-252: Jurisprudence of the Supreme Tribunal of the Apostolic Signatura; William L. Daniel: Brief Note on Abatement *in limine* in a Contentious-Administrative Trial. (Decisions and comment)

The text is given of seven decisions of the Apostolic Signatura dealing with the end of the procedure due to the petitioner's failure to act. In his comment on the decisions, D. explains that, with some exceptions, abatement of a canonical trial occurs after the passage of six months when the parties, who know of their duty to act, fail to do so (canon 1520). One of those exceptions is that attributed to the Secretary of the Apostolic Signatura, who may declare the abatement of a contentious-administrative cause *in limine* (i.e. prior to its admission) when the recurrent fails to comply with the norm of law governing the introduction of such a cause or to act within a peremptory time limit established by the Prefect or the Secretary concerning some introductory matter. For a cause to be admitted there must be: 1. a clearly prepared recourse indicating the name of the recurrent, the act which is challenged, what is requested, the juridical foundation for the recourse, the date on which the act was received, and the signature of the recurrent; 2. a copy of the decree of the dicastery that is being challenged; 3. the mandate duly conferred on the procurator-advocate or a petition, supported by documentation, for obtaining free legal representation; and 4. the customary deposit to be made to cover the judicial expenses of the Apostolic Signatura. Apart from the faculty of the Secretary of the Signatura to reject a recourse *in limine* inasmuch as it manifestly lacks any foundation or some presupposition, he is also to declare abated a recourse when the relevant documentation has not been presented or the deposit has indefensibly been omitted. When a recourse arrives at the offices of the Apostolic Signatura and there is attached to it neither a mandate appointing a procurator-advocate nor a document-supported petition for free legal representation, the Secretary establishes a peremptory time limit within which the recurrent is to provide either. If the recurrent does not act accordingly and does not offer a suitable excuse for the delay, the Secretary declares *in limine* the cause to be abated even before it began to be pending.

1481-1490

QDE 28 (2015), 92-106: Elena Lucia Bolchi: Criteri e suggerimenti per la elaborazione delle *animadversiones* del difensore del vincolo e delle *defensiones* dell'avvocato nella fase dibattimentale di una causa di nullità matrimoniale. (Article)

See below, canons 1601-1606.

1513

SC 49 (2015), 613-642: Lynda Robitaille: The Formulation of the Doubt: The Essential Link between First and Second Instance Decisions. (Article)

The grounds established in the formulation of the doubt affect the decision rendered in both first and second instance. If grounds are formulated subordinately, this opens the possibility that the second instance judges could confirm a first instance affirmative decision by reason of the subordinate ground should they be able to argue for equivalent conformity. R. explores how subordinate grounds work, as well as how equivalent conformity works.

1520

J 75 (2015), 229-252: Jurisprudence of the Supreme Tribunal of the Apostolic Signatura; William L. Daniel: Brief Note on Abatement *in limine* in a Contentious-Administrative Trial. (Decisions and comment)

See above, canon 1445.

1530-1538

Per 103 (2014), 491-524; 595-628 and Per 104 (2015), 23-64: Piero Antonio Bonnet: Le dichiarazioni delle parti. (Article)

In this lengthy article, solidly based on Rotal jurisprudence and the papal allocutions to the Roman Rota, filled with references to and quotations from classical and contemporary authors, B. reflects on the declaration of the parties in an ecclesiastical judicial process and on their significance in particular in cases of marriage nullity. He begins by considering how these statements provide the real hermeneutical key for the whole process in marriage cases, and then moves on to examine how the interrogation of the parties is regulated within the process as part of the fundamental need to come to know the truth. In this part, he underlines the obligation of the parties to speak truthfully, and notes that the judge has the faculty to interpret the significance of any unjustified silence on their part. In his reflections, B. points out that there has been a

considerable development within jurisprudence concerning the value and importance of these declarations. The final section of the article is devoted to a study of how the judge is to determine the value and probative force to be attributed to the statements of the parties – judicial and extrajudicial – in certain specific cases.

1601-1606

QDE 28 (2015), 92-106: Elena Lucia Bolchi: Criteri e suggerimenti per la elaborazione delle *animadversiones* del difensore del vincolo e delle *defensiones* dell'avvocato nella fase dibattimentale di una causa di nullità matrimoniale. (Article)

B. looks at how the law structures the discussion of the cause, what its purpose is and how it is conducted. She goes on to examine the contributions of the defender of the bond and the advocate, offering a series of suggestions about how they could be structured, the points they might address and the methodology they might adopt, remembering always that the ultimate aim is the quest for the truth.

1671-1691

IE XXVII (2015), 61-81: Paola Buselli Mondin: Processo al processo canonico di nullità matrimoniale. (Article)

The marriage nullity process is an institute that is sometimes misunderstood. Behind this lack of comprehension there are not simply some apparent contradictions, but also the requirements of the process which it is hoped will play an educational role: that is, they provide an opportunity for the faithful to be able to understand, from the sentences that are issued, the deeper significance of the failure of their marriage and also the (self-transcendent) meaning of their own Christian identity. These considerations can therefore serve as a useful impetus for dialogue between psychology and religion, where spirituality and affectivity on the one hand, and the *bona matrimonialia* and the structure of relationships on the other, are considered not as mutually opposed but as integrated with one another and mutually enriching. The intrinsic educational demands of matrimonial processes can also help in the deontological ethical formation of those involved in the process at a practical level.

1671-1691

J 74 (2014), 215-263: William L. Daniel: Ongoing Difficulties in the Judicial Praxis of American Tribunals in Causes of the Nullity of Marriage. (Article)

Despite the traditional appreciation for the supernatural importance and proper finality of the administration of justice in the Church, the 1960s witnessed the introduction of a new juridical culture in American tribunals that undermined the nature of the marriage nullity trial as a search for the objective truth about the alleged nullity. The application of the American Procedural Norms of 1970 eroded the proper meaning of moral certitude and *de facto* eliminated the obligation for the double conformity of sentences. Despite their abrogation by the CIC/83, tribunals continued and in many ways still continue the irregular practices of issuing an immoderate number of affirmative decisions, minimizing the role of the defender of the bond, instructing causes without the judicial method, and not treating the respondent as a party totally equal to the petitioner. These problems can be addressed through canonical formation, better collaboration, and more careful episcopal vigilance.

1671-1691

J 75 (2015), 59-69: Roch Pagé: Reflections of a Judicial Vicar of an Appeal Tribunal on the Proposed Reform of the Canonical Matrimonial Process. (Article)

On 27 August 2014, the Holy Father established a special commission to study the reform of the canonical process in marriage nullity cases. The reform of the marriage nullity process was also part of the final report of the 2014 Extraordinary Assembly of the Synod of Bishops. P., judicial vicar of the Canadian Appeal Tribunal, reflects on this proposed reform of the canonical matrimonial process and offers some further thoughts based upon his academic experience and his service as judicial vicar. His reflections are focused on 1. the simplification of the procedure in first instance tribunals; 2. the dispensation of the requirement of second instance for confirming affirmative sentences of first instance; 3. the possibility of establishing an administrative means under the jurisdiction of the diocesan bishop; and 4. the interaction between canon law and civil law. He asks whether the proposed changes may be introducing the practice of divorce and thus giving up the indissolubility of marriage. [*Editor's note:* this article and the article referred to in the preceding entry were written prior to the Apostolic Letter *Mitis Iudex Dominus Iesus* of 15 August 2015, reforming the canons dealing with cases of nullity of marriage.]

1671-1691

J 75 (2015), 253-256: Pontifical Council for Legislative Texts: *Nota Explicativa* about the Canonical Significance of Divorced Orthodox. (Document)

The approved English translation is given of the 2012 explanatory note of the Pontifical Council for Legislative Texts providing guidelines to be followed in the case of an Orthodox who has been granted a divorce by the proper ecclesiastical authority and who subsequently wishes to contract marriage with a Catholic. In fact very few non-Catholic Eastern Churches have norms for the nullity of marriage. If instead of a declaration of nullity it is a mere certificate of divorce issued by the Orthodox authority, a declaration of nullity needs to be obtained from a Catholic ecclesiastical tribunal before the new marriage can take place.

1682

SC 49 (2015), 613-642: Lynda Robitaille: The Formulation of the Doubt: The Essential Link between First and Second Instance Decisions. (Article)

See above, canon 1513.

1684

FCan X/1 (2015), 17-28: Carlos Morán Bustos: El veto: el art. 251 de la *Dignitas Connubii* y su armonización con la disciplina del CIC'83. (Article)

Article 251 of *Dignitas Connubii* (DC), concerning the prohibition to enter a new marriage, has no corresponding provision in the CIC/83. It creates two procedures, based on the *causa petendi*: a *vetitum* must be imposed if there is impotence or a permanent incapacity (§1); and in cases of deception or simulation, the tribunal must consider whether a new marriage should be submitted to the approval of the Ordinary (§2). The article in DC leaves doubts as to which tribunal may impose the *vetitum* (§3), which Ordinary is to be consulted, and which authority is competent to lift the prohibition. M.B. offers some suggestions regarding these *lacunae*.

1686

Ap LXXXVII (2014), 207-271: Ivica Ivanković Radak: L'accertamento dello stato libero per il Matrimonio tra i fedeli della Chiesa cattolica e della Chiesa Ortodossa Serba. Gli effetti processuali della nullità del Matrimonio, della Separazione e del Divorzio. (Article)

See above, CIC canons 1059-1060.

1717

Per 103 (2014), 629-662: G. Paolo Montini: Il soggetto che conduce l'indagine previa e il giudice del collegio nel processo penale: la valenza del can. 1717 §3, seconda parte. (Article)

This is a revised version of M.'s presentation to the 49th annual Colloquium of Canon Law organized in Brescia in June 2014 by the Faculty of Canon Law of the Pontifical Gregorian University. At the outset, M. sets forth the object of his enquiry, i.e. whether the prohibition contained in canon 1717 §3, according to which whoever conducts the preliminary investigation cannot function as a judge in a subsequent judicial process, has invalidating force or whether it simply renders such an act illicit. He examines the issue by reflecting on the current Code in the light of the doctrine and jurisprudence based on the CIC/17 and its commentators, as well as a consideration of other sources of law dealing with judicial matters. At the end of his study, M. points out that there is no doubt as to the invalidating nature of the norm and indicates that the *dubium iuris* referred to in canon 14 of the CIC/83 cannot be invoked in this case.

1717-1719

J 75 (2015), 109-195: R. Lucien Millette: An Analysis of the Preliminary Investigation in Light of the Rights of the Accused. (Article)

The preliminary investigation is an indispensable procedure which allows the Ordinary to determine whether there are grounds for proceeding to a true penal process after having received a *notitia criminis*. Despite its importance, it is only directly referenced by three canons, which leads to widely diverging applications. This is seen most powerfully in the different ways in which the rights of the person under preliminary investigation are either safeguarded or violated during this procedure. In order to correct any potential misapplications, it is necessary to examine the preliminary investigation within the context of the fundamental rights that undergird the faithful as well as the threefold end of the penal process. This allows the procedure to be understood and applied correctly so that the Church can strengthen its witness of justice and mercy in the world.

1732-1739

IE XXVII (2015), 114-124: Supremo Tribunale della Segnatura Apostolica: Decreto del Segretario, *Di sostentamento*, 11 marzo 2013 (con nota di Javier Canosa, *Aspetti dello statuto giuridico dei chierici trattati in due decisioni della Segnatura Apostolica*). (Document and comment)

The case involved a recourse by a suspended priest against his bishop's refusal to pay him a monthly allowance. The recourse could not be accepted because there had been no request for revocation or amendment in accordance with canon 1734, nor had the recourse been submitted within the prescribed time-limits. As regards the substantive claim, although a suspended diocesan priest does have the right to receive worthy support under canon 1350 §1, he has no right to the remuneration in canon 281; and in this case he had not shown that he was regularly in a state of poverty. For all these reasons the Secretary of the Signatura rejected the recourse at the outset.

1740-1752

IE XXVII (2015), 105-114: Supremo Tribunale della Segnatura Apostolica: Sentenza definitiva, coram Burke, *Trasferimento*, 1 dicembre 2009 (con nota di Javier Canosa, *Aspetti dello statuto giuridico dei chierici trattati in due decisioni della Segnatura Apostolica*). (Sentence and comment)

A forced transfer from office of a parish priest to another parish or office (canons 1748-1752) must be carried out in accordance with the relevant norms and must avoid the confusion that arises from introducing elements of other procedures (such as that applicable to the removal of a parish priest: canons 1740-1747). The office *ad quod* for the transfer need not necessarily be that of parish priest of another parish, but the decree of transfer must specify a specific office *ad quod*. Once the parish priest has been notified of the decree of transfer he is obliged to follow what is set out in canons 1752 and 1747, and must therefore abstain from exercising the function of a parish priest, must vacate the parish house as soon as possible (unless he is ill: canon 1747 §2), and must hand over everything pertaining to the parish to the person to whom the bishop has entrusted it.

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Anuario de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletín Eclesiástico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- De Processibus Matrimonialibus
- Eastern Legal Thought
- Ephemerides Iuris Canonici
- Ephrem's Theological Journal
- Estudio Agustiniiano
- 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

ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
AkK	Archiv für katholisches Kirchenrecht, Paderborn – Abstracts supplied by publisher.
AnCrac	Analecta Cracoviensia, Krakow – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Mgr. Andrej Saje, Ljubljana.
Comm	Communicationes, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ETJ	Ephrem's Theological Journal, Satna, India – Editor.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
Ius Comm	Ius Communio: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
J	The Jurist, Washington – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
N	Notitiae, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
Per	Periodica, Rome – Rev. Aidan McGrath OFM, Rome.
QDE	Quaderni di Diritto Ecclesiale, Milan – Rev. Luke Beckett, Ampleforth, York.
RCDCP	Revista Crítica de Derecho Canónico Pluriconfesional (electronic and paper publication: Servicios Académicos Intercontinentales, Gunzenhausen) – Editor.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.

BOOKS RECEIVED

- Joseph GEELEN: *Ius Proprium Ordinis Canonialis. Synthèse historico-juridique du régime interne de la Confédération canoniale et des neuf Congrégations canoniales confédérées (1959-2009)*, Université Pontificale Salesienne, Faculté de Droit Canonique, 2015, 499pp., ISBN 978-94-90393-51-9 [see above, canon 613]
- Sebastian S. KARAMBAI: *Ministers and Ministries in the Local Church: A Comprehensive Guide to Ecclesiastical Norms, Second Revised and Updated Edition*, St Pauls, Mumbai, 2015, xxix + 546pp., ISBN 978-81-7109-725-8 [see above, canons 375-572]