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

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GENERAL SUBJECTS

Compilations

AkK 183 (2014), 353-533: Essays on the Church and Secularization. (Articles)

Most of this issue of AkK is dedicated to a discussion of questions arising out of the increasing dechristianization and secularization of society. Michael N. Ebertz (*Was unter „Säkularisierung“ verstanden werden kann*, pp. 353-374) looks into the meaning of secularization; Patrick Valdrini (*Kirchliche Leitung und Säkularisierung*, pp. 375-386) discusses Church leadership issues in connection with secularization; Wilhelm Rees (*„Keine Angst, bei Neuevangelisierung aus sich heraus zu gehen“ (Papst Franziskus). Neuevangelisierung und schulischer Religionsunterricht. Kirchenrechtliche Überlegungen angesichts von Säkularisierung und schwindendem Glaubensbewusstsein*, pp. 387-441) deals with canonical and State law requirements for religious education in the increasingly pluralistic society of Germany and Austria, and the need for a new evangelization as the way forward; Bertram Stubenrauch (*Christentum zwischen Plausibilität und Vermittlung. Arbeitsthesen aus dogmatischer Sicht*, pp. 442-446) looks at the witnessing and mediating roles of the Church as a movement embracing the whole world; Andreas Weiß (*Ehe, nichteheliche Lebensgemeinschaft und eingetragene Lebenspartnerschaft im säkularen staatlichen Umfeld aus kirchlicher Sicht*, pp. 447-459) examines the manner in which German law treats marriage and the family; Karl Justen (*Advocacy-Arbeit der Kirchen im säkularen Rechtsstaat. Aktuelle Herausforderungen im Verhältnis von Staat und Kirche*, pp. 460-466) addresses the question of the self-understanding of the Church in a secular state; Markus Vogt (*Postsäkulare Sozialethik*, pp. 467-484) stresses the importance of Christian social ethics for a secular society; Joachim Eder (*Kollektives Kirchenarbeitsrecht in einer säkularisierten Gesellschaft*, pp. 485-501) discusses changes in the law of employment-related collective agreements in Germany; and Martin Parch and Ulrich Wastl (*„Compliance“ – Was hat die Kirche damit zu tun? Einige Anmerkungen zu den Anforderungen an die Verwaltung von Kirchenvermögen im Licht der aktuellen Diskussion um „Compliance“*, pp. 502-533) examine the implications of “compliance standards” in the ecclesiastical sphere.

IC 56 (2016), 385-415: María José Redondo: Crónica de Derecho canónico 2015. (Compilation)

In this review of the more significant canonical developments in 2015, R. deals first of all with the activity of the Roman Pontiff, starting with the address given by Pope Francis to the Roman Rota on 23 January 2015 which focused on the human and cultural context in which the matrimonial intention is formed, and the responsibility of the judge to carry out a judicial analysis when there are doubts as to the validity of the marriage (see below, canon 1099). Also mentioned are the announcement on 13 March 2015 of a Holy Year of Mercy to run from 8 December 2015 to 20 November 2016, and the Bull of Indiction of the Extraordinary Jubilee of Mercy *Misericordiae vultus* (11 April 2015: see the entry on pp. 5-6 below: N LI 1-6/15, 3-253); the homily given by the Pope at the start of the XIV Ordinary General Assembly of the Synod of Bishops dedicated to “the vocation and mission of the family in the Church and in the contemporary world” (4 October 2015); various decrees of erection and reorganization of ecclesiastical circumscriptions in the Latin and Eastern Catholic Churches including the establishment of a new *sui iuris* Eastern particular Church, the Eritrean Catholic Church; and other pontifical acts, including the Pope’s announcement of an increase in the number of Cardinals on the Commission of Cardinals overseeing the Institute for the Works of Religion (10 January 2015: see below, canon 360); a letter from the Pontifical Master of Ceremonies announcing the Pope’s decision to modify the manner in which the pallium is handed over to metropolitan archbishops (12 January 2015: see below, canon 355); the approval of the statutes of the new financial organisms of the Holy See (3 March 2015: see below, canon 360); the approval *ad experimentum* for a period of three years of the statutes of the Pontifical Commission for the Protection of Minors which had been established by the Pope in March 2014 (21 April 2015: see below, canon 360; see also *Canon Law Abstracts*, no. 116, pp. 98-99); a motu proprio establishing a new Secretariat for Communication (27 June 2015: see below, canon 360); the motu proprios *Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus* on the reform of the procedure for marriage nullity cases (15 August 2015: see below, canons 1671-1691); a *rescriptum ex audientia* on the fulfilment and observance of the new law on matrimonial procedures (7 December 2015: see below, canons 1671-1691); the ceremony marking the sealing between Pope Francis and the Patriarch of the Armenian Catholic Church of the full communion of that Church with Rome (7 September 2015); the announcement by the Pope of his decision to establish a new Dicastery for the Laity, the Family and Life and to constitute a commission to draw up a document setting out canonically the competences of the new dicastery (25 October 2015); and the establishment of the *Gravissimum Educationis* Foundation to improve Catholic education (28 October 2015; see below, canon 794).

General Subjects (Compilations)

The review goes on to mention the more significant documents and activities of the Roman Curia in 2015, including an announcement by the Holy See Press Office that 15 new Cardinals were to be created (5 January 2015); the opening of the Extraordinary Consistory of the College of Cardinals for working on the reform of the Curia (12 February 2015); the announcement by the Dean of the College of Cardinals that the Holy Father had accepted the renunciation of the rights and privileges of the Cardinalate by His Eminence Keith O'Brien (20 March 2015); reports on meetings of the Council of Cardinals (8-10 June 2015 and 14-16 September 2015); the positive assessment by the Congregation for the Doctrine of the Faith (CDF) of the Leadership Conference of Women Religious (16 April 2015: see below, canons 573-683); the appointment of the superior general of the Priestly Fraternity of Saint Pius X (SSPX) as a judge *ad casum*, as a sign of goodwill, but without this implying that the difficulties affecting the SSPX had been resolved; the indictment by a Vatican prosecutor of the former apostolic nuncio to the Dominican Republic, Józef Wesołowski, for possessing child pornography (the accused died of an apparent heart attack prior to the trial: see *Canon Law Abstracts*, no. 115, p. 110); a declaration by the CDF, in response to a consultation from a Spanish diocese, that a transsexual person could not be a sponsor at baptism, since that person was not living a life of faith befitting the role to be undertaken, in accordance with canon 874, 3^o; a visit on behalf of the Holy See by Athanasius Schneider, auxiliary bishop of Astana, Kazakhstan, to the seminaries of the SSPX in France and the United States, following which Bishop Schneider advocated full canonical recognition for the SSPX (interview 10 August 2015); the publication of the Homiletic Directory by the Congregation for Divine Worship (10 February 2015; see below, canons 767-769); the merging by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life of seven Spanish Franciscan provinces into a single province (1 January 2015); a note from the same Congregation clarifying the situation of some former members of the association *Lumen Dei* who had formed a new civil association which had no recognition in the Church and which had retained certain goods to which it was not entitled (24 May 2015: see *Canon Law Abstracts*, no. 115, p. 6); a decree establishing the new Dominican Province of Hispania, comprising the former provinces of Spain, Aragón and Bética (8 December 2015, effective from 1 January 2016); the constitutive assembly of the Federation of the four Spanish Augustinian Provinces, for the purposes of creating a single Province (29-30 October 2015); two decrees from the Apostolic Penitentiary granting plenary indulgences for pilgrims on the Ignatian Way (Loyola to Manresa in northern Spain) in the Jubilee Year; and responses from the Pontifical Council for Legislative Texts in connection with the new regulations in *Mitis Iudex Dominus Iesus* (see *Canon Law Abstracts*, no. 116, pp. 110-111, 114, and canons 1671-1691, below).

The final sections of the review are dedicated to the diplomatic activity of the Holy See during 2015 [see below, General Subjects (*Relations between Church*

and State)], including agreements with Serbia on higher education, the Czech Republic on the renewal of diplomatic relations, the Republic of Italy on financial matters, the United States on fiscal matters, the Republic of Chad and the Democratic Republic of East Timor respectively on the status of the Catholic Church in those countries, and the State of Palestine on general matters; interest expressed by China in entering into dialogue with the Holy See, and a visit of a diplomatic team to Beijing; audiences granted by Pope Francis to the Presidents of the Republic of Cuba and of the State of Israel; a Memorandum of Understanding between the Secretary of State and the Minister for Foreign Affairs of the State of Kuwait; and the Holy Father's visit to Cuba and the United States; as well as documentation and activity of the Spanish Episcopal Conference.

IC 56 (2016), 417-430: Jorge Otaduy: Crónica de Legislación 2015. Derecho eclesiástico español. (Compilation)

O. presents a review of national legislation in Spain in 2015 in respect of the regulation of religious bodies, marriage, social security, education, financial matters, and the penal code; and of local legislation, particularly in respect of education.

IC 56 (2016), 431-445: Jorge Otaduy: Crónica de Jurisprudencia 2015. Derecho eclesiástico español. (Compilation)

O. presents a review of decisions in the Spanish courts in 2015 involving the teaching of religion; issues related to places of worship; pension rights for a woman forced to separate from a violent husband; a dispute over an agreed schedule of visits to a minor by grandparents, whose religious beliefs conflicted with those of the minor's parents; pension rights for the widow of an evangelical minister; conscientious objection (in relation to dispensing the "morning-after pill"; observing the day of rest within a particular religious group; and requesting that pig-meat be removed from a school menu); historical patrimony (disputes between the Autonomous Communities of Aragón and Catalonia involving Church patrimony); the granting of an honorific award to a particular representation of Our Lady; taxation matters; and inheritance rights in the case of a priest who heard the death-bed confession of a testator. O. also refers to various cases decided by the European Court of Human Rights in 2015.

N LI 1-6/15, 3-253: Year of Mercy. (Documents and articles)

This issue of *Notitiae* is mostly dedicated to the Year of Mercy under various headings, including the text in Italian of the Bull of Indiction for the Holy Year

General Subjects (Compilations / Ecclesiology)

of Mercy (pp. 3-26); the text of nos. 233-237 of Pope Francis's Encyclical Letter *Laudato Si'* on sacramental signs and rest as celebration (pp. 27-30); an allocution from the Pope to participants in a course at the Apostolic Penitentiary on how priests can be educated by the confessions they hear (pp. 31-34); an allocution on how Easter gives new impetus to the Church as a witness to God's mercy (pp. 35-36); the Italian text of the Introduction and first part of the Homiletic Directory (pp. 62-88 [full text in English in *Notitiae* 2014, pp. 523-634]) followed by a presentation of the document at the Vatican Press with addresses from Cardinal Sarah (pp. 89-91), Archbishop Roche (pp. 91-93), Fr. Maggioni (pp. 93-95) and Signor Riva (pp. 95-96) and a brief commentary from J. Driscoll (pp. 97-110); the texts in Italian of the various Rites for the Holy Year of Mercy: opening the door (pp. 111-124); introduction in stational churches (pp. 125-147); opening the Year in churches designated by the bishop (pp. 148-150); closing celebration (pp. 151-160); prayer for the Year of Jubilee (pp. 161-162); commentaries from C. Maggioni (pp. 163-174) and A. Lameri (pp. 175-191) on the Bull *Misericordiae vultus*; articles by J. Goñi Beasoain de Paulorena on the relationship between penitence and mercy, the Lenten invitation to conversion and the meaning of "mercy" (pp. 192-200), R. De Zan on the mercy of the Father and the mystery of Christ in the context of the two Testaments, in the light of the Sunday Mass readings for Lent in Year C (pp. 201-212), J. Driscoll on mercy in the Liturgy of the Hours (pp. 213-225), J. Gutiérrez-Martín on the sacrament of penance in the context of the economy of mercy (pp. 226-239), and G. Midili on popular piety as the "theological place" of the Mercy of God (pp. 240-253).

Ecclesiology

ADC 5 (abril 2016), 105-140: Jaime González Argento: La noción de Iglesia como comunión en el lenguaje del Derecho eclesial. (Article)

The ecclesiology of communion has profound consequences in terms of form and content for the science and practice of canon law, as well as for the study of its principles and its theological basis. After some brief notes on the notion of communion in the Second Vatican Council and the terminology used by the CIC/83, G.A. argues that communion is a key notion for defining the purpose of canon law and for understanding the Church's constitutional structure. Communion also emphasizes the ecclesiastical aspect of the rights of the faithful and is a criterion for its reading and interpretation. Lastly, the notion of communion is important for the theological basis of canon law.

ADC 5 (abril 2016), 141-162: Fabio Vecchi: La compenetrazione degli uffici di diplomazia apostolica con gli enti di coordinamento e derivazione episcopale e le convergenze tra *munus* pastorale e *ius statuendi*. (Article)

One of the consequences of the reforms called for by Vatican II both within the Church and in her relations with the political community has been the emergence of consultative groupings of bishops. The key to their organic coordination is the rediscovered praxis of collegial government, together with the attribution of a pastoral character to the relevant canonical norms.

Ecumenism and interreligious dialogue

EIC 56 (2016), 245-266: Nicolás Álvarez de las Asturias: El comentario de Vicente Hispano a la constitución 4 del IV Concilio de Letrán: elementos doctrinales para la valoración de la praxis oriental. (Article)

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

J 76 (2016), 69-83: Ronald G. Roberson: The Catholic-Oriental Orthodox Dialogue: Achievements and Hopes. (Conference presentation)

R. focuses on the six Oriental Orthodox Churches that did not receive the Christological teachings of the Council of Chalcedon in 451 and have not been in full communion with the rest of the Christian world since that time. He briefly describes the individual Churches and their present situation, identifies certain characteristics of these Churches, and then focuses on the achievement of the international dialogue between the Catholic Church and the Oriental Orthodox that has been in progress since 2004. He concludes with reflections on the prospects for the re-establishment of full communion and the role which the Bishop of Rome might play among these reconciled Churches.

KIP 5 (18) 2016, 181-197: Marta Olkowicz: Aspekty ekumeniczne w Kodeksie Prawa Kanonicznego z 1983 roku (Ecumenical aspects in the 1983 Code of Canon Law). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-10>

Among the teachings of the Second Vatican Council to be included in the Code of Canon Law was the ecumenical aspect: the promotion of the unity of all Christians, sacramental sharing and other forms of *communicatio*. O. studies the extent to which these aspects have been incorporated into the CIC/83.

LJ 176 (2016), 59-63: John Duddington: Catholic and Protestant Approaches to Law: some initial thoughts. (Article)

The year 2017 is the 500th anniversary of what is commonly considered to be the start of the Protestant Reformation, and D. suggests that this offers a real opportunity to go back to the roots of Catholic and Protestant thinking on some of the great issues of our day, including the place of law in our society. This will help in applying anew Christian principles to the development of legal thinking and contribute to a better society for all.

Family issues

Ius Comm IV (2016), 9-33: Antonio Rouco Varela: La secularización del matrimonio y de la familia: el gran reto teológico y pastoral para la Iglesia de hoy. (Article)

In view of the triumph of the ethic of total relativism in the field of marriage and the family it is urgent to affirm the entire *bonum* of marriage and the family (*bonum matrimonii*, *bonum sacramenti* and *bonum prolis*) in which the intimate truth of the Gospel shines out. The pastoral response should have two centres of gravity: the spiritual and human care of marriages and families within the inner life of the Church, and the apostolic and missionary forms of proclaiming, teaching and testifying to the truth of the Gospel of marriage and the family.

Human rights

LJ 176 (2016), 80-111: Frank Cranmer – David Pocklington: Casebook. (Compilation)

Notes are given for various cases on a range of human rights decided in 2015 and 2016 by the European Court of Human Rights and by courts and tribunals in England and Wales, Scotland and Northern Ireland.

Law reform

Comm 47 (2015), 70-73: Pontificium Consilium de Legum Textibus: Allocutio obsequii Em.mi Praesidis huius Dicasterii occasione visitationis Papae Francisci ad nostrum Consilium die 1 mensis iunii currentis anni prolata. (Address)

In welcoming Pope Francis to the Pontifical Council for Legislative Texts the Cardinal President offers some thoughts on the role of the Council in suggesting

improvements to the law. The duties imposed by law are about respect for the rights of others and their wellbeing. Indeed each law – and canon law as a whole – ought to be an expression of love. The 14 works of mercy are in their way little laws of love. Good laws are a pastoral expression of love for those in some kind of need.

EIC 56 (2016), 71-107: Geraldina Boni: Rinuncia del sommo pontefice al *munus petrinum*, *sedes romana vacans aut prorsus impedita*: tra *ius conditum* e *ius condendum*. (Article)

See below, canon 335.

J 76 (2016), 85-113: John M. Huels: Independent General Administrative Norms in Documents of the Roman Curia. (Article)

Independent general administrative norms are rather numerous in documents of the Roman Curia, but their existence is not acknowledged in the Code of Canon Law, and they are scarcely mentioned in the canonical doctrine. This lack of recognition may lead to incorrect assessments of their juridical value through confusion with laws (*leges*) or other administrative norms. They are similar to general executory decrees and instructions (canons 31-34) in that they are norms of executive power, but they are dissimilar because they do not depend on any pre-existing law in need of execution or instruction. H. seeks to assist canonists in accurately categorizing the norms in documents of the Roman Curia and evaluating their juridical weight, concluding with a proposal for a revision of canons 29-34.

Legal theory

AkK 184 (2015), 57-74: Helmuth Pree: Kirchenrecht und Barmherzigkeit. Rechtstheologische und rechtstheoretische Aspekte. (Article)

See below, CIC canon 915.

Ap LXXXVIII (2015), 257-270: Paolo Gherri: Bilancio canonistico della Nona Giornata Canonistica Interdisciplinare. (Article)

G. sets out some of the factors which canon law needs to take into account and embrace as a result of the reflections on “discerning” and “choosing” in the Church (see *Canon Law Abstracts*, no. 116, p. 9).

CLSN 185/16, 20-26: John Hadley: Reflections on Justice, Mercy and Canon Law. (Article)

H. offers some reflections for the Year of Mercy in the light of his reading of Cardinal Walter Kasper's *Mercy: The Essence of the Gospel and the Key to Christian Life*, a work that the Holy Father appears to have found inspiring. H. finds it generally challenging and encouraging but is a little disappointed with its treatment of mercy in relation to canon law. Among other matters he explains some ways in which mercy is applied in tribunals.

EIC 56 (2016), 175-194: Giuseppe Dalla Torre: Giustizia e misericordia. (Conference presentation)

D.T. offers some thoughts on the relationship between justice and mercy.

Verg 1 (2015), 71-105: Domenico Bilotti: Alcune esemplificazioni storiche del concetto di crisi nel Diritto Canonico. (Article)

In the context of a general theory of canon law, B. identifies three fundamental phases in the history of Christianity and in legal studies: 1. the still not totally ascertained phenomenon of monasticism; 2. the cyclic discussions concerning the existence of a juridical element in the mission of the Catholic Church; 3. the relevance of Christendom in the origins and subsequent development of modern aesthetic sciences. B.'s main thesis is that these theoretical issues have an important common thread: a juridical definition of what a crisis is, and what it ought to be.

Relations between Church and State

AnCrac 47 (2015), 197-215: Piotr Kroczek: Religious freedom in the context of education in Poland. Relationship between the Polish State and the Catholic Church. (Article)

K. presents the current Church and State legal regulations on education in Poland and offers some suggestions for helping establish better relations and protect religious freedom.

AnCrac 47 (2015), 233-249 Diana Jadwiga Kucek: “Quae est iustitia nisi misericordia?” – czyli o przejawach miłosierdzia w prawie kanonicznym i polskim dotyczącym małżeństwa (*Manifestations of mercy in Church and Polish law on marriage*). (Article)

K. offers some reflections on human dignity and the role of mercy in Church and Polish State law.

Ap LXXXVIII (2015), 311-332: Marcello Volpe: Enti ecclesiastici ed Enti canonici in Italia: tutela costituzionale e legislativa. (Article)

V. examines the legal situation of institutions in Italy that are classified as “ecclesiastical” by the State. These bodies bring benefits to the State as well as to the Church, and should be recognized by the State as such, rather than being relegated to the status simply of activities of religion and worship.

Comm 47 (2015), 13-18: Pope Francis: Conventio inter Apostolicam Sedem et Rem Publicam Serbiae de opera consocianda quo attinet ad institutionem superiorem inita. (Convention)

The text in Italian and Serbian of a convention between the Holy See and Serbia concerning Church institutes of higher education.

Comm 47 (2015), 80-104: Secretaria Status: Conventio de rebus fiscalibus, inter Sanctam Sedem et Gubernium Rei Publicae Italiae inita, necnon alia documenta adnexa et connexa cum ea. (Convention)

This convention between the Holy See and the Italian State regulates various financial matters of mutual concern with a view to securing greater transparency and to ensure that those resident on Italian territory satisfy their financial obligations. The text is followed by an explanatory note from the Secretariat of State, an exchange of correspondence and a list of those entities affected.

RMDC 21/1 (2015), 198-200: Santa Sede y Gobierno de Italia: Firma de acuerdo entre la Santa Sede y el Gobierno de la República Italiana en materia fiscal, 1 de abril de 2015. (Document)

See preceding entry.

Comm 47 (2015), 112-114: Ex Ephemeride *L’Osservatore Romano*: Articulus explanans conventionem inter Sanctam Sedem et Rem Publicam

Italiae de rebus fiscalibus ab Exc.mo D. Paulo Ricardo Gallagher conscriptus. (Article)

Archbishop Gallagher explains the historical background to the relationship between the Holy See and the Italian State and the need for cooperation in the area of finance, not least because the former has no fiscal or taxation legislation in the strict sense. The new convention seeks to simplify taxation arrangements for the entities subject to the Holy See and their employees and also to ensure greater transparency through exchange of information.

Comm 47 (2015), 115-117: Ex Ephemeride *L'Osservatore Romano*: Articulus explanans conventionem inter Sanctam Sedem et Rem Publicam Italiae de rebus fiscalibus a Ill.mo D. Iosephi Dalla Torre conscriptus. (Article)

See preceding entry. D.T. explains in more technical detail the rationale behind the new convention. It is modelled on those entered into by the Italian State with neighbouring States but with necessary adaptations since the Holy See is a spiritual entity rather than a State in the secular sense.

Comm 47 (2015), 311-318: Pope Francis: Conventio de iuridico statu Ecclesiae Catholicae in Rempublia Tzadiana inter Sanctam Sedem et Rempubliam Tzadianam inita. (Document)

This is the text in French only of a convention between the Holy See and Chad establishing the legal status of the Catholic Church in that country.

Comm 47 (2015), 328-389: Secretaria Status: Conventio de rebus fiscalibus inter Sanctam Sedem et Rempubliam Civitatum Foederatarum Americae Septentrionalis inita una cum duobus adnexis. (Document)

This is the text in English of an agreement between the Holy See, acting also on behalf of the Vatican City State, and the USA, to improve international tax compliance and to implement the US provisions of the “Foreign Account Tax Compliance Act” concerning the exchange of information. The annexes cover due diligence obligations on identifying and reporting US reportable accounts and a list of entities deemed exempt or compliant.

Comm 47 (2015), 392-393: Ex Ephemeride *L'Osservatore Romano*: Articulus explanans conventionem de rebus fiscalibus inter Sanctam Sedem

et Rempubicam Civitatum Foederatarum Americae Septentrionalis initam ab Exc.mo D. Paulo Gallagher conscriptus. (Article)

See preceding entry; see also below, canon 360 (p. 54).

IE XXVIII (2016), 79-111: Jorge Botelho Moniz: O financiamento público da religião na Europa católica pós-crise. (Article)

B.M. looks at the question of the public funding of religious denominations following the financial crisis of 2008-2009. He does so by analysing the models of public and private funding existing in Austria, Italy, Poland, Portugal, Slovakia and Spain.

IC 56 (2016), 355-382: Joaquín Mantecón: Nota acerca del nuevo régimen de la Obra Pía de los Santos Lugares. (Article)

For centuries the foundational patrimony of the Spanish institution established for the “Pious Work of the Holy Places” (*Obra Pía de los Santos Lugares*) was administered by the Catholic Church by means of a complex arrangement involving the Holy See, the Franciscan Order and the *Custodia Terrae Sanctae*, as well as the Spanish ecclesiastical hierarchy, under the high patronage of the Crown. This arrangement was altered as a result of the regalist doctrines of the 18th century, whereby the *Obra Pía* became a body with religious ends controlled by the Crown; it underwent further change when State secularity became enshrined in the Spanish Constitution, prohibiting the promotion of directly religious aims or activities. While it was still possible to respect the original aim of helping sustain the Holy Places, other complementary aims were added with a view to reinforcing national interests and the cultural presence of Spain in those places. M. examines the juridical nature of the *Obra Pía* and its evolution in the Spanish legal system culminating in a Law of 2014, and concludes that its current situation is such that it has become largely detached from its roots and its traditional aims, and that it is now a State institution aimed principally at preserving the historical interests of Spain in the Holy Places.

Ius V 2/14, 249-264: Secretariat of State: Comments of the Holy See on the Concluding Observations on the Rights of the Child. (Statement)

This is the response of the Holy See to certain passages in the *Concluding Observations* presented by the United Nations Committee on the Rights of the Child dated 5 February 2014. It notes that despite repeated explanations from the Holy See the document fails to distinguish adequately between the Holy See, the Vatican City State and the universal Catholic Church, and in consequence

misunderstands the nature of canon law and the relationships between the particular and universal Church. There are also various areas where it goes beyond what has been agreed by treaty and by the accepted norms of international law.

KIP 5 (18) 2016, 77-94: Tomasz Poterała: Konkordat między Stolicą Apostolską i Republiką Słowacką (*Concordat between the Holy See and the Slovak Republic*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-5>

The relationship of the Church to political States is generally more precisely defined by bilateral international agreements, usually called “concordats”. These are normative acts whose purpose is to stabilize the relationships between the Church and the State. The independence and autonomy of the Church and the State, confirmed by the provisions of the concordat, are a necessary precondition for the true good of the human person, for whose benefit the concordat is made. P. looks at the concordat concluded between the Holy See and the Slovak Republic, and at its genesis and content compared to other concordats and partial agreements between the Slovak Republic and the Holy See.

LJ 176 (2016), 18-38: Robert Meakin: What are the implications of being a church-controlled charity in the Church of England and the Roman Catholic Church? (Article)

There are potentially serious implications for the Church of England and the Catholic Church from both a canon law and a civil law perspective if they control charities. Whether liability will fall upon a particular part of the Church will depend on the level of control exercised by an ecclesiastical authority recognized by the civil law. There is a trend for the laity to take over trusteeship of charities such as schools from the clergy and religious. In general terms, if control is relinquished to the laity then liability will fall on the laity rather than the clergy or religious that devolved such power. From a secular legal perspective, if a charity is controlled by the Church then there may be issues of potential liability for the Church through the law of vicarious liability. The level of control exercised by the Church will also influence the extent to which it can control the doctrinal orthodoxy of the charity.

LJ 176 (2016), 42-58: Theodosios Tsivolas: The new legal status of religious organizations in Greece. (Article)

The October 2014 Law on the “Organization of the legal form of religious communities and their associations in Greece” establishes a long-awaited systematized legal framework for minority religious organizations in Greece, and introduces an official registration system. T. analyses the new legislation and looks at associated jurisprudence and case law.

RMDC 21/1 (2015), 81-98: Jorge Antonio Di Nicco: Normativa canónica a considerar en la República Argentina para la confección de los Instrumentos jurídicos civiles cuando una de las partes contratantes es una Diócesis. (Article)

In the Argentine Republic canon law applies not only to the internal governance of the Church but also to certain aspects of State law. This is to be borne in mind especially when one of the parties to a civil contract is a diocese.

SCL X (2014-2015), 105-180: Antonysamy Savarimuthu: The unifying strengths of continuing to develop Indian secularism. (Article)

Indian society is highly religious but the Constitution establishes India as a secular State. S. explains this first by studying the development of the concept of “secularism” in the West and its various different expressions, e.g. in the USA and France, and then the development of the Indian Constitution. In Asia the various religions and civil authorities are historically intertwined, with the endowment of temples, mosques and pagodas and the acceptance of advice from religious leaders. Despite partition there was still a very large Muslim minority in India and a number of other minority religious communities. The course chosen was to adopt a secular Constitution which accommodated all the religious communities, granting liberty and equality to all citizens. Such a situation can be arrived at either by a positive attitude on the part of the State or by one that is suspicious of all groups. S. looks at particular challenges such as the law applying to persons arising from their religious background, e.g. in the context of marriage.

TKP VII (2014), 44-63: Józef Krukowski: Poland and the Holy See. Contribution to the Concordatory Law. (Conference presentation)

K. examines the history of relations between Poland and the Holy See, the notion and classification of concordats, and the specific details of the 1993

concordat between the Holy See and the Republic of Poland and its subsequent effect on Church-State relations.

Religious freedom

ADC 5 (abril 2016), 189-206: José Tomás Martín de Agar: Opción pacticia y libertad religiosa institucional. (Article)

Religious freedom is closely associated with the option of concordats or bilateral agreements with States. Although not expressly indicated in her Magisterium, the Church has adopted the concordat option as the way of guaranteeing freedom of worship, not only for individuals but for the collective entity – precisely in order to enable the individual to exercise his or her religion freely. Thus a concordat seeks to protect not a particular faith, but rather religious freedom, guaranteeing equality of rights amid the diversity of religious ideologies: that is, without diminishing anyone's freedom.

Ap LXXXVIII (2015), 113-157: Jean-Pierre Schoupe: La libertà religiosa istituzionale nella Giurisprudenza della Corte Europea dei Diritti dell'Uomo: una rilettura canonica. (Article)

The Second Vatican Council teaches that there is a harmony between *libertas Ecclesiae* and the fundamental right to religious liberty, including its community dimension. Half a century after the Declaration *Dignitatis Humanae*, S. studies the extent to which matters of liberty and institutional autonomy find protection in the jurisprudence of the European Court of Human Rights, in the light of article 9 of the European Convention on Human Rights on freedom of thought, conscience, and religion. He examines, among other things, juridical personality, appointments, the formation of future ministers of religion, the spreading of doctrine, education, jurisdiction within the ecclesial realm, ownership and administration of property and goods, judicial power, administrative power of sanction, and the sovereignty of the Holy See.

IE XXVII (2015), 595-618: Stefano Testa Bappenheim: I simboli religiosi in Europa e negli Stati Uniti. (Conference presentation)

The subject of religious symbolism in public places has reignited the great debate over the religious neutrality of various countries. Over the years this topic has given rise to serious legal, historical and sociological controversies. Some Western countries such as Germany, Italy, France, Austria and the United States have debated the question of the presence of crosses and other religious

symbols in public buildings. The solution varies from one country to another, according to their respective levels of secularization. B. studies the judicial evolution of this matter.

Social issues

Comm 47 (2015), 58-59: Pope Francis: Allocutio Summi Pontificis ad Sodales Consilii Superioris Magistratus Italiae (CSM) coram admissos die 13 mensis iunii 2015 prolata. (Address)

Pope Francis addresses members of the Superior Council of Magistrates of Italy on the deterioration of common roots in society and the need to recover fundamental values. Judges have a role to play in this. While responding to individual cases there is the opportunity to reaffirm these values.

KIP 5 (18) 2016, 119-135: Damián Němec: Die Tschechische Bischofskonferenz gegenüber neuen Aufforderungen. (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-7>

N. analyses various statements of the Czech Bishops' Conference in the face of new challenges, addressed both to Church faithful and to society at large. Over the years the stress has tended to be on the principle of subsidiarity for internal ecclesiastical questions, and on centralization in relation to social issues.

Teaching of canon law

RNP XXIV 4/2014, 177-187: Piotr Zamelski: O pedagogice prawa kościelnego (*On the pedagogy of canon law*). (Article)

Pedagogy of law is a branch of legal theory and philosophy focusing on the educational function of law, seeking the best possible legal solutions, analysing existing or draft laws in terms of their compliance with the natural law, increasing legal awareness, and resolving conflicts. It is based on legal and natural assumptions, and also personalistic foundations. Z. deals with selected issues related to the pedagogy of canon law, especially particular law.

HISTORICAL SUBJECTS

1st millennium

EIC 56 (2016), 5-30: Orazio Condorelli: Il papa deposto tra storia e diritto. (Article)

See below, canon 332.

QDE 29 (2016), 143-155: Giuliano Brugnotti: La riserva della confermazione al vescovo nei primi secoli. (Article)

See below, canon 882.

Classical period

AkK 184 (2015), 75-101: Joaquín Sedano: Die päpstliche Dispensation von der nichtvollzogenen Ehe in der klassischen Kanonistik. Eine Problemstellung. (Article)

S. starts from the perspective of classical canon law on marriage and of the papal dispensation from a valid but unconsummated marriage. After setting out the theological foundations, he looks more closely at the *Decretum Gratiani* and in particular the divergent opinions of the decretists and decretalists. Finally he presents papal decisions and the teachings of canonists, before demonstrating in conclusion that there does not appear to be a clearly recognizable foundation for the papal power to dissolve a marriage in favour of entry into religious life. Hence a deeper theological clarification and juridical form are urgently called for.

EIC 56 (2016), 5-30: Orazio Condorelli: Il papa deposto tra storia e diritto. (Article)

See below, canon 332.

EIC 56 (2016), 31-70: Valerio Gliotti: Un soglio da cui non si scende...? Aspetti della *renuntiatio papae* nella storia giuridica medievale. (Article)

See below, canon 332.

EIC 56 (2016), 153-173: Andrea Errera: Il papa, l'inquisitore, l'eretico: tre figure non sempre distinte. (Article)

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

EIC 56 (2016), 245-266: Nicolás Álvarez de las Asturias: El comentario de Vicente Hispano a la constitución 4 del IV Concilio de Letrán: elementos doctrinales para la valoración de la praxis oriental. (Article)

In its search for union with the East, the Fourth Lateran Council appeared to move between, on the one hand, a desire to allow all ritual differences, and on the other, a strong defence of unity in all doctrinal questions. A. elaborates on the issue in the light of the *Apparatus ad Concilium Lateranum IV* of Vincentius Hispanus.

EIC 56 (2016), 267-284: Szabolcs Anzelm Szuromi: Essential Information about the Medieval Manuscripts: Palaeographical and Codicological Principles for Identification of Origin of the Canonical Manuscripts. (Article)

In this paleographical and codicological overview S. looks fundamentally at the Latin sources, particularly those original exemplars which are relevant to canonical medieval history. These include not only papal letters and conciliar canons, but also biblical, patristic and Roman law sources, as well as other ecclesiastical and royal texts. The style of each Latin text testifies to the place, time and cultural or institutional circumstances in which it was composed. The medieval Latin written culture therefore provides detailed information which is fundamental for those who wish to acquire a proper understanding of the original sources arising at some point between 590 and 1545 AD. In order to identify the origin of a canonical manuscript – date, place, provenance, possessor, contents, author, goal of composition, and place of use – it is necessary to carry out not only a precise textual critical analysis, but also a careful paleological and codicological examination of the original exemplar. In this way it is possible to acquire a better understanding of the goal and routine of certain particular fields of the Church's daily life and of the corresponding contemporary ecclesiastical legislation.

IC 56 (2016), 229-269: Joaquín Sedano: Las incertidumbres históricas sobre la potestad pontificia de disolver un matrimonio rato y no consumado: una clave interpretativa de la formación del vínculo matrimonial. (Article)

See below, canon 1142.

REDC 73 (2016), 247-280: Eutimio Sastre Santos: Sobre el capítulo *Ne Nimia*, X.3.36.9. La *nova religio* en el IV Concilio de Letrán, 1215, y las *novae formae vitae consecratae* en el 2015. (Article)

See below, canon 605.

Verg 1 (2015), 21-69: Dafydd Bened Walters: Spoliation and disseisin: possession under threat and its protection before and after 1215. (Article)

Each of the two great law-making events of 1215, *Magna Carta* and the Fourth Lateran Council, included provisions relating to dispossession (*spoliation, disseisin*). W. considers the legal texts in some detail and the history behind them.

Verg 1 (2015), 255-268: Lára Magnúsardóttir: Iceland as a western country. How to classify medieval church law in the vernacular. (Article)

Iceland's subjection to the king of Norway in 1262-1264 was followed by the composition of a book of laws for ecclesiastical and spiritual matters, in the vernacular of each country. These laws were implemented in Iceland in 1275 along with a separate book of secular laws in 1281. Both books remained in force until the middle of the 16th century. This separation of Church law both from the secular law and from the law of the Roman Church has been viewed as an indication of constant rivalry between the religious and secular authorities, the Church usually being portrayed as an overreaching and even oppressive institution against which the laity had to struggle. But a comparison of Icelandic Church law with Latin canon law reveals that the Church in Iceland submitted entirely to the authority of the Roman Church, and that Icelandic Church law was in fact a particular representation of Roman Church law. A Norwegian concordat from 1277 makes clear the king's recognition of separate spiritual and temporal jurisdictions. This cooperation is readily apparent in later court cases.

Verg 2 (2016), 19-46: Péter Erdő: La cura pastorale dei gruppi etnici con speciale riguardo alle loro lingue. (Article)

Over the course of history the pastoral structures of the Church have had to take into account the geographical provenance and language of the faithful. Constitution 9 of the Fourth Lateran Council represents a turning point: the first time the question of the pastoral care of faithful of different rites and languages was dealt with at an institutional level. E. highlights the importance and effects of this Lateran provision, and its later development in the norms relating to the language of the faithful as a criterion of ecclesiastical organization, especially in relation to parishes. (See also *Canon Law Abstracts*, no. 116, pp. 18-19.)

Verg 2 (2016), 47-83: Aniceto Masferrer: La contribución canónica a la salvaguarda de la paz en la Edad Media: el IV Concilio de Letrán (1215). (Article)

The main goal of medieval law was the promotion of social order and peace, based on justice and truth. M. analyses the contribution of canon law to the safeguarding of peace, with particular reference to the Fourth Lateran Council (1215).

Verg 2 (2016), 85-97: Damian J. Smith: Inocencio III, Pedro Beneventano y la historia de España. (Article)

S. looks at the importance and influence of Pope Innocent III (1198-1216) and his legate in Spain, the great canonist Peter of Benevento († *circa* 1220), for the survival of James I of Aragon (1213-1276) and the subsequent development of his kingdom. The manner of the Pope's intervention tells us much about the papacy's major concerns at a moment when its authority was at its zenith.

Verg 2 (2016), 99-130: Javier Belda Iniesta: El IV Concilio de Letrán como paradigma medieval del ejercicio de los *tria munera*. (Article)

Traditionally the Inquisition has been considered as the only means by which the Church combated heresy. B.I. shows that there were three ways in which the Church dealt with heresy, corresponding to her triple function of teaching, sanctifying and governing: 1. preventative means, including preaching the truth and stirring souls to repentance (*munus docendi*); 2. sacramental means, including important changes relating to confession, aimed at restoring to full communion those who had strayed (*munus sanctificandi*); 3. judicial means, by which the authority aimed as a last resort to force the sinner to repent (*munus regendi*). During this time the Church gradually acquired an awareness of her

own identity, in such a way as to be able to give an organic response to the problem by convening the Fourth Lateran Council.

Verg 2 (2016), 131-173: Fernando Betancourt-Serna: Inocencio III (1198-1216) y la *Universitas Studiorum* [1203 → 1917/1983/1990]. (Article)

B.-S. examines the process by which the term *universitas* – which in classical, medieval and modern Latin refers to an aggregate of goods (*universitas rerum*) or of persons (*universitas personarum*) – came to be applied to institutes of higher education.

Verg 2 (2016), 175-199: Albert Bat-Sheva: Innocent III (1198-1216) et l’Ancien Testament: politique et exégèse dans la *Deliberatio domini papae Innocentii super facto imperii de tribus electis*. (Article)

Research on Innocent III’s letters reveals a surprising number of Old Testament references. B.-S. examines the Pope’s exegetical method in the *Deliberatio domini papae Innocentii super facto imperii de tribus electis* on the election of the Emperor, in which Innocent’s biblical exegesis is reinforced by references to canon law.

Verg 2 (2016), 201-234: Jürgen Jamin: Il Romano Pontefice quale giudice supremo in *quaestionibus fidei* alla luce della decretale *Maiores di Innocenzo III*. (Article)

The medieval era signals a very important moment in the definition of the primacy of the Church of Rome over the other Churches. One aspect of such primacy is the pre-eminent jurisdiction in all matters of faith attributed to the authority of the Bishop of Rome. With his letter *Maiores* Pope Innocent III affirms this competence of the Roman Pontiff in a concrete decision. J. presents this letter in the light of decretist and decretalist contributions towards identifying the competence of the Pontiff in this sphere.

Verg 2 (2016), 235-247: Pablo José Abascal Monedero: Matrimonio en el derecho territorial castellano y disciplina del papa Inocencio III. (Article)

A.M. examines the custom in Modena and other Italian cities in the times of Innocent III whereby if a married man, before consummating the marriage, became betrothed to and copulated with another woman, he was considered to be validly married to the second woman and not the first.

Verg 2 (2016), 249-271: Raffaella Bianchi Riva: Innocenzo III tra diritto e società: consuetudini, scandali e consenso popolare. (Article)

According to medieval canon law, legal rules could be waived in order to avoid scandal and social disorder. As regards custom, this principle was shaped according to religious and political contingencies. It was necessary to take into account both the will of the populace as manifested in their observance of customary practices, and also the reaction of society to the application or non-application of these customs. Innocent III helped define the juridical relevance of the notion of scandal, on the one hand uprooting customs contrary to the uses of the Roman Church, and on the other safeguarding those rites to which the people seemed most closely attached. His decretals and the constitutions of the Fourth Lateran Council came to be utilized in the period of the Great Schism as a way of balancing the need to maintain unity within the Church and to respect the different religious rites.

Verg 2 (2016), 273-292: Sara Parini Vincenti: *Omne, quod non est ex fide, peccatum est*: the relevance of good faith in canonical *transactio*. (Article)

It is clear that there is a canonical foundation underlying the institute of *transactio*, whereby parties in dispute reach agreement on doubtful issues without a formal procedure. Over the centuries the Church has played a fundamental role in the ethical aspects of compromise. Indeed, the Gospel teaches that every human relationship must be based on *concordia*, as *concordia mater est unitatis*: if parties are about to litigate, or have already started legal proceedings, the Church exhorts them to settle the dispute. This article aims to examine the relevance of two of the essential requirements of *transactio* – namely *lis* and *res dubia* – within the Decretals (X 1.36.1-11 *de transactionibus*), and evaluates how the uncertainty of legal proceedings relates to the principle of good faith in canon law.

Verg 2 (2016), 293-308: Laura Gutiérrez Masson: *Inquisitio, fama, evidentia*: la contribución de Inocencio III a la teoría de la notoriedad del delito. (Article)

G.M. studies the inquisitorial canonical process and the *delictum notorium facti* – the notoriety of the fact of the crime – in some decretals of Pope Innocent III, and their influence on later canonical doctrine.

Verg 2 (2016), 309-330: Miguel Pablo Sancho Gómez: Dietrich I von Mörs (1226-1262). Ejemplo paradigmático de la nueva nobleza medieval alemana tras los tiempos de Inocencio III. (Article)

One of the most important aspects of the foreign policy of Pope Innocent III was his relationship with the Empire. As a great jurist and expert in theology himself, he began a movement by which he was considered guardian and defender of the souls of all Christendom, while the role of the lay princes was to provide physical defence for his subjects. He reserved the right to intervene in politics in Christian lands, and in Imperial elections. As a result of his interventions, relations between Papacy and Empire were transformed, leaving a deep imprint in the German lands and a political and institutional setting which is described in this article by reference to the illustrative example of the Counts of Mörs.

Verg 2 (2016), 343-350: Simone Rosati: Lo *jus exigendi* nel pontificato di Innocenzo III. (Article)

R. studies the system of taxation developed by the papal government at the time of the fourth Crusade, which is one of the main aspects of the political and juridical policy enacted by Pope Innocent III. A special tax continued to be part of the canonical and juridical organization long after the extinction of the particular circumstances that gave rise to it. This tax ultimately became a symbol of the freedom and independence of the Church from any secular power.

Jürgen Jamin: La cooperazione dei Cardinali alle decisioni pontificie *ratione fidei*. Il pensiero di Enrico da Susa (Ostiense). (Book)

J. studies the writings of Henry of Susa (Hostiensis) concerning the College of Cardinals, focusing in particular on how the Cardinals originally came to be the principal advisers of the Pope, the juridical basis of their cooperation, the nature of their involvement in the government of the Church, whether there was a juridical obligation on the Pope to choose Cardinals as advisers, and whether the Pope required their consent for certain specific matters such as decisions in matters of faith. For Hostiensis the Pope was the undisputed judge of the *Romana Ecclesia*, which consisted of Pope and Cardinals; to it were referred the *causae maiores*, including causes *super dubio fidei*. Even though there may be no strict obligation on the Pope to seek the Cardinals' advice in reaching his decision, it would certainly be opportune for him to do so in order to ensure a prudent and non-arbitrary exercise of the Petrine ministry, title to which remains exclusively his own. (For bibliographical details see below, Books Received.)

16th-19th centuries

EIC 56 (2016), 153-173: Andrea Errera: Il papa, l'inquisitore, l'eretico: tre figure non sempre distinte. (Article)

E. states that the difference between the figures of the Pope, the inquisitor and the heretic has not always been clear in Church history and canon law. In particular, the question of whether a Pope could be, or become, a heretic (with all the consequences this implies in terms of ascertaining the actual existence of heresy and of the possible imposition of penalties) has long engaged theologians and jurists. This has led to profoundly divergent doctrinal positions regarding the juridical issue of a heretical Pope, from the Middle Ages to the present day.

REDC 73 (2016), 13-28: Sandra Brandi Portorrico: Política y Religión. El «juicioso» Hooker como icono del anglicanismo y soporte del «status quo» entre 1603 y 1649. (Article)

Richard Hooker was a major theologian of the Anglican Church, and a master of English prose and philosophy of law. Hooker's teachings on relations between the Church and the State have a number of key points and constitute a real Anglican theology, arising from a combination of his own work and the reinterpretations made on it from the 17th century onwards. B.P. analyses these initial interpretations during the early Stuart period.

REDC 73 (2016), 107-180: José Luis Fernández Cadavid: Justicia social y sínodos diocesanos de Lima. Infraestructuras básicas y seguridad social: hospitales, iglesias, enfermos y pobres. (Article)

F.C. endeavours to justify the use of John Rawls's principles of social justice as a way of assessing the degree of justice in the laws and institutions of a given society at any particular time. He applies this to some of the 16th century diocesan synodal constitutions of Lima (Peru) dealing with hospitals, churches and the sick and poor.

Verg 1 (2015), 107-130: María del Mar Martín García: El proceso judicial ante el obispo en el primer milenio del cristianismo. (Article)

M.G. sets out the *status quaestionis* of research into the *episcopalis audientia*, and describes the importance of Jacques Godefroy – a well-known 17th century jurist from a French Calvinist family in Geneva – in the discussions concerning the juridical nature of this institution. Godefroy's views were greatly to influence later authors.

Verg 1 (2015), 215-254: J. J. García Hourcade: Trento: negociación y discernimiento. (Article)

The Council of Trent took place in three phases over a period of 18 years, in an extremely complicated international context. The Council represents a juridical response to a moment of crisis. G.H. gives a broad outline of that response.

20th century

EIC 56 (2016), 219-244: Juan Manuel Cabezas Cañavete: Una mirada histórico canónica al devenir del derecho penal canónico desde 1917 hasta nuestros días (I parte). (Article)

See below, canons 1311-1399.

Second Vatican Council and revision of the CIC and CCEO

ACR XCII 4/15, 415-18: G. O'Collins: The *Tablet* at the Opening of the Council: September-December 1962. (Article)

O'C. collates the London *Tablet's* significant coverage of the first session of the Council, principally through its editor Douglas Woodruff and his permanent Rome correspondent William Purdy. Significant texts were printed, Church history reviewed, letters published, and consultations and committees noted. Woodruff predicted in November that he had "witnessed only the opening salvoes in a long and unpredictable campaign."

ADC 5 (abril 2016), 41-77: Juan Damián Gandía Barber: El proceso de redacción de los cánones acerca de las iglesias, oratorios y capillas privadas: del proyecto de 1977 al *Código de Derecho Canónico*. (Article)

G.B. continues his study of the drafting process of the canons on churches, oratories and private chapels (see *Canon Law Abstracts*, no. 115, p. 38), from 3 October 1979 (once comments from the bodies consulted had been received) up to the final text of the CIC/83.

Ap LXXXVIII (2015), 9-57: Juan Damián Gandía Barber: El proceso de redacción de los Cánones acerca de los cementerios. (Article)

G.B. presents the drafting process of the canons on cemeteries of the current Code of Canon Law. He begins with the criteria adopted by the Commission for

the revision of the whole of this part of the Code, and continues with an analysis of the corresponding canons in the CIC/17, looking at the *iter* of their development and the reasons for the changes introduced into the CIC/83.

Comm 47 (2015), 118-119: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Litterae N. 1718/69 quibus convocatur VII Sessio Coetus Studii de iure poenali necnon in adnexo ad Consultores “Emendationes et complementa ad praeivium canonum schema de singulis delictis” a Relatore parata transmittuntur. (Report)

This letter from Cardinal Felici sets the agenda for the next meeting of the working party on the revision of penal law to take place in March 1969.

Comm 47 (2015), 120-125: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Litterae Relatoris Pii Ciprotti quibus transmittuntur “Emendationes et complementa ad praeivium canonum schema de singulis delictis”. (Report)

The Relator of the working party on penal law invites written responses to the proposed canons on individual offences.

Comm 47 (2015), 126-143: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Animadversiones Consultorum factae ad “Emendationes et complementa ad praeivium canonum schema de singulis delictis” a Relatore paratum. (Report)

The text is given of the *vota* on the proposed schema on individual offences from Fr. Huizing, Bishop Moverley and Fr Jaros.

Comm 47 (2015), 144-158: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Relatio Sessionis VII^{ae}. (Report)

This is a report of the discussions of the proposed schema at the session held 10-15 March 1969.

Comm 47 (2015), 159-222: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Specialis denuo recognoscendo

schemati “De Normis Generalibus et Bonis Temporalibus” (Sessio Unica – Series Altera, diebus 20-25 mensis septembris 1982 habita). (Report)

After the conclusion of the first phase of revision of the Eastern Code in 1979 and the circulating of proposals to various bodies for consultation, a second phase began with the formation of special working parties to look at individual sections. The group began by reviewing the work so far and comments received on general norms and on temporal goods. The first three days were spent on the former and the remainder on temporal goods.

Comm 47 (2015), 223-274: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Specialis denuo recognoscendo schemati “De Sanctionibus Poenalibus in Ecclesia” (Sessio Unica – Series Altera, diebus 29 novembris – 4 decembris 1982 habita). (Report)

The group considered general principles, including the vexed question of whether *latae sententiae* penalties had a place in Eastern law, before moving on to some individual offences.

Comm 47 (2015), 423-431: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Litterae N. 1901/69 quibus “Alterum canonum schema de singulis delictis” a Relatore paratum ad Consultores in adnexo transmittuntur. (Report)

The Relator circulates a revised schema of canons on individual offences for consideration by the working party on the revision of penal law for the session 24-29 November 1969.

Comm 47 (2015), 432-433: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Votum Consultoris Ioannis Jaros. (Report)

This is the text of Jaros’s *votum* on the revised schema of canons on individual offences. He wanted several to be removed as so rare as to be useless and in particular objected to the “catch-all” provision of canon 100 (the eventual canon 1399) as open to abuse and contrary to the principle of legality.

Comm 47 (2015), 434-467: Ex Actis Pontificae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio

VIII): Litterae N. 1955/69 quibus relatio ad schema canonum de delictis et poenis, a Relatore parata, ad Consultores in adnexo transmittitur.

Cardinal Felici sends out a detailed report on the issues to be considered on offences and punishments in general at the November 1969 session.

Comm 47 (2015), 468-478: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Relatio sessionis VIII^{ac}. (Report)

This is a report of the discussions held considering both general norms and individual offences in the November 1969 session of the working party on the revision of penal law.

Comm 47 (2015), 479-505: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studii “De Clericis et de Magisterio Ecclesiastico” (Sessio I, diebus 4-8 mensis iunii 1974 habita). (Report)

This was the first session of the working party on the revision of the Eastern Code concerning clergy and the Magisterium. General principles are discussed at length, and in appendices are set out a programme of the subjects to be covered at future meetings, a list of items, and an excursus on the titles *Catholicos* and *Maphrian*.

Comm 47 (2015), 506-533: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studii “De Clericis et de Magisterio Ecclesiastico” (Sessio II, diebus 17-21 mensis februarii 1975 habita). (Report)

At the second session of the working party on clerics and the Magisterium the focus was on items 32 and 34 in their list, *viz.* clerics in general and the obligations of clerics. Annexed are texts of those canons of the schema for the *Lex Ecclesiae Fundamentalis* dated October 1973 relevant to this material.

J 76 (2016), 43-67: Fermina Álvarez Alonso: Consecration and Secular Life in the Second Vatican Council: The Contribution of the Secular Institutes. (Article)

A.A. provides a brief historical summary of secular institutes from their first juridical recognition in the Apostolic Constitution *Provida Mater Ecclesiae*

(1947), and extracts a few interventions from the preparatory phase of the work of the Second Vatican Council which demonstrate the originality of the secular institutes and their contribution to the Church. Secular institutes, while forming part of the discussion regarding religious, should also be included in the discussion regarding the laity; in fact, the characteristics of being secular, of mission, and of a life of perfection reached through the evangelical counsels are the common patrimony of all Christians as a result of their baptismal consecration, and under a variety of juridical forms, according to the gifts and charisms bestowed upon the Church, the laity make possible an extension of the Incarnation.

Ius V 2/14, 225-248: George Gallaro: Equal Dignity in the Catholic Communion: Decoding the Decree on the *Eastern Churches* and Eastern Code. (Article)

See below, CCEO canons 27-28.

QDE 29 (2016), 79-89: Alberto Perlasca: Can. 119, 1°: maggioranza richiesta nel terzo scrutinio delle elezioni. (Article)

See below, canon 119.

REDC 73 (2016), 29-85: Francisco José Campos: La relación fe-sacramento en el cic 1983. Un estudio a partir del iter redaccional de los cc. 836 y 840. (Article)

See below, canon 836.

Manuel Valdés Mas: La contribución de Álvaro del Portillo en la elaboración del Decreto *Presbyterorum Ordinis* y en su aplicación jurídica. (Thesis)

See below, canons 273-329.

CODE OF CANONS OF THE EASTERN CHURCHES

Historical

Ius V 2/14, 193-204: Danilo Ceccarelli-Morolli: Justinian and the Obligation of an Annual Synod: A Concrete Case of the Influence of Roman Law on Oriental Canon Law Today. (Article)

The institution of the annual synod is very ancient in the Oriental Churches. Ancient canons of the councils held during the first millennium prescribed the necessity to convoke and hold annual synods. Two Novels (123 and 127) enacted by the Emperor Justinian the Great (527-565) are also very important because they provide norms about the synod. M. offers some hints about the relationship between Justinian's Novels and the canons of the first millennium, thus indicating the ancient roots of the present Code. He also shows how even today Roman law strongly influences Eastern canon law.

CCEO 1

SC 50 (2016), 31-93: Jobe Abbass: Le code oriental et l'Église latine. (Article)

25 years after Pope John Paul II promulgated the Eastern Code as an integral part of the Church's one body of canon law, there can be no doubts that he essentially intended by way of the CCEO, canon 1, to establish an interrelationship of the two Codes of the Catholic Church. This interrelationship is certainly more extensive than some canonists initially argued, since it is not limited only to the nine CCEO canons in which the Latin Church is explicitly named. The 2011 official Explanatory Note published by the Pontifical Council for Legislative Texts has confirmed this by stating that "... besides the canons in which the Latin Church is 'explicitly' named, there are also canons of the same Code in which it is included 'implicitly', if one takes into account the text and context of the norm, as CCEO canon 1499 requires". Regarding a specific example of Eastern canons in which the Latin Church is implied, the Note declares: "Consequently, one must hold that the Latin Church is implicitly included by analogy each time that the CCEO explicitly uses the term 'Church *sui iuris*' in the context of interecclesial relations." While the Explanatory Note did not deal with other examples in which the Eastern Code may also implicitly concern the Latin Church, it effectively seems to have left open the possibility of interpreting CCEO canon 1 in a wider sense and, therefore, broadening the interrelationship of the Codes where Eastern canons affect the Latin Church in other areas. Divided into four parts, A.'s article first describes briefly the nine

CCEO canons in which the Latin Church is explicitly named. Part 2 examines Eastern canons that contain the expression “Church *sui iuris*” to determine whether or not they oblige or regard the Latin Church. Part 3 deals with Eastern norms that, in the context of interecclesial relations, implicitly include the Latin Church *ex natura rei* even though the expression “Church *sui iuris*” may not appear in the norms. In Part 4, a broader view of the interrelationship of the Codes is exemplified by their complementarity that allows for recourse to one or the other as aids to their canonical interpretation under certain conditions (see CIC/83, canons 17 and 19, CCEO, canon 1499).

CCEO 27-28

Ius V 2/14, 225-248: George Gallaro: Equal Dignity in the Catholic Communion: Decoding the Decree on the *Eastern Churches* and Eastern Code. (Article)

G. presents the history of the codification of the Eastern Code and highlights how the preservation of Eastern disciplines was a major concern even at Vatican Council I. Analysing the structure of the Decree *Orientalium Ecclesiarum* he says that since it deals with various disciplinary features, it could be seen as a pre-Code with no pretence of being complete. It lays the foundations of a new positive way by specifically emphasizing the diversity of traditions and their equal dignity. G. asserts that the rites of the Eastern Churches are important for the entire Church: if the rites of the Eastern Churches waver, it is the entire Church that wavers, and the apostolic and patristic traditions will suffer extensively. To maintain this variety in unity it is more than ever necessary to promote the rites of the Eastern Churches. Hence G. suggests an ardent effort be made to implement the teachings of *Orientalium Ecclesiarum* and the norms of the CCEO.

CCEO 27-38

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See below, CIC canons 515-552.

CCEO 35

Ap LXXXVIII (2015), 161-195: Pavlo Basysty: Aspetti giuridico-pastorali del Can. 844 *CIC* e le particolarità rituali da applicare nel contesto ecclesiale cattolico ed ortodosso. (Article)

See below, CIC canon 844.

CCEO 42-176

Comm 47 (2015), 479-505: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studii “De Clericis et de Magisterio Ecclesiastico” (Sessio I, diebus 4-8 mensis iunii 1974 habita). (Report)

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

CCEO 106

Ius V 2/14, 193-204: Danilo Ceccarelli-Morolli: Justinian and the Obligation of an Annual Synod: A Concrete Case of the Influence of Roman Law on Oriental Canon Law Today. (Article)

See above, CCEO (*Historical*).

CCEO 177-310

Dominique Le Tourneau: Les communautés hiérarchiques de l’Église catholique. (Book)

See below, canons 368-572.

CCEO 323-398

Comm 47 (2015), 479-505: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studii “De Clericis et de Magisterio Ecclesiastico” (Sessio I, diebus 4-8 mensis iunii 1974 habita). (Report)

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

CCEO 323-398

Comm 47 (2015), 506-533: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studii “De Clericis et de Magisterio Ecclesiastico” (Sessio II, diebus 17-21 mensis februarii 1975 habita). (Report)

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

CCEO 497-503

Ius V 2/14, 205-224: Navya Thattil: Distinct Motives for the Dismissal of religious in CIC and CCEO. (Article)

See below, CIC canons 694-704.

CCEO 551-553

Ius V 2/14, 205-224: Navya Thattil: Distinct Motives for the Dismissal of religious in CIC and CCEO. (Article)

See below, CIC canons 694-704.

CCEO 571

SCL X (2014-2015), 199-216: Jerome R. Anthonappa: New Forms of Consecrated Life (C. 605 CIC & C. 571 CCEO) With Particular Reference to Ashrams. (Article)

See below, CIC canon 605.

CCEO 627

ADC 5 (abril 2016), 165-187: Maria Teresa Cerdá Donat: Educación católica y sociedad civil. Los cc. 793, 797 y 799 del CIC 83 (c. 627 del CCEO). (Article)

See below, CIC canon 793.

CCEO 671

Ap LXXXVIII (2015), 161-195: Pavlo Basysty: Aspetti giuridico-pastorali del Can. 844 CIC e le particolarità rituali da applicare nel contesto ecclesiale cattolico ed ortodosso. (Article)

See below, CIC canon 844.

CCEO 675-717

Ius V 2/14, 151-172: Dimitrios Salachas: Teologia e disciplina dei sacramenti della iniziazione cristiana nel CCEO – (I). (Article)

Christian initiation is a unique, indivisible act that introduces man fully into the mystery of salvation. In baptism man is freed from sin, regenerated into a new

life, puts on Christ and is incorporated into the Church, the Body of Christ. In the anointing of the holy myron the baptized person is confirmed and receives the seal of the Holy Spirit, given as gift. Holy Eucharist is the fulfilment of baptism and chrismation which entails communion in the divine life and membership of the eschatological community. This bond of the three sacraments means and expresses the ineffable unity of the Paschal Mystery, the close relationship between the mission of the Son, the outpouring of the Holy Spirit and the unity of the work of the Holy Trinity, which makes its abode in the baptized. By means of the three sacraments of Christian initiation, the Triune God communicates his life fully to man and deifies him. (See also *Canon Law Abstracts*, no. 116, p. 29.)

CCEO 677-888

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See below, CIC canons 515-552.

CCEO 712

AkK 184 (2015), 57-74: Helmuth Pree: Kirchenrecht und Barmherzigkeit. Rechtstheologische und rechtstheoretische Aspekte. (Article)

See below, CIC canon 915.

CCEO 712

SCL X (2014-2015), 217-238: Sahayaraj Lourdusamy: Admission of the Divorced and Civilly Remarried Catholics to the Eucharistic Communion – Towards A Definitive Solution? (Article)

See below, CIC canon 915.

CCEO 758

Comm 47 (2015), 105-108: Congregatio de Ecclesiis Orientalibus: Pontifica Praecepta de Clero Uxorato Orientali. (Document)

At present all the Eastern Churches except for Syro-Malabar and Syro-Malankara admit married men to diaconal and priestly ordination. However, from 1880, because of difficulties arising from migration to the USA and Canada, the Holy See issued decrees prohibiting the exercise of priestly ministry by married priests in certain regions. One consequence was that 200,000

Ruthenian Catholics joined the Orthodox Church. On 20 February 2008 at the request of the Congregation for Eastern Churches the Congregation for the Doctrine of the Faith re-examined the question but decided to maintain this discipline while allowing individual exceptions. However, in the light of *Anglicanorum Coetibus* the question was explored more fully in November 2013. Pope Francis considered the request for a change and gave his permission on 23 December 2013 subject to certain provisions. Where there is an Oriental hierarch, he must inform the local Latin bishop beforehand and seek his opinion. Where the Eastern faithful have no proper hierarch, the faculty is granted to the local Ordinary, who is to inform the bishops' conference and the Congregation for Eastern Churches. Where there is no administrative structure for them and they are simply entrusted to the local Ordinary the faculty remains with the Congregation. (See also *Canon Law Abstracts*, no. 116, p. 29, and following entry.)

CCEO 758

SC 50 (2016), 145-163: John M. Huels: Canonical Notes on the Pontifical Precepts on Married Eastern Clergy. (Commentary)

See preceding entry. A 2014 document of the Congregation for the Eastern Churches presents three particular laws approved by Pope Francis which permit the ordination of married Eastern candidates in the diaspora. 1. An eparchial bishop in the diaspora can admit a married candidate to sacred orders in accordance with the traditions of his Church *sui iuris* and after a consideration with the Latin bishop of the diocese in whose territory the candidate resides. 2. The bishop who heads an ordinariate established for the Eastern faithful can do the same after notifying the conference of bishops and the Congregation. 3. The authorization of the Holy See to admit a married man to sacred orders is now necessary only in those territories in which no administrative structure has been established for the Eastern Catholic faithful. H.'s commentary on these laws focuses on the juridical nature of the document and the faculty to admit married men to sacred orders, the conditions for the exercise of the faculty, the pertinent laws for the ordinariates established for the Eastern faithful and for territories where their pastoral care belongs to the Latin bishops, and the revocation of the prior legislation which had prohibited the ordination of married men in the diaspora. (The text of the document is given in English and French translation on pp. 157-163.)

CCEO 909-1054

Comm 47 (2015), 159-222: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Specialis denuo recognoscendo

schemati “De Normis Generalibus et Bonis Temporalibus” (Sessio Unica – Series Altera, diebus 20-25 mensis septembris 1982 habita). (Report)

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

CCEO 916

CLSN 186/16, 52: Congregation for Oriental Churches: Decree concerning Greek-Catholic Slovaks in Great Britain. (Document)

By a decree of 23 February 2016 the Congregation for Oriental Churches has committed the community of Greek-Catholic Slovaks residing in Great Britain to the full jurisdiction of the Bishop of the Holy Family Eparchy London for the Christian faithful of Ukrainian Byzantine rite, with due regard for their identity, traditions and property.

CCEO 1357-1377

Comm 47 (2015), 296-308: Pope Francis: Litterae Apostolicae motu proprio datae die 15 mensis augusti 2015 *Mitis et misericors Iesus, quibus Codicis Canonum Ecclesiarum Orientalium canones de causis ad matrimonii nullitatem declarandam reformantur.* (Document)

The reforms in procedural norms concerning marriage annulment are virtually identical to those for the Latin Church (see CIC canons 1671-1691, below) except for appropriate variations in terminology. In response to the requests and recommendations made by the bishops at the 2014 Synod of Bishops Pope Francis introduces reforms to the process for the declaration of nullity in marriage cases. The fundamental points are: one sentence in favour of nullity suffices; the appointment of a single clerical judge is at the discretion of the bishop; the bishop should exercise the role of judge in person; a shorter process for cases where the circumstances are clearly indicative of nullity; appeal to the metropolitan see should be the norm; the role of the bishops' conference; appeal to the Holy See. The text of canons 1357-1377 in the CCEO is completely rewritten and accompanied by more detailed prescriptions in the form of a *Ratio procedendi* in 21 articles. The new legislation took effect on 8 December 2015.

CCEO 1357-1377

SCL X (2014-2015), 35-52: Pope Francis: Apostolic Letter *Motu Proprio Mitis Et Misericors Iesus* – By Which the Canons of the Code of Canons of Eastern Churches Pertaining to Cases Regarding the Nullity of Marriage Are Reformed (15 August 2015). (Document)

See preceding entry.

CCEO 1357-1377

Comm 47 (2015), 309-310: Pope Francis: Rescriptum Summi Pontificis Francisci de nova lege processus matrimonialis exsequenda necnon observanda. (Document)

See below, CIC canons 1671-1691.

CCEO 1357-1377

Comm 47 (2015), 406-421: Aula Sanctae Sedis Diurnariis Edocendis: Conventus diurnariis edocendis de duobus Litteris Apostolicis *Mitis Iudex Dominus Iesus ac Mitis et misericors Iesus* de causis ad matrimonii nullitatem declarandam a Papa Francisco die 15 mensis augusti 2015 datis. (Press Conference)

See below, CIC canons 1671-1691.

CCEO 1357-1377

IE XXVIII (2016), 63-77: Pablo Gefaell: Nota al motu proprio *Mitis et misericors Iesus*. (Comment)

G. comments on the new marriage nullity legislation applicable to the Eastern Churches, taking into account also the *Subsidium* issued by the Roman Rota in January 2016.

CCEO 1357-1377

SCL X (2014-2015), 239-254: Alagu Selvan Antony: A Juridical and Pastoral Reflection on the New Provisions of Juridical Procedures for The Marriage Tribunal. (Article)

See below, CIC canons 1671-1691.

CCEO 1359

J 76 (2016), 287-292: Pontifical Council for Legislative Texts: Letters Clarifying Some Unclear Points of the motu proprio *Mitis Iudex Dominus Iesus*. (Documents)

See below, CIC canons 1671-1691.

CCEO 1374

J 76 (2016), 287-292: Pontifical Council for Legislative Texts: Letters Clarifying Some Unclear Points of the motu proprio *Mitis Iudex Dominus Iesus*. (Documents)

See below, CIC canons 1671-1691.

CCEO 1401

AkK 184 (2015), 34-56: Péter Szabó: Canon Law and mercy from the oriental point of view. (Article)

S. deals with the different understandings of mercy in the Latin and Oriental traditions, and discusses its significance in the canon law of the Eastern Churches. Mercy is portrayed as the extraordinary emanation of divine grace made visible in the ministry of the sacraments, especially the three sacraments of initiation. S. looks at specific aspects of the penal code and at the situations of divorced people who have remarried in order to bring out the significance of mercy in the canon law of the Eastern Churches.

CCEO 1401-1467

Comm 47 (2015), 223-274: Ex Actis Pontificae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Specialis denuo recognoscendo schemati “De Sanctionibus Poenalibus in Ecclesia” (Sessio Unica – Series Altera, diebus 29 novembris – 4 decembris 1982 habita). (Report)

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

CCEO 1453

Ius V 2/14, 173-192: Davis Panadan: The Heart of the Penal System in the Catholic Church: A Critical Analysis of the Position of the Victim in Paedophilia Cases. (Article)

P. deals with the context of child sexual abuses by Catholic priests and the Apostolic Letter *Sacramentorum Sanctitatis Tutela* that approved the new laws on *graviora delicta*. He critically analyses the position of the victim in the penal process system of the Catholic Church and draws conclusions regarding its place at the heart of the criminal justice system. In conclusion he states how the substantive and procedural changes to the *graviora delicta* will help the Church better serve her followers in achieving justice for victims, and he suggests ways and means of making the criminal justice delivery mechanism more victim-friendly and sensitive, so that it can meet the challenges faced by victims and provide effective justice to those affected by crime.

CCEO 1510-1539

SC 50 (2016), 175-247: William L. Daniel: The Singular Administrative Act in Canon Law. (Article)

See below, CIC canons 35-93.

CODE OF CANON LAW BOOK I: GENERAL NORMS

19

J 76 (2016), 197-229: William L. Daniel: The Notion of Canonical Jurisprudence and its Application to the Tribunal of the Roman Rota and Causes of Nullity of Marriage. (Article)

Canonical jurisprudence, in the strict sense, is what arises from an ensemble of concordant judicial decisions on a particular matter. Typically, therefore, neither an individual decision nor the decisions of an individual judge nor the most recent decision(s) create jurisprudence. Rather, this happens over the course of time through the activity of diverse judges operating according to consistent principles of juridical logic. In the Church, as regards the matter of the nullity of marriage, the jurisprudential authority is the Tribunal of the Roman Rota, whose rich patrimony promotes a unity of jurisprudence. The ordinary pontifical Magisterium directs this jurisprudence, and the vigilance of the Apostolic Signatura promotes it. Local jurisprudence in this area may not justly diverge from Rotal jurisprudence but receives it and applies it to local situations.

29-34

J 76 (2016), 85-113: John M. Huels: Independent General Administrative Norms in Documents of the Roman Curia. (Article)

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

35-93

SC 50 (2016), 175-247: William L. Daniel: The Singular Administrative Act in Canon Law. (Article)

The singular administrative act is the most commonly used juridical instrument in the administrative activity of the Church, and yet its diverse expressions are frequently obscured, even by administrative authorities and those who advise them. Knowing that one is placing a singular administrative act and being able to identify its character are necessary elements of the good governance of the Church, since they ensure a just manner of placing such an act and eliminate doubts about the consequences of the act for its recipients. D. studies in depth the notion of the singular administrative act in canon law. After bringing some disputed questions to the foreground and proposing a definition, he classifies a great number of the singular administrative acts mentioned in the general

legislation. He also suggests a fourfold schema for distinguishing this juridical institute: the decision, the precept, the provision, and the rescript.

111-112

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See below, canons 515-552.

119

QDE 29 (2016), 79-89: Alberto Perlasca: Can. 119, 1°: maggioranza richiesta nel terzo scrutinio delle elezioni. (Article)

P. examines the changes made to the CIC/17 in the area of voting by collegial bodies, surveying the complex journey through the revision process of this canon. The new features of the requirement of an absolute majority of voters and the new process on the third scrutiny are then examined. Although it is not clear from the texts, P. suggests that the intention of the legislator was to ensure that the canonical election process reached a decision, and that this *mens* is reflected in the 1990 authentic interpretation of the canon (the interpretation is therefore extensive rather than declaratory). P. further argues that a majority should be defined as “more than half”.

124-144

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See below, canons 515-552.

125

QDE 28 (2015), 444-457: Alberto Perlasca: L’invalidità della sacra ordinazione. (Votum and comment)

See below, canon 290.

127

Ius Comm IV (2016), 49-70: Velasio De Paolis: Nuevas reflexiones sobre el consejo de los superiores. A propósito del c. 127. (Article)

The authority of the religious superior is personal. The council of the superior intervenes at the moment of studying a decision to be taken. This council should not be seen as threatening the superior's authority, but rather as providing effective assistance. To see the council as being in opposition to the superior can weaken the superior's authority, and reveals a contradictory attitude regarding the spirituality of authority: stressing the superior's function as the centre and convergence of unity (principle of collegiality), and at the same time setting the council in opposition to that authority. If religious authority nowadays is undergoing difficulties, resulting in serious harm to religious life, it is because of councils which act against rather than with the superior.

145

Ap LXXXVIII (2015), 197-213: Lorenzo Cavalaglio: "Potestas" and "Munus" in Contemporary Canon Law. (Article)

C. examines the notions of *munus* and (ecclesiastical) *potestas* and their development from Roman law. He analyses the strict relation between *officium* and *munus*. A *munus* always refers to the attribution of a complex of powers and duties, all of which are functional in the exercise of an office, to which a person is appointed in order to fulfil other people's interests, not his own. The power given with the *munus* is in some way necessitated by its configuration, because it is inherently functional. Therefore, the link between *potestas* and *munus* might be better qualified as *potestas secundum munus*.

186

IE XXVII (2015), 632-662: Supremo Tribunale della Segnatura Apostolica: 1. Decreto del Prefetto (Burke) in Congresso, *Della rimozione o cessazione dall'ufficio di parroco*, 27 novembre 2010; 2. Decreto del Segretario (Daneels), *Della rimozione o cessazione dall'ufficio di parroco*, 26 maggio 2010; 3. Decreto del Prefetto (Burke) in Congresso, *Della perdita dell'ufficio in applicazione del can. 186*, 20 gennaio 2012; 4. Decreto del Segretario (Daneels), *Della perdita dell'ufficio in applicazione del can. 186*, 15 luglio 2011; 5. Decreto del Prefetto (Burke) in Congresso, *Della perdita dell'ufficio di parroco*, 27 febbraio 2014 (con note di Javier Canosa, *La rilevanza ecclesiale dell'certezza del diritto* e di Fernando Puig, *Stabilità e continuità del titolare dell'ufficio parrocchiale*). (Decrees and comments)

These decrees relate to three cases which share several common characteristics: a priest is appointed to a parish for a fixed period, in accordance with universal and particular law; after expiry of the fixed period the priest continues to act as the parish priest for several years; at a certain moment the bishop notifies him that he is to cease being parish priest, this decision being based on the fact that the fixed term of his appointment has (long) expired; and the priest considers this informal termination of his indefinitely-prolonged appointment to be an infringement his rights – a view not shared by the Signatura, which considered that after the fixed term of his appointment had expired, the priest remained in office only in a “precarious” manner, such that it was sufficient for the bishop merely to notify him that his appointment had ended.

189

EIC 56 (2016), 109-151: Manuel Ganarin: Sulla natura recettizia dell'atto giuridico di rinuncia all'ufficio ecclesiastico con particolare riferimento alla *renuntiatio papae*. (Article)

See below, canon 332.

192

CLSN 186/16, 50-51: Holy See Press Office concerning the Apostolic Letter M.p. *Like a Loving Mother*. (Press release)

This press release dated 4 June 2016 explains that Pope Francis has issued an *motu proprio* (to come into force on 5 September 2016) setting out procedures for the removal of a bishop who is found guilty, for example, of failing to protect the faithful under his care from those who abuse vulnerable people. The document explains that the Holy Father, assisted by a team of experts, can decide to remove any bishop who is judged to have caused “grave damage” to others, which damage can be “physical, moral, spiritual or patrimonial”.

BOOK II, PART I: CHRIST'S FAITHFUL

204-293

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See below, canons 515-552.

205

BV 75 (2015), 691-701: Andrej Saje: Polno in nepopolno občestvo s katoliško Cerkvijo (Full and partial communion with the Catholic Church). (Article)

S. discusses the development of the notion of communion in the Catholic Church, from the CIC/17 to the Second Vatican Council, and the changes brought about by the CIC/83 and subsequent Magisterium. Whereas before the Council a baptized person either was or was not a member of the Catholic Church, after the Council there are several levels of belonging to the Church. A baptized person can be fully or partially in communion with the Church according to the criteria in canons 11, 205 and 750 §§1-2 of the CIC/83 and in Pope John Paul II's 1998 *motu proprio Ad tuendam fidem*. While the CIC/83 speaks of communion primarily in relation to non-Catholic Christians, other documents address various aspects of full and partial communion of Catholic Christians within the Church itself. The notion of communion is not univocal and is used in different ways in different contexts. Objectively and legally speaking, a baptized person is fully in communion with the Catholic Church when he or she is joined with Christ in its visible structure by the bonds of profession of faith, the sacraments and ecclesiastical governance (canon 205). Subjectively and theologically speaking, the level of communion depends on the state of sanctifying grace and on the wishes, decisions and actions of individuals.

208

Canonist 7/1 (2016), 42-58: Marcus Francis: Lay Ecclesial Minsters and the 1983 Code of Canon Law. (Article)

In response to a call for an "ordered ministry" for the laity, F. states that the idea that laity can participate in the apostolate of the hierarchy, on the basis of their baptism and confirmation, after the reception of a mandate is the result of an outdated concept both of office and of Church. It is a mistake to assert that the apostolate of the hierarchy or working with it through the reception of a mandate

is the only “active” mission of the Church and to hold that the lay state is essentially passive. In the final analysis, the two apostolates, lay and hierarchical, are complementary and participate in the one mission. Both apostolates are active and fully Church although in complementary and mutually enriching ways.

218

Justin M. Wachs: Obsequium in the Church: Sacred Tradition, Second Vatican Council, 1983 Code, and Sacred Liturgy. (Book)

See below, canons 752-753.

219

QDE 28 (2015), 444-457: Alberto Perlasca: L'invalidità della sacra ordinazione. (Votum and comment)

See below, canon 290.

273-329

Manuel Valdés Mas: La contribución de Álvaro del Portillo en la elaboración del Decreto *Presbyterorum Ordinis* y en su aplicación jurídica. (Thesis)

V.M. studies the contribution of Bishop Álvaro del Portillo to the Second Vatican Council's teaching on the ministry of priests and in the reform of the Code of Canon Law, including his work on the conciliar Commission *De disciplina cleri et populi christiani* and the Pontifical Commission *Codici iuris canonici recognoscendo*, as well as his collaboration both in the drafting of the Decree *Presbyterorum Ordinis* and in its implementation. (For bibliographical details see below, Books Received.)

277

Canonist 7/1 (2016), 10-30: Brendan Daly: The Instruction *Crimen Sollicitationis* on the Crime of Solicitation: Confusion or Cover-up of Paedophilia? (Article)

See below, canon 1395.

281

KIP 5 (18) 2016, 53-76: Paweł Lewandowski: Troska biskupa diecezjalnego o godziwe utrzymanie duchownych (*The diocesan bishop's solicitude for the adequate means of livelihood of the clergy*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-4>

See below, canon 384.

281

QDE 28 (2015), 470-503: Marino Mosconi: La curia diocesana, l'onesto sostentamento dei chierici e l'istituto per il sostentamento del clero. (Article)

M. examines the system in Italy by which the clergy are paid. He gives details of the national system for clergy support, explains which of the obligations of canon 281 it covers, who is eligible to be part of each diocese's system (or interdiocesan system where appropriate), the various agreements which cover priests working in dioceses other than the one of their incardination, how the level of pay is set, how the levels of contribution to the system are calculated with respect to parishes and other bodies, how both clergy pensions and those who leave the ministry are handled, and how recourse against decisions operates. The statutes and structures of the diocesan institutes for clergy pay are then examined.

290

KIP 5 (18) 2016, 247-263: Michał Aniszewski: Kara wydalenia ze stanu duchownego (*The penalty of dismissal from the clerical state*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-14>

See below, canon 1336.

290

QDE 28 (2015), 444-457: Alberto Perlasca: L'invalidità della sacra ordinazione. (Votum and comment)

P. reproduces the *in iure* and *in facto* sections of a votum *coram* Sciacca produced for a case examining the potential invalidity of ordination and religious vows. The petitioner had alleged that sexual abuse had invalidated his ordination and vows because the grave fear it produced had taken away his ability to will freely. Sciacca held that notwithstanding the abuse the petitioner

had sufficient freedom of will to receive the sacrament validly, even though he did not have sufficient freedom of will to make a valid profession which he analyses as a contract. P. comments on the procedure for administrative treatment of this question, and then looks at the various questions of law involved.

298

J 76 (2016), 19-42: Markus Graulich: The Relationship between the State of Consecrated Life and the New Ecclesial Movements. Canonical Remarks. (Article)

See below, canon 573.

298-329

Miguel Delgado Galindo: Charismes, mouvements ecclésiaux et associations de fidèles. (Book)

D.G. examines the charismatic and institutional aspects of associations of the lay faithful. He studies the relationship between ecclesial movements and the particular Churches; the gift of self which the lay faithful make to God; the role of the priest within associations of the faithful; the canonical configuration of ecclesial movements and new communities; the proper law which should be contained within their statutes; and the exercise of vigilance on the part of the ecclesiastical authority. (For bibliographical details see below, Books Received.)

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

331

IC 56 (2016), 195-227: Massimo del Pozzo: L'estensione della potestà primaziale nel disegno costituzionale. (Article)

Determining the extent of primatial power is an ancient problem but one that is relevant today both from an ecumenical standpoint and also in the face of the pastoral challenges of evangelization. Del P. starts from a synthesis of the speculation of classical and modern canon law regarding the *plenitudo potestatis* and the main, recent declarations of the Magisterium in this regard. Contemporary research has reached a common and shared paradigm (the limits of divine and natural law), but neither the content of the notion nor the fundamental epistemological issue involved have been much explored. The sapiential approach helps to combine the traditional, prudential configuration with modern ecclesiological developments. Thus, the limits of primatial power express the fidelity and rationality of the divine plan for the Church; the Petrine service, in fact, closely shapes the goods of communion and the structure of the community.

332

EIC 56 (2016), 5-30: Orazio Condorelli: Il papa deposto tra storia e diritto. (Article)

The Roman Pontiff cannot be judged by any human authority (canon 1404). This principle is rooted in canonical tradition and originates from the primacy of jurisdiction which the Pope enjoys by virtue of divine law. Nevertheless, in the history of the Church various Roman Pontiffs have been tried and sometimes deposed by secular or ecclesiastical authorities. C. examines some of these cases in the light of canonical tradition.

332

EIC 56 (2016), 31-70: Valerio Gigliotti: Un soglio da cui non si scende...? Aspetti della *renuntiatio papae* nella storia giuridica medievale. (Article)

G. traces the historical and legal aspects of several cases of renunciation of the papacy during the Middle Ages.

332

EIC 56 (2016), 109-151: Manuel Ganarin: Sulla natura recettizia dell'atto giuridico di rinuncia all'ufficio ecclesiastico con particolare riferimento alla *renuntiatio papae*. (Article)

G. examines a particular aspect of the juridical act of resignation from ecclesiastical office, namely its acceptance. Acceptance of a resignation, which may require either actual knowledge of the resignation or simply its “knowability”, may be juridically significant in relation to its perfection, validity or efficacy. On the basis of the distinction between resignation requiring acceptance and resignation not requiring acceptance (canon 189), G. aims to illustrate the different kinds of “impact” of the reception (by a specified third party or an unspecified group of recipients) of the act manifesting the *voluntas renunciandi*, focusing on the renunciation from the primatial office by the Roman Pontiff referred to in canon 332 §2. The *ad validitatem* requirement of a proper manifestation of the act of resignation (“*rite manifestetur*”) implies that this grave decision by the Pope must be a juridical act that is potentially knowable by the Church so that it brings about the vacancy of the Apostolic See, thus setting in motion the process of electing a successor to the office.

335

EIC 56 (2016), 71-107: Geraldina Boni: Rinuncia del sommo pontefice al *munus petrinum*, *sedes romana vacans aut prorsus impedita*: tra *ius conditum* e *ius condendum*. (Article)

In the debate arising from the resignation of Benedict XVI – but in general also with regard to the sometimes troubled events (such as war or sickness) surrounding the 20th century Popes – there is the danger of confusing a true case of renunciation from a hypothetically impeded see or from a transitory impediment, or indeed from a case of *inhabilitas* which has become chronic and irreversible, thus evolving into a real situation of vacancy of the Roman See. B. aims to clarify the juridical aspects of these different situations through the *ius conditum*, proposing a reform of the law which would resolve the legislative lacuna concerning the norms applicable when the Holy See is completely impeded, especially in the situation where the Pope is absolutely and irremediably *non compos sui*. She makes the case for a new form of cessation of the right to the office of Roman Pontiff under this circumstance.

349-359

Jürgen Jamin: La cooperazione dei Cardinali alle decisioni pontificie *ratione fidei*. Il pensiero di Enrico da Susa (Ostiense). (Book)

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

355

Comm 47 (2015), 110-111: Officium de Liturgicis Celebrationibus Summi Pontificis: Litterae Circulares die 12 mensis ianuarii 2015 ad Exc.mos Nuntios Apostolicos missae, quibus quaedam immutationes in Ritus impositionis pallii, introductae sunt. (Document)

By means of this Circular Letter the manner of imposing the pallium on new archbishops is changed. In future it will be conferred privately by the Holy Father after the concelebration in Rome, but the public conferral will be done by his representative in the archbishop's home diocese.

360

Comm 47 (2015), 19-24: Pope Francis: Chirographum quo Papa Franciscus Pontificiam Commissionem pro Tutela Minorum die mensis 22 martii 2014 instituit. (Document)

Pope Francis establishes a Pontifical Commission for the Safeguarding of Minors. Its role will be to advise on suitable measures for the protection of minors and vulnerable adults and prevent the repetition of the crimes of the past. It is to work with the Congregation for the Doctrine of the Faith in promoting the responsibility of particular Churches in this area. The statutes follow in six articles spelling out its competence, composition and manner of working.

360

RMDC 20/2 (2014), 413-420: Quirógrafo del Santo Padre Francisco, para la Institución de la Comisión pontificia para la protección de los Menores. (Document)

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

360

RMDC 21/1 (2015), 168-170: PP. Francisco: Carta acerca de la Pontificia Comisión para la tutela de menores. (Document)

Spanish text of a letter of 2 February 2015 sent by the Pope to the presidents of episcopal conferences and superiors of institutes of consecrated life and societies of apostolic life concerning the purposes and functioning of the Pontifical Commission for the Safeguarding of Minors.

360

Comm 47 (2015), 25-44: Pope Francis: Litterae Apostolicae, die 22 mensis februaryi 2015 motu proprio datae, quibus promulgantur: a) Statutum Consilii Sanctae Sedis Rebus Oeconomicis praepositi; b) Statutum Secretariae Status Sanctae Sedis Rebus Oeconomicis praepositi; c) Statutum Officii Revisoris Generalis. (Document)

This motu proprio sets out the statutes for three related newly established bodies in the economic activities of the Holy See: the Council for the Economy; the Secretariat for the Economy; the Office of General Auditor. The role of the Council is to exercise vigilance over the structures and the administrative and financial activities of the various dicasteries and related bodies (including the Governorate of the Vatican City State) in accordance with the social teaching of the Church and international best practice, and where appropriate to suggest modifications. The Secretariat is responsible for day-to-day vigilance and must hear the Council on matters of greater importance and propose directions and norms, and also provide it with material resources. The General Auditor, with two assistants, is independent, and – in line with international best practice – is to propose appropriate structural changes, investigate any anomalies that are brought to light and suggest suitable measures to be adopted. (See also *Canon Law Abstracts*, nos. 115, pp. 63-65; 116, p. 46.)

360

RMDC 21/1 (2015), 171-197: PP. Francisco: Statuti dei Nuovi Organismi Economici, 22 de febrero de 2015. (Document)

See preceding entry.

360

Comm 47 (2015), 45-55: Pope Francis: Litterae Apostolicae, die 28 mensis maii 2015 motu proprio datae, de recognoscendo Statuto Fundi Pensionum Vaticanani. (Document)

Pope Francis revises the statutes of the Vatican Pension Fund originally established on 8 September 1992 and revised on 15 December 2003.

360

Comm 47 (2015), 56-57: Pope Francis: Litterae Apostolicae, die 27 mensis iunii 2015 motu proprio datae, quibus Secretaria pro Communicatione instituta est. (Document)

In view of the development of digital media and the convergence of activities which this brings, the Holy See needs an integrated approach to communication. Over time various institutions such as the Vatican Press, Radio Vatican, etc., will be brought together under this new umbrella Secretariat for Communications.

360

IE XXVII (2015), 707-710: Papa Francesco: Lettera Apostolica in forma di *Motu proprio* del Sommo Pontifice Francesco per l'istituzione della Segretaria per la Comunicazione, 27 giugno 2015 (con *nota* di Fernando Puig, *Istituzione della Segretaria per la Comunicazione*). (Document and comment)

See preceding entry.

360

RMDC 21/1 (2015), 201-203: PP. Francisco: Carta Apostólica en forma de *motu proprio*, con la que se instituye la Secretaría para la Comunicación, 27 de junio de 2015. (Document)

See preceding entries.

360

Comm 47 (2015), 109: Cardinalium Commissio ad Vigilandum Institutum Operum Religionis (I.O.R.): Rescriptum ex audientia Ss.mi, die 10 mensis

ianuarii concessa, de introducendis mutationibus quibusdam in Statutum Instituti Operum Religionis. (Document)

This short rescript raises the number of members in the Commission of Cardinals overseeing the Institute for the Works of Religion from five to six, sets a quorum of a majority of members, and grants the President a casting vote.

360

Comm 47 (2015), 390-391: Secretaria Status: Rescriptum “ex audientia Sanctissimi” ab Em.mo Petro Parolin, Cardinali Secretario Status, subscriptum, quo Summus Pontifex Pontificiam Commissionem pro activitatibus sectoris sanitarii fovendas instituit. (Document)

Aware of the difficulties facing public juridical persons in the healthcare sector Pope Francis has established a Pontifical Commission comprising a president and six healthcare experts to refer back to the Secretary of State with recommendations. The aim is to study the sustainability of such public juridical persons, to form a long-term strategy and proposals to resolve crises, and to propose a new working model for such activities.

360

RMDC 21/1 (2015), 213-215: PP. Francisco: Rescripto de institución de la Comisión Pontificia para las actividades del sector sanitario de las personas jurídicas públicas de la Iglesia, 12 de diciembre de 2015. (Document)

See preceding entry.

360

Comm 47 (2015), 392-393: Ex Ephemeride *L'Osservatore Romano*: Articulus explanans conventionem de rebus fiscalibus inter Sanctam Sedem et Rempublicam Civitatum Foederatarum Americae Septentrionalis initam ab Exc.mo D. Paulo Gallagher conscriptus. (Article)

Archbishop Gallagher explains briefly the purpose of the agreement between the Holy See and the USA on the exchange of information and financial transparency. It should be seen as part of a wider process begun in 2010 to bring the Holy See in line with international standards, while respecting the parameters set out by the Organization for Economic Cooperation and Development in its *Standard for Automatic Exchange of Financial Account Information*.

360

IC 56 (2016), 271-299: Antonio Viana: Elementos de la futura reforma de la curia romana prevista por el papa Francisco. (Article)

V., writing while the third reform of the post-Vatican II Roman Curia was under way, deals with the basic criteria to be followed and the objectives of the reform as set out by Pope Francis, highlighting some of the important issues which arise, such as the relationship between diocesan bishops and the Curia, the position of titular bishops, and greater recognition of the participation of the lay faithful in the dicasteries.

360

RMDC 21/1 (2015), 204-205: PP. Francisco: Carta al Cardenal Secretario de Estado, sobre la reforma de algunas estructuras de la Curia Romana, 14 de octubre de 2015. (Document)

Letter clarifying certain points arising in relation to the study of the reform of the Roman Curia, confirming, *inter alia*, that the Apostolic Constitution *Pastor Bonus* and the General Regulation of the Roman Curia remain fully in force for the time being.

362

ACR XCII 1/15, 81-7: Dominique Mamberti: The Diplomatic Activity of the Holy See. (Address)

D., Prefect of the Apostolic Signatura and former Secretary (Relations with States) of the Secretariat of State, addressing the Australian Catholic Bishops Conference to mark the centenary of papal representation in Australia, outlines the workings of papal diplomacy: both its primary spiritual mission and its contribution to the good of humanity.

368-572

Dominique Le Tourneau: Les communautés hiérarchiques de l'Église catholique. (Book)

Le T. deals with the principal hierarchical communities in the Church – the dioceses and other communities treated as equivalent to dioceses in canon law – and the minor hierarchical communities – the parishes. He looks at those who are placed at the head of such communities: the diocesan bishops and other prelates, with their rights and duties; vicars general and episcopal vicars; the diocesan curia and the diocesan synod; the consultative diocesan bodies; the

supradiocesan organization constituted by ecclesiastical provinces and regions, the metropolitan, and particular councils; conferences of bishops; parish priests and assistant priests; and parish councils. He examines the law of the Eastern Catholic Churches, and draws attention to certain matters less frequently dealt with, such as ecclesiastical archives or the question of requests to be deregistered as a Catholic. (For bibliographical details see below, Books Received.)

383

IE XXVII (2015), 531-554: Eduardo Baura: Il vescovo e la vita consacrata nella diocesi. (Article)

Starting with the teaching of Vatican II on the authority of the diocesan bishop, the notion of the *christifidelis*, and the role of consecrated life in the Church, B. examines the rights involved in the relationship between consecrated life and the Church hierarchy. In the light of conciliar ecclesiology he highlights the legal principles underlying the rules governing the behaviour of the diocesan bishop with regard to the consecrated life. He studies the scope of exemption and of the principle of autonomy.

384

KIP 5 (18) 2016, 53-76: Paweł Lewandowski: Troska biskupa diecezjalnego o godziwe utrzymanie duchownych (*The diocesan bishop's solicitude for the adequate means of livelihood of the clergy*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-4>

The right to equitable remuneration is one of the most basic human rights. This right therefore applies to the clergy as is recognized by the CIC/83 in canons 384 (adequate means of livelihood) and 281 §1 (fitting remuneration). A decent living for the clergy should be such as to cater for the necessities of life, to be suited to apostolic liberty, and to provide an opportunity to assist the needy. It is the diocesan bishop who is responsible for providing for the proper support of priests, as well as permanent deacons who dedicate themselves full-time to ecclesiastical ministry and do not receive remuneration by reason of a secular profession. The diocesan bishop is the principal administrator of church property in the particular Church. The Code equips him with extensive powers for the good and efficient management of this property, and the tools to meet his obligation of caring for the proper support of the clergy. This commitment he fulfils by reminding the faithful in an appropriate manner of their obligation to contribute to the needs of the Church (canon 1261). In addition he is to ensure

that there is a special fund for collecting offerings and temporal goods for the purpose of providing for the support of the clergy (canon 1274 §1).

391

RNP XXIV 4/2014, 163-176; also TKP VII (2014), 120-129: Miroslaw Sitarz: Wymóg zachowania rygorów techniczno-prawnych w pełnieniu władzy ustawodawczej w Kościele partykularnym. Wybrane elementy (*Requirement to preserve technical-juridical rigour in the exercise of legislative power in the particular Church. Selected aspects*). (Article)

One of the aspects of the diocesan bishop's authority is that of exercising legislative power through the issuing of normative acts – legislative decrees and executory decrees. In its 2004 Directory *Apostolorum Successores* the Congregation for Bishops set out general guidelines for the redacting of particular laws; and S. offers some specific suggestions to assist bishops in carrying out this function.

401-402

CLSN 186/16, 50-51: Holy See Press Office concerning the Apostolic Letter M.p. *Like a Loving Mother*. (Press release)

See above, canon 192.

427-428

CLSN 185/16, 36-41: Paul Gargaro: *Mitis Iudex* and Diocesan Administrators. (Article)

See below, canons 1683-1687.

460-468

TKP VII (2014), 21-33: Jean-Paul Durand: *La synodalité dans les Églises particulières. Fondements théologiques et applications juridiques*. (Article)

D. examines the theological and canonical relationship between hierarchical communion and synodality within the particular Church, especially as expressed in the diocesan synod.

492-494

PCH 6 (2016), 207-223: Jorge Antonio Di Nicco: Particularidades de la relación entre el Consejo de asuntos económicos y el ecónomo en el Código de Derecho Canónico de Juan Pablo II. (Article)

<http://dx.doi.org/10.15633/pch.1665>

The finance committee and financial administrator work with and support the bishop in the administration of the goods of the diocese. Di N. highlights some of the special characteristics of the relationship between the finance committee and financial administrator, setting out the functions of each and examining some special situations. He ends with brief recommendations as to how the performance of their respective tasks may be improved.

494

EIC 56 (2016), 195-217: Helmuth Pree: La responsabilità dell'economista diocesano. Profili canonistici. (Article)

P. examines the figure and the canonical profile of the diocesan financial administrator, dwelling in particular on the responsibilities and functions attaching to this office and its juridical place within the diocesan curia.

494

RMDC 20/2 (2014), 333-347: Jorge Antonio Di Nicco: Análisis del canon 494, §4 del Código de Derecho Canónico. (Article)

There are close juridical relationships between the bishop, the finance committee and financial administrator. The latter is to follow the indications of, and render accounts to, the committee. Approval of these accounts by the committee provides moral certainty that the resources have been used not only in accordance with the bishops' wishes but also in conformity with the ends of the Church. To avoid difficulties or doubts of interpretation, each bishop should specify the form which the annual report is to take in his diocese.

515

BSKP 29 (2016), 71-89: Pawel Kaleta: Statuty parafii (*Statutes of the parish*). (Article)

See below, canon 1281.

515

Canonist 7/1 (2016), 59-74: Michael Gallacher: Thinking about the Parish.
(Article)

G. considers the theological and canonical bases for the concept of parish, before examining how parishes are experienced by the faithful in practice. He approaches the topic taking into account the early practice in the Church, the CIC/17, the community of the faithful, the relationship between the diocese and the parish, the relationship between the priest and the people, territoriality, personal connection to a parish, and the missionary aspect of parishes. The parish is a model of pastoral care that has been successful for much of the history of the Church. Based on this rich history and understanding of the parish and its place in the life of the Church, G. concludes that larger, united parishes, with a reduced administrative load through the merger of key parish bodies and with a priest who is clearly the pastor, would be more suited to preserving the best aspects of the parish than some of the other models available.

515-552

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

This is the fifth edition since the promulgation of the CIC/83 of The Pastoral Companion, a reference, commentary and textbook on canon law intended for Catholic clergy and lay ministers and those preparing for ministries in the Catholic Church. It consists of 16 chapters, dealing with fundamental laws and general norms (the faithful; physical persons; the power of governance; dispensations); baptism (fundamental norms; adult initiation; infant baptism; offices and ministries; time and place of celebration; emergency baptism; proof and recording of baptism); confirmation (general norms; subjects of confirmation; minister and sponsor; proof and recording; reception of a baptized Christian into full communion); the Eucharist (ministries; preaching; participation; different forms of celebration; rites and ceremonies; frequency, time and place of celebration; Mass intentions and offerings; reservation and veneration of the Eucharist; Communion outside Mass); penance (celebration of the sacrament; roles and ministries; remission of censures; remission of the penalty for abortion); anointing of the sick (celebration of the sacrament; roles and ministries; recipient of anointing); holy orders (candidates; celebration of ordination; incardination and excardination; obligations and rights of clergy; loss of the clerical state); preparation for marriage (jurisdiction over marriage; catechetical and spiritual preparation; pre-marital investigation; mixed marriages); impediments to marriage (in general and in particular); matrimonial consent (its nature; defective consent; manifestation of consent); the celebration of marriage (canonical form; liturgical celebration and recording); dissolution,

declaration of invalidity and convalidation of marriage (simple convalidation and radical sanation); other acts of divine worship (sacramentals; liturgy of the hours; funeral rites); sacred places and sacred times; ecumenism and the liturgy (baptism and confirmation; Eucharist, penance, anointing of the sick; liturgies of marriage; other acts of divine worship); parish administration (pastors; other parish ministries; financial administration). There are three appendices on the profession of faith and oath of fidelity; consultative and legislative offices and bodies of the Roman Catholic Church; and the principal dicasteries of the Roman Curia. (For bibliographical details see below, Books Received.)

517

CLSN 185/16, 81-90: Peter O'Reilly: Dublin's Parochial Revolution. (Article)

O'R. offers some reflections on the matter of team ministry in the Archdiocese of Dublin. He argues that team ministry leads to a more balanced relationship among priests, which gives it an advantage over the strategy of placing one priest in charge of several parishes. The key empowering vision in team ministry is a unity of purpose and action as a *presbyterium* facing the common task of mission and evangelization.

521

CLSN 185/16, 8: Congregation for the Doctrine of the Faith: Letter to Cardinal Nichols concerning the ministry conducted by married former Anglican priests, 23 November 2015. (Document)

The Congregation for the Doctrine of the Faith has revised its policy concerning the ministry that can be conducted by married Anglican ministers who have been ordained as Catholic priests. This letter confirms that they can now be appointed as parish priests at the discretion of their Ordinaries.

521-527

KIP 5 (18) 2016, 95-117: Radosław Wnuk: Prowizja kanoniczna na urząd proboszcza (*The canonical provision of the office of pastor*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-6>

The canonical provision of the office of pastor is a juridical act. It takes two forms in the CIC/83: autonomous and subsidiary, the latter applying in the case of clerical institutes of consecrated life and societies of apostolic life (canons 523, 682 §1). The legislator has set out particular requirements for canonical provision. In principle, it is the diocesan bishop who is competent (canons 523,

525). A candidate to the office must be in communion with the Church (canon 149 §1), and have received the sacred order of the presbyterate and be endowed with the qualities mentioned in canon 521. For the validity of the provision it is necessary that the office be vacant (canon 153). The provision is composed of three acts: the designation of the person, conferral, and installation. The designation of the person is made freely (autonomous provision), or through presentation or election (subsidiary provision). Depending on the kind of provision, conferral can be free or necessary. The pastor acquires competence after installation. The provision of an office which entails the care of souls is not to be deferred without grave cause (canon 151). Moreover, the provision is to be evidenced in writing (canon 156).

522

IE XXVII (2015), 632-662: Supremo Tribunale della Segnatura Apostolica: 1. Decreto del Prefetto (Burke) in Congresso, *Della rimozione o cessazione dall'ufficio di parroco*, 27 novembre 2010; 2. Decreto del Segretario (Daneels), *Della rimozione o cessazione dall'ufficio di parroco*, 26 maggio 2010; 3. Decreto del Prefetto (Burke) in Congresso, *Della perdita dell'ufficio in applicazione del can. 186*, 20 gennaio 2012; 4. Decreto del Segretario (Daneels), *Della perdita dell'ufficio in applicazione del can. 186*, 15 luglio 2011; 5. Decreto del Prefetto (Burke) in Congresso, *Della perdita dell'ufficio di parroco*, 27 febbraio 2014 (con note di Javier Canosa, *La rilevanza ecclesiale dell' certezza del diritto* e di Fernando Puig, *Stabilità e continuità del titolare dell'ufficio parrocchiale*). (Decrees and comments)

See above, canon 186.

527

RMDC 20/2 (2014), 349-387: Rogelio Ayala Partida: Recibir una Parroquia: el arte de la formalidad. (Article)

A.P. sets out some of the important preliminary matters relating to the handover of a parish.

532

RMDC 21/1 (2015), 99-129: Rogelio Ayala Partida: Administrar una parroquia: el Arte de la organización. (Article)

A.P. deals with the duties which the CIC/83 establishes in respect of the parish priest as juridical representative of the parish (canon 532) and as its administrator (canon 1284).

545

KIP 5 (18) 2016, 9-31: Marcin Kołodziej: Urząd wikariusza parafialnego. Współpraca i autonomia w posługiwaniu duszpasterskim (*The parochial vicar. Cooperation and autonomy in pastoral work*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-2>

The office of parochial vicar (assistant priest), which has undergone a long evolution in the Church, is not simply that of performing *ad hoc* tasks assigned by the parish priest. Nor is the ministry of parochial vicar determined as it was in the CIC/17 according to five different categories: the current vicar, the administrator, the substitute, the assistant, or the associate. The current law – inspired by the Second Vatican Council – considers the parochial vicar to be an authentic associate pastor and to participate in his concern. Under the authority of the pastor (parish priest), and on the principle of fraternal cooperation, the parochial vicar’s work is of a pastoral as well as a priestly nature (CIC/83, canon 545 §1). The duties and powers of the parochial vicar, except those by which the Code confers on him even the power to replace the pastor in certain situations, have been more specifically defined by particular law. For a better understanding of the relationship between the cooperation and autonomy of the parochial vicar in the pastoral ministry it is highly advisable to use the provisions of the diocesan synods, which, having taken into consideration the specific characteristics of certain parishes and dioceses, have identified the proper place for the parochial vicar. He exercises his ministry with the mandate of the diocesan bishop, but under the authority of the pastor, with whom he should agree all his plans and intentions. As a confrère of the pastor in the care of the parish, he receives the appropriate autonomy, which not only makes his ministry more fruitful, but also prepares him for future independent pastoral work.

562

QDE 29 (2016), 70-78: Massimo Calvi: C’è posto per una Chiesa sussidiaria in parrocchia. (Article)

C. considers different attitudes to church building over the ages, and looks at the way in which a second church in a parish can prove useful. The utility of statutes for such a church, and their possible content, is then examined.

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

573

N LI 7-12/15, 522-541: V. Calabrese: Le orazioni collette “in professione religiosa”. Dalla *lex orandi* alla *lex vivendi*. (Article)

C. examines the texts, in particular the Mass Collects, of the Rite of Profession for what they imply about the living out of the religious life.

573

J 76 (2016), 19-42: Markus Graulich: The Relationship between the State of Consecrated Life and the New Ecclesial Movements. Canonical Remarks. (Article)

While all Christian faithful must aim to lead a holy life and promote the growth of the Church and its continual sanctification, according to their own condition, they have the right to follow their own form of spiritual life so long as it is consonant with the doctrine of the Church. Two communitarian possibilities exist in order to realize this important Christian vocation: the faithful may join an association or one of the new ecclesial movements, or they may enter an institute of consecrated life. While the evangelical counsels are not limited to institutes of consecrated life, not every assumption of these counsels can, strictly speaking, be called consecrated life, since this state of life in the Church presupposes receiving the recognition of the Church and an intervention of its authority. It is not sufficient to make a promise or a vow to live according to the evangelical counsels to be a consecrated person. Dedicating one’s life to God in an association or in a movement and dedicating one’s life to God in an institute of consecrated life cannot be considered the same, even if there are many common aspects, and there are certain risks if these vocations are mingled.

573-574

PCH 6 (2016), 225-241: Przemyslaw Michowicz: Tutela giuridica della professione religiosa *ad tempus emissa*. (Article)

<http://dx.doi.org/10.15633/pch.1666>

M. examines how to give canonical protection to the state of consecrated life even when assumed only temporarily, looking at the concepts of *status* and *condicio* in the Church, the loss of canonical status on the part of a person who is temporarily professed in the consecrated life, and the appropriate ways in

which legal protection may be provided to a consecrated religious. His main thesis relates to the pre-establishment of proof. In this regard he recommends that the religious authority and the individual religious document their acts and activities, in case conflictual situations subsequently arise.

573-683

CLSN 185/16, 27-35: Joint Final Report on the Doctrinal Assessment of the Leadership Conference of Women Religious by the Congregation for the Doctrine of the Faith. (Report and comment)

Following the publication of the Doctrinal Assessment of the Leadership Conference of Women Religious (LCWR) by the Congregation for the Doctrine of the Faith on 18 April 2012 (see *Canon Law Abstracts*, nos. 110, p. 77; 116, p. 56), the officers of LCWR and the Bishop Delegates began work on a Joint Final Report, the text of which is given here, together with some reflections by Rachel Harrington.

578

ACR XCII, 2/15, 141-7: M. Green: New Marist Wineskins: The Evolving Role of the Marist Brothers within a Broader Ecclesial Community. (Article)

Two centuries after their founding in the French Church with Lyonnais fervour, the Brothers are shaping a life that is fraternal, simple, generous, Jesus-centred and informed by a post-conciliar ecclesiology.

578

SC 50 (2016), 165-174: Marta Balog: Charisme fondateur. (Article)

The term “founding charism” has appeared during the post-conciliar period. One can easily note the confusion which exists among the different concepts of charism: the charism of the founder, the founding charism, the charism of an institute of consecrated life, or the charism of an ecclesial movement. The *charism of the founder* is the content of the experience of a divine intervention experienced by the founder himself or herself, the specific aspects of his or her spirituality. The *founding charism* is a complex concept, but its constitutive elements can be defined as the Christological and pneumatological elements, the spiritual elements, the “axis of mission”, the dynamic and the innovative elements, and the ecclesial elements. It is often difficult to define the founding charism, but the categories of canon 578, where one finds introduced the notion of spiritual patrimony, can serve as criteria permitting the easier determination of the originality and identity of an institute.

579

KIP 5 (18) 2016, 33-51: Mariusz Marszałek: Stowarzyszenie publiczne wiernych dążące do uzyskania statusu instytutu zakonnego według obowiązującego prawa kanonicznego (*A public association of the faithful intending to become a religious institute according to current canon law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-3>

The CIC/83 allows the diocesan bishop to erect new religious institutes. In reality the process of the formation of a new religious institute is a long one and comprises a number of steps. One of these involves a public association of the faithful becoming a religious institute. M. examines the particular features of this canonical structure.

579

REDC 73 (2016), 283-285: Congregazione per gli Istituti di Vita Consacrata e le Società di Vita Apostolica: Rescritto in merito al can. 579 del Codice di Diritto Canonico sulla erezione di Istituti diocesani, 20.05.2016. (Document and comment)

By means of this rescript the Holy Father clarifies that the requirement in canon 579 that the Apostolic See be consulted before the diocesan bishop proceeds to establish an institute of consecrated life is *ad validitatem*. Luis García Matamoros provides a short comment on the document.

599-601

SCL X (2014-2015), 181-198: Antony Anandarayar: Evangelical Counsels in the life of Consecrated Persons and Secular Clergy. (Article)

In the context of the Year of Consecrated Life A. reflects on the meaning and juridical significance of the evangelical counsels not only for religious but also for secular clergy.

605

REDC 73 (2016), 247-280: Eutimio Sastre Santos: Sobre el capítulo *Ne Nimia*, X.3.36.9. *La nova religio* en el IV Concilio de Letrán, 1215, y las *novae formae vitae consecratae* en el 2015. (Article)

Canon 13 of the Fourth Lateran Council (1215) prohibits the foundation of a *nova religio*. The canon was incorporated in *Compilatio IV* (1216-1217) under

the chapter *Ne nimia*, later becoming part of the Decretals of Gregory IX (1234). Commentators have noted its obscure drafting and its failure, since it did not in fact prevent the establishment of new religions. *Ne nimia* is now understood against the background of the *Corpus iuris canonici* and its latent influence on the “new institutes” of simple vows with a superior general (1854-1900). The celebration of the eighth centenary of the Council (2015) has brought to mind the idea of comparing canon 13 of Lateran IV with canon 605 of the CIC/83 on the new forms of consecrated life, with its imprecise theological and juridical content.

605

SCL X (2014-2015), 199-216: Jerome R. Anthonappa: New Forms of Consecrated Life (C. 605 CIC & C. 571 CCEO) With Particular Reference to Ashrams. (Article)

Both Codes recognize that the Holy Spirit cannot be imprisoned within juridical structures and that various forms of life will arise that do not fit within existing categories. Recognition of such institutes is reserved to the Holy See but there has been some lack of clarity as to whether this means the Roman Pontiff or the Congregations, and where the line of demarcation lies between the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) and the Pontifical Council for the Laity. Up to now CICLSAL has excluded mixed forms of life involving men and women living together. Some of the structures proposed are very complex. Current practice is for the local bishop to help with the drawing up of appropriate statutes and in due course, if appropriate, to erect an association of the faithful. CICLSAL on a case-by-case basis will authorize the erection of an institute *ad experimentum et ad nutum Sanctae Sedis*. A. then looks specifically at the issues raised by the Christian Ashram movement in India, studying four movements in particular.

678-683

Daniel Andree: *Mutuae Relationes*. The Relationship between Diocesan Bishops and Major Superiors of Clerical Institutes of Pontifical Right in the United States. (Thesis)

This publication consists of an extract from A.’s doctoral thesis which looks at 1. the history of the relationship between diocesan bishops and major superiors of clerical institutes of pontifical right in the United States; 2. the current law on the relationship, including the teaching of Vatican II, post-conciliar legislation and papal teaching; and 3. the opinion and feelings of bishops and clerical religious in the United States on the current law and the status of their actual relationships. A major part of this research consisted of questionnaires sent to all

the bishops and major superiors in the United States, to which approximately two-thirds of those consulted replied. A. sets out the process, content and results of the questionnaires, and the conclusions emanating from them. Detailed appendices contain all the pertinent collated data from the questionnaires. (For bibliographical details see below, Books Received.)

694-704

Ius V 2/14, 205-224: Navya Thattil: Distinct Motives for the Dismissal of Religious in CIC and CCEO. (Article)

Dismissal from a religious institute is a very painful act both for the institute and for the member in question. It is imposed, however, as a consequence of certain offences or other grave acts committed by religious. As an effect of dismissal the bond of membership is affected. The historical background of this notion clarifies its importance from the very inception of religious life in the Church. T. enumerates various motives for dismissal in the light of both the CIC/83 and the CCEO. While the former lists three possible forms of dismissal – automatic (canon 694), mandatory (canon 695) and facultative (canon 696) – the latter mentions only two categories of dismissal – *ipso iure* (canon 497) and facultative (canon 499). T. treats in detail various causes for the imposition of dismissal in both Codes. Certain causes are unique to one of the Codes, while others are identical. Both categories are specified.

708

Daniel Andree: *Mutuae Relationes*. The Relationship between Diocesan Bishops and Major Superiors of Clerical Institutes of Pontifical Right in the United States. (Thesis)

See above, canons 678-683.

710

J 76 (2016), 43-67: Fermina Álvarez Alonso: Consecration and Secular Life in the Second Vatican Council: The Contribution of the Secular Institutes. (Article)

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

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

KIP 5 (18) 2016, 137-159: Alexander José Márquez: El derecho a la educación católica a la luz del documento de la V Conferencia General Episcopal Latinoamericana *Aparecida*. (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-8>

In a world that often challenges and threatens its mission, Catholic education needs to seek ways of dialoguing with other cultures and with society. The Latin American Episcopal Conference (CELAM), in the final document of its *Aparecida* meeting, proposes an educational-formatonal process in faith which begins in Christ and aims to turn the person into a true disciple and missionary of Jesus.

752-753

Justin M. Wachs: *Obsequium in the Church: Sacred Tradition, Second Vatican Council, 1983 Code, and Sacred Liturgy*. (Book)

W. analyses the use of the word *obsequium* in the Church and reveals the intimate link between the *obsequium fidei* and the *obsequium religiosum intellectus et voluntatis*. On the basis of theological tradition, the teaching of Vatican II, the CIC/83 and sacred liturgy he explains how together the *obsequium fidei* and *obsequium religiosum intellectus et voluntatis* serve as the interior “mechanism” by which the individual believer can offer a free and personal act of obedience to the Church, in particular to her ordinary Magisterium as exercised by the Roman Pontiff and the bishops in communion with him. Moreover, together they serve as the interior “mechanism” of the free and personal act of worship which is due to God alone who is the Lord and Creator of all, namely *obsequium rationabile*. W. provides a definition of the word *obsequium* so as to assure its proper interpretation and application in the disciplines of theology (*lex credendi*), canon law (*lex Ecclesiae*) and liturgy (*lex orandi*), explaining that respect or reverence cannot be given without a prior act of obedience. Indeed, only through obedience can true homage (worship) be given to any superior. By means of such obedience the communion of the Church is built up and the deposit of faith protected from error and faithfully handed on to the next generation. W. goes on to explain how and why the Church must still demand obedience of herself and of her members to the truth as revealed by God and safeguarded by her Magisterium. In particular he explains how and why *obsequium* can be given to the ordinary Magisterium of the Church as exercised by the Roman Pontiff in his ordinary, ongoing teaching

of the faith and by the bishops throughout the world teaching in communion with him. *Obsequium in communione* is necessary for the defence and building up of the *communio fidei* which is the Church. Thus, only as a *communio* of *obsequium* can the Church offer *divinum obsequium in Christo* for the glory of God and the glorification of man. For this to occur, the Church must lead man back to *obsequium Christi*. (See also *Canon Law Abstracts*, no. 115, pp. 78-79). (For bibliographical details see below, Books Received.)

767-769

N LI 1-6/15, 3-253: Year of Mercy. (Documents and articles)

See above, General Subjects (*Compilations*): Italian text, presentation, addresses and brief commentary on the Homiletic Directory (see also *Canon Law Abstracts*, no. 115, p. 79).

767-769

RMDC 20/2 (2014), 287-331: Mario Medina Balam: Directorio homilético: naturaleza doctrinal, jurídica y pastoral. (Article)

See preceding entry. M.B. looks at traditional forms of preaching in the Church, the antecedents to the 2015 Homiletic Directory, the doctrinal and juridical sources of the Directory, its doctrinal, juridical and pastoral nature, and its content, before offering an overall assessment.

781

ACR XCII, 4/15, 387-402: N. Connolly: Ad Gentes to Evangelii Gaudium: Missions Move to be Centre. (Article)

C. writes that *Evangelii Gaudium* of Pope Francis is continuing the movement which began with *Ad Gentes*. Although officially at the heart of the Church, in practice mission has been regarded an optional extra. C. carefully analyses the missionary nature and thrust of the Council, the journey since including Paul VI's *Evangelii Nuntiandi*, John Paul II's *Redemptoris Missio*, and the present realities of the global south and listening rather than conquering. The Church is not the Kingdom, but a pilgrim towards it.

781-792

AkK 184 (2015), 102-135: Andreas E. Graßmann: Neuevangelisierung als Antwort der Kirche auf die Herausforderungen einer säkularisierten

Gesellschaft. Konzeptionelle Gestaltung, lehramtliche Positionen und institutionelle Verortung an der römischen Kurie. (Article)

G. deals with the New Evangelization in the context of the Church's mission in a secularized environment. After some introductory definitions he offers an overview of the Church's teaching on the New Evangelization since Vatican II. He discusses the genesis and current constitution of the Pontifical Council for Promoting the New Evangelization, paying particular attention to the *motu proprio Ubicumque et semper* and *Fides per doctrinam*.

786

Ius Comm IV (2016), 35-48: Fernando Filoni: La recepción del Código en los territorios de misión y las “facultades especiales” concedidas a la Congregación para la Evangelización de los Pueblos. (Article)

In mission territories the law needs to be adapted to local needs. Because of the lack of clergy and juridical structures in those territories, the “special faculties” granted by the Congregation for the Evangelization of Peoples continue to be useful in responding to the pastoral and spiritual needs of the faithful. The constant task of the Congregation is to help the local Churches within the mission territories to have all the juridical structures and personnel required for the administration of justice, always bearing in mind the primacy of love, grace and the proclamation of the Gospel.

786

J 76 (2016), 5-18: Fernando Filoni: The Reception of the Code in the Missionary Territories and the Special Faculties Granted to the Congregation for the Evangelization of Peoples. (Article)

English translation of the article referred to in the preceding entry.

793

ACR XCII, 4/15, 403-14: T. D’Orsa: The Old as well as the New: Catholic Education Fifty Years on from Vatican II. (Article)

Fifty years after the Council's Declaration on Christian Education, D'O. considers the mission of Australian Catholic schools in the post-Vatican II world, and the contemporary challenges, particularly the formation of staff and leaders, and the importance of a strong Catholic community.

793

ADC 5 (abril 2016), 165-187: Maria Teresa Cerdá Donat: Educación católica y sociedad civil. Los cc. 793, 797 y 799 del CIC 83 (c. 627 del CCEO). (Article)

Education is an inalienable human right and a grave obligation of parents, which they must be able to fulfil freely as it pertains to the very nature of their being parents. Parents have the special mission to permeate and perfect secular realities with the spirit of the Gospel, through marriage and the family. This mission calls for initiative and creativity, as well as respect for the Church's social teaching. Parents need the cooperation of others, including civil society: a broad concept which merits critical analysis.

794

RMDC 21/1 (2015), 209-212: PP. Francisco: Quirógrafo para la erección de la Fundación *Gravissimum Educationis*, 28 de octubre de 2015. (Document)

Text of the chirograph establishing the *Gravissimum Educationis* Foundation to pursue scientific and cultural aims so as to promote Catholic education throughout the world.

797

ADC 5 (abril 2016), 165-187: Maria Teresa Cerdá Donat: Educación católica y sociedad civil. Los cc. 793, 797 y 799 del CIC 83 (c. 627 del CCEO). (Article)

See above, canon 793.

799

ADC 5 (abril 2016), 165-187: Maria Teresa Cerdá Donat: Educación católica y sociedad civil. Los cc. 793, 797 y 799 del CIC 83 (c. 627 del CCEO). (Article)

See above, canon 793.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

834

N LI 1-6/15, 290-298: N. Valli: Liturgia Ambrosiana. Situazione attuale.
(Article)

V. explains the spread of the Ambrosian Rite, used in most but not all of the churches in the diocese of Milan, as well as several other places with historic links to Milan, e.g. Bergamo. Translation into the vernacular was a challenge because it threatened what was specific to the Rite. V. indicates briefly the stages in which the different liturgical books were published.

836

REDC 73 (2016), 29-85: Francisco José Campos: La relación fe-sacramento en el cic 1983. Un estudio a partir del iter redaccional de los cc. 836 y 840.
(Article)

Canons 836 and 840 reflect the substantial relationship between faith and both liturgical worship and sacraments. This reciprocal faith-sacrament relationship has been always affirmed by the most genuine Catholic sacramental tradition. Nevertheless, it was given little consideration by the CIC/17 and by the post-Tridentine theology that supported it. C. reports this long and fruitful renewal process of the sacramental canon law after the Second Vatican Council, examining the *iter* of canons 836 and 840. Both canons are of a doctrinal and normative character, and highlight that every sacramental and liturgical action is a sign and expression of the faith, at the same time as it nourishes and strengthens. The CIC/83 conceives the sacraments as *sacramenta fidei*, faith being considered as a constitutive part of the sacrament. Every celebration of the sacrament without faith is intrinsically denaturalized, and could cause it to be not only fruitless but also illicit and invalid.

838

ADC 5 (abril 2016), 79-104: Julio García Martín – Félix Pérez López: Anotaciones sobre la vigencia del *Missale Romanum* de Juan XXIII.
(Article)

The liturgical reform was a necessity for the Church of the 20th century. Pius XII reformed the Holy Week rites; John XXIII reformed the Roman Missal and Breviary. Vatican II decided that all the liturgical books should be revised in accordance with the norms and principles established by the same Council. Paul VI put the reform into effect, and introduced a new form of celebrating Mass,

promulgating new norms, but not abrogating the Missal of John XXIII in its entirety but only in certain parts, leaving in force the older form of celebrating Mass since it was not opposed to the new rite. The Sacred Congregation of Rites (now the Congregation for Divine Worship and the Discipline of the Sacraments) issued norms giving effect to the reform of the Missal, the *Institutio Generalis Missalis Romani*, but they were not published in accordance with the norms of the Code and did not enter into force. Hence it can be concluded that the Roman Missal of John XXIII continues in force with the enriching modifications introduced.

838

CLSN 185/16, 9-16: Congregation for the Doctrine of the Faith: Approval for use by ministers of the Ordinariate of *Divine Worship: The Missal*. (Documents)

The Congregation for the Doctrine of the Faith has made further provision for the liturgy of the Ordinariates for former Anglicans by approving for use *Divine Worship: The Missal*. Approval was given in May 2015 and its use was authorized as from the first Sunday of Advent of that year. There are restrictions on its use, and these are set out in a letter to Cardinal Nichols, the text of which is given here together with a *Frequently Asked Questions* document issued at the same time as the Missal.

838

RMDC 20/2 (2014), 421-448: Congregación para la Disciplina de los Sacramentos: Guía para las grandes celebraciones. (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. 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. (See also *Canon Law Abstracts*, nos. 100, p. 90; 115, p. 83).

840

REDC 73 (2016), 29-85: Francisco José Campos: La relación fe-sacramento en el cic 1983. Un estudio a partir del iter redaccional de los cc. 836 y 840. (Article)

See above, canon 836.

840-848

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

844

Ap LXXXVIII (2015), 161-195: Pavlo Basysty: Aspetti giuridico-pastorali del Can. 844 CIC e le particolarità rituali da applicare nel contesto ecclesiale cattolico ed ortodosso. (Article)

A consideration of the question of *communicatio in sacris* calls for reflection on specific cases of spiritual necessity and urgency, in which the sacraments of confession, the Eucharist and anointing of the sick may be administered to non-Catholic members of the Eastern Churches and members of the Churches and ecclesial communities of the Reformation. B. examines the role of local ecclesial authorities in both the Latin and Eastern rites, and the need for reciprocity with the authorities of the territorial Churches, looking in particular at the example of Ukraine. He also deals with the question of the reception into the Catholic Church of non-Catholics, especially the faithful of the Orthodox Churches, and the reason for their belonging to the rite of their own liturgical tradition, which for its own part is opposed to any form of proselytism.

BOOK IV, PART I, TITLE I: BAPTISM

849-878

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

874

IC 56 (2016), 385-415: María José Redondo: Crónica de Derecho canónico 2015. (Compilation)

See above, General Subjects (*Compilations*) (a transsexual person cannot be a sponsor at baptism).

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

879

QDE 29 (2016), 203-219: Fabio Marini: La confermazione, «in intima connessione con tutta l'iniziazione cristiana», è sorgente di doveri e diritti propri. (Article)

M. briefly addresses some preliminary theological issues before considering canon 879 as the basis for the legal obligations and rights conferred by confirmation, which is seen as reinforcing those conferred by baptism. He then looks at the areas of being an educator and witness, of the selection of one's own vocation in life, and the position of the laity, pointing to the position of confirmation in various canons relating to these topics. He ends with a hint that a further duty respecting the life of prayer may be implicit in recent magisterial statements, and suggesting that confirmation is better seen as a sacrament of commitment than of maturity.

879-896

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

882

QDE 29 (2016), 143-155: Giuliano Brugnotti: La riserva della confermazione al vescovo nei primi secoli. (Article)

B. examines the practice of sacramental initiation as described in various early Christian texts, looking at the evidence for the specific role of the bishop in the laying on of hands and anointing in that initiation, and examining how this evolved once infant baptism in more remote parish churches became more common. These practices are related to contemporary discipline.

882

QDE 29 (2016), 156-175: Marino Mosconi: «Da chi sei stato cresimato?» La riserva al vescovo nella celebrazione della confermazione: la facoltà e il crisma. (Article)

M. examines two legal institutions which maintain the link between the administration of the sacrament of confirmation and the diocesan bishop, even when the latter is not the minister of the sacrament. These are the need for a priest who confirms to receive a faculty from the diocesan bishop, and the obligation to use chrism consecrated by the bishop. M. examines each of these and comments on their significance both theologically and liturgically.

882

QDE 29 (2016), 176-202: Fabio Franchetto: La riserva al vescovo del conferimento della confermazione nella teologia conciliare dell' episcopato. (Article)

F. surveys the work of the various pre-conciliar commissions and the drafts of *Lumen Gentium*, showing how the early focus on the reservation of confirmation to the bishop, rooted in a theology of episcopal power, moved to a view based on the sanctifying ministry of the bishop. He then examines the pastoral implications for both bishop and people of this new ecclesiological perspective.

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

897-958

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

915

ACR XCII 3/15, 269-288: F. Moloney: A New Testament Hermeneutic for Divorce and Remarriage in the New Testament. (Article)

See below, canon 1055.

915

AkK 184 (2015), 57-74: Helmuth Pree: Kirchenrecht und Barmherzigkeit. Rechtstheologische und rechtstheoretische Aspekte. (Article)

Starting from the perspective of canon law, P. considers the scope of mercy within the law and responds to the question: “Where do mercy and law actually meet?” The answers that arise are applied to the question of permitting the divorced and remarried to the sacraments.

915

BV 75 (2015), 461-474: Martin M. Lintner: Vprašanje razvezanih in ponovno poročenih od koncila do danes (*The question of divorced and remarried persons from Vatican II to today*). (Article)

The Second Vatican Council distanced itself from the canonical definition of marriage as a contract in favour of the biblical perception of marriage as a covenant. L. argues that this new theological understanding makes it possible to resolve the situation of the many divorced and remarried persons in the Church. He presents different viewpoints that have developed since Vatican II, as well as many aspects of theological reflection (biblical, doctrinal, anthropological, sacramental, moral, legal and pastoral). He is convinced of the need to change the current practice of the Church, and proposes certain solutions which he argues would agree with the teachings of Jesus and the tradition of the Church, such as a greater role for the virtue of *epikeia* and conscience at the personal level, and more subsidiarity and more authority for bishops’ conferences in their search for concrete solutions at the normative level.

915

CLSN 186/16, 53-80: Francis G. Morrisey: Some pastoral implications arising from Chapter VIII of the Apostolic Exhortation *Amoris Laetitia*. (Conference presentation)

Within the context of the Apostolic Exhortation *Amoris Laetitia* as a whole, M. examines again the “internal forum solution” and its application to those who have divorced and remarried without first obtaining a declaration of nullity.

915

SCL X (2014-2015), 217-238: Sahayaraj Lourdusamy: Admission of the Divorced and Civilly Remarried Catholics to the Eucharistic Communion – Towards A Definitive Solution? (Article)

In the light of the 2014 Extraordinary Synod on the Family L. examines the canonical situation of divorced and remarried Catholics in the Latin and Eastern Codes and the suggestions made by Cardinal Kasper. The Latin Code refers to manifest grave sin and the Eastern to the publicly unworthy. These are simply expressions of the eternal moral law. The question is whether a solution can be founded on the principles of *salus animarum* and canonical equity. L. favours the approach taken by Cardinal Scola – spiritual communion, reconciliation without absolution, sexual continence, and testing of the validity of the marriage. He also looks at the relationship between canon law and Indian civil law on marriage.

915

Patricia M. Dugan – Luis Navarro (eds.): Mercy and Law in Marriage. (Book)

This book contains the proceedings of a conference held at the University of the Holy Cross in Rome in May 2014, and serves as a precursor to the two Synod meetings of Catholic bishops in 2014 and 2015 and the Holy Father’s announcement of the Extraordinary Jubilee Year of Mercy starting on 8 December 2015. It contains contributions from Eduardo Baura (“Mercy, *Oikonomia* and Law in the Canonical Marriage System”); Benedict Ndubueze Ejeh (“Admission to Marriage: The ‘Preventive Character’ of Mercy in Pre-Matrimonial Canonical Norms and Pastoral Praxis”); and Miguel Ángel Ortiz (“The Pastoral Care of Divorced and Civilly Remarried Members of the Faithful and Their Call to Holiness”). (For bibliographical details see below, Books Received.)

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

959

N LI 1-6/15, 3-253: Year of Mercy. (Documents and articles)

See above, General Subjects (*Compilations*) (papal allocution to participants in a course at the Apostolic Penitentiary).

959-991

REDC 73 (2016), 87-106: José María Díaz Moreno: El sacramento del perdón. Anotaciones canónico-pastorales. (Article)

In view of the evident interest of Pope Francis in placing the practice of the sacrament of penance and reconciliation at the centre of the Jubilee of Mercy, D.M. presents some of the Pope's most representative texts concerning the attitude of confessors, the ministers of this sacrament. In the light of these texts he reflects on the current canonical regulations and offers some pastoral suggestions for helping make the Pope's wishes a reality, including in its canonical aspects.

959-991

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

959-997

N LI 7-12/15, 307-325, 361-379, 380-398: Congregatio de Cultu Divino et Disciplina Sacramentorum: Per riscoprire il "Rito della Penitenza". (Article)

The Congregation for Divine Worship wishes to encourage a rereading of the *praenotanda* and closer study of the text of the Rite of Penance during the Year of Mercy. The first section considers contrition and conversion of heart. The second takes a mystagogical approach to the different elements of the Rite. English and Spanish translations are given at pp. 361-379 and 380-398 respectively.

983-984

TKP VII (2014), 81-91: Krzysztof Nykiel: Il sigillo sacramentale nella normativa canonica. (Article)

K. highlights how the Church has always attributed particular relevance to the privacy of the encounter between the faithful and the priest in the administration of the sacrament of penance and to the protection of what in the course of time came to be defined as the “seal of the confessional”, describing its historical development and its biblical and theological foundations. The Church, in her canonical legislation, wishes on the one hand to transmit the pedagogy of the love of the Father of mercy, and on the other to direct her ministers to live the gift of ministerial and spiritual fatherhood. In preserving the sacramental seal confessors can look to the example of St John Nepomucene who endured martyrdom rather than violate the seal. The sacramental seal is a guarantee of the wonders of God in the heart of every penitent, and echoes the beauty of the merciful and transforming Love of the Father, flowing from the redeeming sacrifice of Christ.

983-984

RMDC 20/2 (2014), 233-257: Luis de Jesús Hernández M.: El Sigilo de la confesión sacramental. (Article)

H. studies the significance of the sacramental seal; its historical development; actions that may constitute direct or indirect violation; and the role of the Congregation for the Doctrine of the Faith in penalizing violations.

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

998-1007

N LI 7-12/15, 459-479: J. Hermans: Die Dimension Der Barmherzigkeit in *Ordo Unctionis Infirmorum*. (Article)

H looks at the concept of Godly healing in the sacramental formula of the anointing of the sick both in its earlier and in its current form.

998-1007

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

1004-1007

KIP 5 (18) 2016, 161-179: Andrzej Kumor: Podmiot sakramentu namaszczenia chorych (*The recipient of the sacrament of anointing of the sick*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-9>

K. studies the question of who may receive the sacrament of anointing of the sick. He first looks at general subjective criteria: the person to be anointed should have received baptism, reached the use of reason, and begun to be in danger of death by reason of illness or old age. He then looks at the situations of doubt foreseen by the legislator, before focusing on the request – explicit or implicit – by the individual concerned to receive the sacrament. He ends with a consideration of the prohibition on administering the sacrament to those who obstinately persist in a manifestly grave sin.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1054

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

1024-1052

SCL X (2014-2015), 77-104: Michael Nobel: Formation of Permanent Deacons. (Article)

N. gives details of the process of formation for the permanent diaconate as set out in the *Ratio Fundamentalis Institutionis Diaconorum Permanentium* issued by the Congregation for Catholic Education on 22 February 1998. He covers the following points: general requirements for the application process; those responsible for the formation of permanent deacons; the formation process in its various stages with the basic syllabus to be covered.

1041-1042

QDE 28 (2015), 393-422: Fabio Franchetti: Alcune considerazioni sulla disciplina circa le irregolarità e gli impedimenti relativi all'ordine sacro. (Article)

F. begins by comparing the law on impediments and irregularities in the CIC/17 with that in the present Code. He goes on to relate irregularities to delicts, distinguishing the different ways in which both operate. This leads into a consideration of how irregularities might operate in complex cases such as those of wrongs committed before baptism, and psychiatric illnesses. He concludes by examining a number of current problem cases, asking whether they do (or should) constitute new irregularities or impediments: these are alcoholism and coeliac disease, homosexuality and sexual abuse offences committed in early life.

1043

QDE 28 (2015), 423-443: Andrea Migliavacca: Irregolarità e impedimenti: vie di conoscenza e di verifica al servizio del discernimento. (Article)

M. begins by examining the responsibility of the candidate for ordination to reveal any impediments or potential irregularities of which he is aware, and

points to how this can be prepared for in the formation process. Consideration is given to the role of others involved in that process, and to both the formal checks which it contains and the documents which may be necessary to prove the impediment. The role of experts (notably medical) is examined in more detail, as is the potential use of such modern means as social media networks. Finally, the subject of dispensations is touched on.

1044

QDE 28 (2015), 393-422: Fabio Franchetti: Alcune considerazioni sulla disciplina circa le irregolarità e gli impedimenti relativi all'ordine sacro.
(Article)

See above, canons 1041-1042.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

ACR XCII 3/15, 269-288: F. Moloney: A New Testament Hermeneutic for Divorce and Remarriage in the New Testament. (Article)

In the context of the possibility of adjusting the Church's discipline on the admission of invalidly married persons to the sacraments of penance and the Eucharist, M. notes the absolute prohibition of divorce by Jesus (Mk 10:1-12), but also that both Paul and Matthew (1 Cor 7:14-16; Mt 5:32, 19:9) accommodated for the Church's fragile members the absolute prohibition of Jesus. He suggests that we should not be changing our practice merely on the basis of mercy and compassion, but on the entire picture of the authentic tradition in the New Testament.

1055

CLSN 185/16, 5-7: Pope Francis: Address to the Officials of the Roman Rota for the Inauguration of the Judicial Year, 22 January 2016. (Address)

The Pope speaks of the ministry of the Rota and refers to two titles that can be attributed to it: "Tribunal of the family" and "Tribunal of the truth of the sacred bond". He states that the essential component of marital consent is not the quality of one's faith, emphasizing that a lack of formation in the faith and error with respect to the unity, indissolubility and sacramental dignity of marriage invalidate marital consent only if they influence a person's will (cf. canon 1099). The Church continues to propound marriage in its essential elements not as an ideal meant only for the few, but rather as a reality that in Christ's grace can be lived out by all the baptized faithful.

1055

Canonist 7/1 (2016), 3-9: Pope Francis: Address to the Tribunal of the Roman Rota, 22 January 2016. (Address and comment)

See previous entry. The English text of the Pope's address is accompanied by a comment from Peter Slack, which reports some of the reactions to the address by commentators.

1055

IE XXVIII (2016), 113-136: Héctor Franceschi: La complementarità tra uomo e donna nel matrimonio. (Article)

F. explores the intrinsic juridical reality of the complementarity between man and woman, especially in relation to marriage. This vision is what Benedict XVI referred to in one of his addresses to the Rota as the “juridical anthropology of marriage”. F. then focuses on complementarity in relation to capacity for marriage, in order to identify what is needed for desiring and for being capable of true marriage.

1055-1165

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

1060

IC 56 (2016), 303-353: Sentencia del Tribunal de la Rota Romana, de 27 de febrero de 2014; Manuel Valdés Mas: El *favor veri matrimonii* a propósito de una sentencia *Coram* Heredia de 27 de febrero de 2014. (Sentence and comment)

See below, canon 1095 2°.

1063

BV 75 (2015), 407-415: Philippe Bordeyne: Upoštevanje postopnosti v moralnem življenju: od drugega vatikanskega koncila do sedanje sinode o družini (*Consideration of gradualness in moral life: from the Second Vatican Council to the current Synod on the Family*). (Article)

In the area of morality the encyclical *Humanae Vitae* encouraged discussion of the law of gradualness. Pope John Paul II in his Apostolic Exhortation *Familiaris Consortio* justified the law of gradualness in relation to the principles of responsible parenthood. This law was cited in the preparatory documents for the Synod on the Family in 2014, but the term “law of gradualness” was later replaced by the term “divine pedagogy”. B. compares the notions of the law of gradualness and divine pedagogy and argues in favour of the latter. Appealing to divine pedagogy emphasizes the positive in the face of human fragility and sinfulness, and gives hope that divine mercy is always greater than our errors and sins.

1063

BV 75 (2015), 681-689: Rafko Valenčič: Priprava na zakon v pripravljajalnih besedilih na škofovski sinodi 2014-2015 (*Marriage preparation in the documents of the Synod of Bishops on the Family 2014-2015*). (Article)

Marriage preparation is an important pastoral activity for the benefit of marriage and family, both of which are among the primary objects of the pastoral concern of the Church today. This concern is borne out by the Extraordinary and Ordinary Assemblies of the Synod of Bishops that took place in Rome in 2014 and 2015. The Final Report of the Ordinary General Assembly of the Synod of Bishops (*Relatio finalis*) that was presented to Pope Francis explicitly outlines the key characteristics of marriage preparation. Preparation is the path of faith; it must comprise different dimensions of marital and family life, which are presented stepwise in remote, proximate, and immediate preparation. It involves various actors, such as family, parish community, and people trained in various aspects of human life; all of them follow the young engaged couples and young families through their growth, maturation, decision for marriage, and responsible living at the personal, family and societal level. V. presents – for the benefit of all those involved in marriage preparation – the directions of the Church's Magisterium for the effectiveness and continuous evaluation of the contents and methods of this pastoral activity.

1063-1071

Patricia M. Dugan – Luis Navarro (eds.): Mercy and Law in Marriage. (Book)

See above, canon 915.

1066

BSKP 29 (2016), 43-69: Wojciech Góralski: Problem prewencyjnego zapobiegania nieważności małżeństw na drodze kanonicznego badania przedślubnego (*The issue of preventing the nullity of marriage through the canonical pre-marriage interview*). (Article)

G. deals with the question of marriage preparation, stressing in particular the importance of the pre-marriage interview. This interview provides the opportunity to verify whether the future spouses are legally capable of contracting marriage (cf. canon 1066). The interview is to be carried out very carefully and with a sense of responsibility, and is aimed at determining whether there are any impediments to the marriage, whether the intended spouses have the necessary psychic capacity for marriage, and whether there are factors negatively affecting the consent of one or both of the parties.

1095

Ap LXXXVIII (2015), 215-221: Francesco Dentale: Utilizzo del modello alternativo del *DSM-5* per la valutazione della personalità in ambito canonico. (Article)

D. looks at the alternative DSM-5 model of personality disorders, contrasting it with that in DSM-IV-TR, and assessing its possible implications in the canonical sphere, especially regarding the problem of the relationship between diagnostic classifications and juridical incapacity.

1095

Ap LXXXVIII (2015), 291-310: Alessandro M. Ravaglioli: L'approccio psicodinamico alla luce del *PDM* e di ulteriori prospettive. (Article)

The PDM (Psychodynamic Diagnostic Manual), as well as describing symptoms and syndromes, aims to grasp the uniqueness and the “inner” reality of the personality. It adopts multiple different psychodynamic approaches, complementing the DSM-5 and providing a more precise assessment tool. R. considers its usefulness in understanding and evaluating the relational and decisional dynamism of spouses.

1095 2°

IC 56 (2016), 303-353: Sentencia del Tribunal de la Rota Romana, de 27 de febrero de 2014; Manuel Valdés Mas: El *favor veri matrimonii* a propósito de una sentencia *Coram Heredia* de 27 de febrero de 2014. (Sentence and comment)

V.M. comments on a Rotal third instance decision on a marriage contracted between the female petitioner – aged 18 at the time of the wedding, and who shortly beforehand had been found to be pregnant – and the male respondent – aged 20 – who on the advice of parents and friends had decided to marry to resolve the problem of the pregnancy. The marriage fell apart after 13 years, and the Rota ultimately declared it to be null on the ground of lack of discretion of judgement on the part of the petitioner. V.M. highlights four aspects of the case which are of particular interest: the collegiality of the Rota (the Dean of the Rota decreeing that this case should be heard by seven judges); the importance of objective circumstances in cases of consensual incapacity (the Rota considering that the second instance tribunal, which had given a negative decision, had paid too much attention to the credibility of the petitioner and the other witnesses – factors which would be more relevant in a case of simulation – and not enough to the question of whether the petitioner was at the time of the wedding incapable of choosing true marriage); the “volitional” element in discretion of judgement (the need for interior freedom as well as the intellectual element);

and the mutual interconnection between the *favor matrimonii*, the search for truth in the nullity process, and the salvation of souls.

1095 2°-3°

CLSN 185/16, 42-80: Augustine Mendonça: The Effects of Child Abuse/Neglect on Matrimonial Consent. (Article)

A. points to three Rotal decisions which highlight the manifold psychological effects of child abuse/neglect on its victims, such effects being detectable in the emotional, intellectual, volitional, sexual and interpersonal areas of a person's life. The victims of the abuse demonstrated that they were unable to think properly, to choose freely or to have life-long interpersonal relationships. Because the effects of child abuse/neglect are deep-seated in the personality of the victims, it is important that those who have to judge cases involving victims of abuse/neglect are aware that such experience causes serious damage to the victim's personality, and consequently to his or her capacity to give matrimonial consent. Although not every person abused or neglected as a child may suffer the consequences of child abuse/neglect, M. states that most will grow up with a scarred and broken personality. In cases of this kind, the judge should seek the help of experts in determining the presence of the psychological effects of child abuse/neglect in the person alleged incapable of giving valid matrimonial consent. Although not bound by the conclusions of the expert, the judge is not to dismiss those conclusions without providing appropriate reasons for the decision made.

1097

RMDC 21/1 (2015), 133-156: Decisio R.P.D. Kenneth E. Boccafolo, Sentencia definitiva del 14 de octubre de 2004. (Sentence)

The woman petitioner, from Sardinia, met the respondent while he was carrying out military service on the island. He seemed to be hard-working, honest, faithful and pleasant – the sort of man she was looking for; and they married in 1968, around the end of the period of his military service. However the respondent soon proved to be violent and unfaithful, neglectful both of the petitioner and of the child born to them, and became involved with drugs and prostitutes, later ending up in jail. After several years of physical separation a civil decree of legal separation was obtained. The matter fell to be dealt with under the pre-1983 legislation, and the Rota considered whether the marriage was invalid on the grounds of error on the part of the petitioner concerning a quality of the respondent (canon 1083 §2, 1° of the CIC/17), and exclusion of the good of fidelity on the part of the respondent (canon 1101 §2 of the CIC/83, substantially the same as the corresponding provision in the CIC/17). The Rotal

Auditors considered that the acts of the case did not clearly prove that the intention of the woman was directly and principally placed on the qualities rather than the person of the respondent. However there was very clear evidence of exclusion of the good of fidelity on the part of the respondent – a man without moral principles and totally lacking in religious piety.

1098

BV 75 (2015), 265-274: Slatinek Stanislav: Zloraba resnice v zakonski zvezi (*Abuse of Truth in Marriage*). (Article)

In the jurisprudence of the Roman Rota there are many examples of nullity of marriage on account of deceitful fraud (*deceptus dolo*). In order to determine that one of the spouses has abused the truth and wed by deception it is necessary to establish the following criteria: concealment of some important personal characteristics; reference to a feature or quality that could be common to all people (*qualitas communis*); assessment and response on the part of the innocent spouse; intentional use of deception in order to enter into the marriage contract. The presence of all these criteria establishes deceitful fraud, which means that the marriage in such a case has been invalidly entered into and is therefore null. In order to minimize the incidence of such marriages it is necessary to hold thorough (remote, proximate, and immediate) preparatory classes for marriage.

1098

IE XXVIII (2016), 137-182: Tribunale Ecclesiastico Regionale Pugliese e di Appello per l'Albania: Nullità del matrimonio – Condizione futura e Dolo – Sentenza definitiva, 20 marzo 2014 – Giuseppe Pica, Ponente; Tribunale Apostolico della Rota Romana: Decreto di conferma, 28 maggio 2015 – S.E. Pio Vito Pinto, Decano, Ponente (con nota di Héctor Franceschi, *La relazione tra dolo e condizione e la natura della qualità che può perturbare gravemente il consorzio di vita coniugale*). (First instance sentence, Rotal decree of confirmation, and comment)

The male petitioner in this case requested a declaration of the nullity of his marriage on the ground of future condition on his part and deceit perpetrated by the respondent in order to secure his consent to the marriage. Shortly before the marriage, the respondent informed the petitioner that the Cooperative Society of which she formed part required her – exceptionally, and for a limited period – to provide a bank guarantee; otherwise she faced dismissal from the Society. The respondent repeatedly stressed the temporary and exceptional nature of the guarantee, without revealing that she had in fact already signed it the previous month. The facts demonstrated that the petitioner would not have married her had he known the truth, which turned out to be that the Cooperative Society had

not threatened her with dismissal as she had claimed, and furthermore she had signed other guarantees which were not of a temporary nature and which the petitioner knew nothing about. Upon discovering the deceit and bad faith on the part of the respondent, the petitioner immediately separated from her and subsequently sought a declaration of nullity of the marriage. At first instance an affirmative decision was given on the grounds of both future condition and deceit. At second instance the Rota considered that, while there had certainly been deceit on the part of the respondent (for which the Rota issued a decree of confirmation), there may not have been a future condition on the part of the petitioner, since it was not clear that at the time of the wedding there was any doubt in his mind (even though he was in fact mistaken) about the exceptional and temporary nature of the bank guarantee, and about there being no other such guarantees. In the comment that follows the decision, F. deals with the relationship between deceit and a quality “which of its very nature can seriously disrupt the partnership of conjugal life” according to canon 1098.

1099

Canonist 7/1 (2016), 31-41: Anthony Malone: The Baptized Unbelievers and Matrimony. (Article)

Regarding the problem of the validity or otherwise of marriages between baptized unbelievers a possible avenue of investigation lies in the emerging jurisprudence concerning radical error determining the will in canon 1099. Such error would need to be antecedent to marriage and relate to what are the essential elements and properties of marriage as taught by the Church. Conclusions to the effect that most marriages between baptized non-Catholics and many marriages between baptized Catholics are invalid on account of radical error are not universally self-evident. Proofs of such erroneous convictions because of a prevailing secular culture need to be established. Nevertheless recent papal addresses to the Rota from Popes John Paul II, Benedict XVI and Francis offer a way forward for some resolution of the question.

1099

Comm 47 (2015), 7-10: Pope Francis: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos die 23 mensis ianuarii 2015 prolata. (Address)

In his address to the Roman Rota for 2015 Pope Francis focuses on the human and cultural context in which matrimonial intention is formed. The large number of couples in irregular situations has an influence on how other couples see marriage, encouraging a spiritual worldliness hiding behind an outward

religiosity. This can lead to an enclosed and subjective faith rather than one that supplies orientations and norms for life. Judges must take this into consideration in the context of canon 1099 and error determining the will since it can lead to mental reservations with regard to permanence or fidelity when personal affective aspirations are not met. Victims of this mentality must not find the path of salvation closed to them. (See also *Canon Law Abstracts*, no. 115, p. 98.)

1099

SCL X (2014-2015), 11-14: Pope Francis: Allocution to the Roman Rota (23 January 2015). (Address)

See preceding entry.

1099

RMDC 21/1 (2015), 159-167: PP. Francisco: Alocución a la Rota Romana, 23 de enero de 2015. (Address and comment)

See preceding entries. The Spanish text of the Pope's address is accompanied by a comment from Luis de Jesús Hernández M.

1101

Canonist 7/1 (2016), 88-123: Sentence *coram* Heredia Esteban, 26 February 2013 (USA). Exclusion of the Good of the Spouses (*bonum coniugum*) (can. 1101, §2). Exclusion of the Good of Offspring (can. 1101, §2). (Sentence)

After marrying, the woman petitioner was forced to live apart from the respondent for two years because of problems in obtaining citizenship. Because of this she stated that she feared the inconvenience of offspring. After six years, with no children born, the marriage broke up and the parties divorced. The grounds considered by the Rota were exclusion of the *bonum coniugum* on the part of the respondent and exclusion of the good of offspring on the part of the petitioner. The Rotal sentence stresses the need to avoid confusing shortcomings in married life with an exclusion of some essential property or element of marriage by a positive act of the will at the time of expressing consent. It discusses the content of the *bonum coniugum*, the properties of a positive act of the will, and the elements of simulation. In the particular case the proofs revealed no inclination whatever on the part of the respondent contrary to the good of the petitioner, either before or at the time of the wedding; similarly there was no evidence of exclusion of offspring by the petitioner at the time of the wedding, even though there was evidence of an intention on her part to delay having children. (See also *Canon Law Abstracts*, no. 114, pp. 89-90.)

1101

Canonist 7/1 (2016), 124-136: Sentence *coram* Heredia Esteban, 29 October 2012 (USA). Exclusion of the Good of the Spouses (*bonum coniugum*) (can. 1101, §2). (Sentence)

This Rotal case concerned a request for a declaration of the nullity of marriage on the ground of exclusion of the *bonum coniugum* on the part of the male petitioner. Conjugal life, gifted with two children, had lasted for 20 years. The sentence sets out the requirements for proof of exclusion of the *bonum coniugum*. It was clear from the judicial confession of the petitioner that there had not been any positive act of the will on his part excluding the good of the wife with respect to conjugality. Nor was there any extrajudicial confession of the petitioner according to which he had a will to exclude at the time of celebrating the marriage. In fact, the statements made before the judge and pertaining to post-nuptial life manifested a total absence of any positive act of the will excluding the *bonum coniugum*. The petitioner admitted that 15 years after the celebration of marriage he began to drink and to be unfaithful; but he attributed this behaviour to the problems in which his family was involved, not to any predetermined will. In the petitioner's declarations he adduced nothing that could have impelled him to simulate marriage; on the contrary he stated in his interrogations that he wanted to contract a traditional marriage, in observance of fidelity and with a view to the generation of offspring with his wife. Thus a negative decision was given.

1101

RMDC 21/1 (2015), 133-156: Decisio R.P.D. Kenneth E. Boccafolo, Sentencia definitiva del 14 de octubre de 2004. (Sentence)

See above, canon 1097.

1102

IE XXVIII (2016), 137-182: Tribunale Ecclesiastico Regionale Pugliese e di Appello per l'Albania: *Nullità del matrimonio – Condizione futura e Dolo – Sentenza definitiva*, 20 marzo 2014 – Giuseppe Pica, *Ponente*; Tribunale Apostolico della Rota Romana: *Decreto di conferma*, 28 maggio 2015 – S.E. Pio Vito Pinto, *Decano, Ponente* (con *nota* di Héctor Franceschi, *La relazione tra dolo e condizione e la natura della qualità che può perturbare gravemente il consorzio di vita coniugale*). (First instance sentence, Rotal decree of confirmation, and comment)

See above, canon 1098.

1142

IC 56 (2016), 229-269: Joaquín Sedano: Las incertidumbres históricas sobre la potestad pontificia de disolver un matrimonio rato y no consumado: una clave interpretativa de la formación del vínculo matrimonial. (Article)

The Pope's vicarious power to dissolve a non-consummated marriage was established mainly during the pontificates of Popes Alexander III and Innocent III. From the very beginning, the institution has faced significant objections from both theologians and canonists. S. focuses on the elements required for an adequate understanding of this power, including the underlying theology of marriage. He provides a historical overview of the origins and evolution of the power, setting the so-called "consent theory" and "*copula theory*" in their proper context. He pays special attention to the distinction between *matrimonium initiatum* and *matrimonium ratum* in the *Decretum Gratiani*, taking into account the different stages of its composition. Finally he discusses the degree to which this papal power is consistent with the indissolubility of marriage.

1143-1147

KIP 5 (18) 2016, 199-213: Ewelina Milej: Przywilej pawłowy według Kodeksu Prawa Kanonicznego z 1983 roku (*The Pauline privilege according to the 1983 Code of Canon Law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-11>

M. studies the historical background to the Pauline privilege, and the conditions for its operation in canon law.

1148-1149

KIP 5 (18) 2016, 215-228: Paulina Szablińska: Przywilej piotrowy w kanonicznym porządku prawnym (*The Petrine privilege in canon law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-12>

S. analyses the norms concerning the institution of the Petrine privilege, as set out by the Congregation for the Doctrine of the Faith in 2001. The privilege is based on the authority of the Pope who, as Vicar of Christ on earth, has power to dissolve a non-sacramental marriage.

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

1166-1204

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

1171

KIP 5 (18) 2016, 265-291: Edyta Nafalska: Przepięstwo profanacji rzeczy świętej w Kodeksie Prawa Kanonicznego z 1983 roku (*The crime of desecration of holy things in the 1983 Code of Canon Law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-15>

The concept of holy things is not defined in detail in the CIC/83. The Legislator merely determines that a sacred character is conferred upon an object through an act of blessing or dedication, whereby it is excluded from public use and afforded special protection. N. considers the conditions which need to be present for an action to constitute the crime of profaning a movable or immovable sacred object, the penalty to be applied, and the manner in which such penalty is to be imposed, taking into account the circumstances of the act and the individual characteristics of the perpetrator.

BOOK IV, PART III: SACRED PLACES AND TIMES

1205-1213

KIP 5 (18) 2016, 265-291: Edyta Nafalska: Przepięstwo profanacji rzeczy świętej w Kodeksie Prawa Kanonicznego z 1983 roku (*The crime of desecration of holy things in the 1983 Code of Canon Law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-15>

See above, canon 1171.

1205-1253

John Huels: The Pastoral Companion. A Canon Law Handbook for Catholic Ministry. (Book)

See above, canons 515-552.

1214-1229

ADC 5 (abril 2016), 41-77: Juan Damián Gandía Barber: El proceso de redacción de los cánones acerca de las iglesias, oratorios y capillas privadas: del proyecto de 1977 al *Código de Derecho Canónico*. (Article)

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

1222

QDE 29 (2016), 18-36: Francesco Grazian: Riduzione di una Chiesa ad uso profano: atti canonici e civilistici. (Article)

G. surveys the various canonical and civil law steps that need to be taken when a church is no longer to be used for divine worship. The various possible outcomes are examined, and the steps to be taken surveyed (with reference to Italian law).

1222

QDE 29 (2016), 37-58: G. Paolo Montini: La riduzione ad uso profano di una Chiesa. Alcune applicazioni. (Article)

M. examines the practice of the Congregation of the Clergy and the jurisprudence of the Signatura on the reduction of a church to profane use (including providing a bibliography of reported cases), with the aim of elucidating the meaning of “profane but not sordid use”. He points out that this is to be read alongside the idea of the cessation of divine worship, and so canon 1222 §2 includes demolition, and the use both by other religions and other Christian denominations. Redesignation as an oratory or a columbarium chapel is considered, as is *de facto* closure. The terms “sordid use” and “harm to the good of souls” are also considered.

1222

QDE 29 (2016), 59-69: Carlo Azzimonti: Garanzie per l'utilizzo non indecoroso di chiese dismesse. (Article)

A. examines the way in which Italian law can guarantee that former churches will not be put to sordid use, considering both private law contractual approaches and public law planning and heritage approaches.

1240-1243

Ap LXXXVIII (2015), 9-57: Juan Damián Gandía Barber: El proceso de redacción de los Cánones acerca de los cementerios. (Article)

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

1244

N LI 7-12/15, 542-601: M. Ariosto: I Calendari Propri secondo l'Istruzione *Calendaria Particularia* e successive disposizioni normative. (Article)

A begins with a historical introduction to the development of particular calendars from early times until 1970. He then provides a detailed commentary on the 1970 Instruction *Calendaria Particularia* and amendments made in more recent documents.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

EIC 56 (2016), 285-307: Jesús Miñambres: Nota bibliografica a tema: Diritto patrimoniale canonico. (Article)

M. presents the main recent canonical works on the temporal goods of the Church, dividing the article into the following sections: 1. the introduction of a definition of “ecclesiastical goods” in the CIC/17; 2. the abolition of the system of benefices and the new system of sustenance of the clergy; 3. sacred places and things, cultural goods, places of worship; 4. the allocation of resources; 5. administration and alienation of goods; 6. general reference books.

1256-1257

QDE 29 (2016), 119-126: Mauro Rivella: La titolarità dei beni ecclesiastici. (Article)

After a brief historical survey R. argues that in contemporary canon law ecclesiastical goods are those owned by public ecclesiastical persons, and that there is a system of control of administrators of those goods. In Italy, this is supported by a property regime recognized by the State. Sometimes property which is related to Church activities can be owned by those who are not public ecclesiastical persons: R. looks at how this can arise and how the situation can be handled (again with reference to Italian law). He then considers how the idea of equalizing resources within the Church can be reconciled with canon law.

1259

QDE 29 (2016), 230-251: Francesco Grazian: L’acquisto e l’alienazione dei beni temporali. (Article)

G. looks at the various ways in which the Church can come to be the owner of property, analysing them with categories drawn from Italian civil law and noting points of canonical importance. He then looks at the canonical safeguards and procedures surrounding alienation of property.

1263

QDE 29 (2016), 90-112: Giuliano Brugnotti: I beni culturali e quelli di interesse liturgico. (Article)

See below, canons 1277-1289.

1269-1270

QDE 29 (2016), 90-112: Giuliano Brugnotti: I beni culturali e quelli di interesse liturgico. (Article)

See below, canons 1277-1289.

1274

QDE 28 (2015), 470-503: Marino Mosconi: La curia diocesana, l'onesto sostentamento dei chierici e l'istituto per il sostentamento del clero. (Article)

See above, canon 281.

1273-1289

IE XXVII (2015), 577-594: Jesús Miñambres: La responsabilità canonica degli amministratori dei beni della Chiesa. (Article)

M. studies the juridical responsibility involved in the administration of temporal goods in the Church with a view to ascertaining who is accountable; the activities in respect of which accountability arises; the juridical implications (including penal implications) of accountability in the different acts of administration of temporal goods; and the relationship between juridical responsibility in the administration of temporal goods in the Church and the co-responsibility (stewardship) of all the baptized in the Church.

1277-1289

QDE 29 (2016), 90-112: Giuliano Brugnotti: I beni culturali e quelli di interesse liturgico. (Article)

B. focuses on the way in which the diocesan curia helps the bishop with the supervision of ecclesiastical bodies, paying particular attention to items of liturgical use. He distinguishes, among ecclesiastical goods, sacred things and precious things, both of which are concepts used in the Code, and the non-Code term “things of liturgical interest”. All these are related to the new canonical concept of the cultural artefact and to the Italian Church–State agreements which deal with such cultural artefacts. The various competences of the Holy See, the diocesan bishop and the episcopal conference are then sketched (again with reference to Italian particular law), and the various national and diocesan officials and bodies that the law envisages are described. B. ends by describing the Italian process whereby a particular artefact is designated as being of cultural interest.

1281

BSKP 29 (2016), 71-89: Paweł Kaleta: Statuty parafii (*Statutes of the parish*). (Article)

Although the CIC/83 makes it obligatory in some cases to draw up statutes – e.g. for conferences of bishops (canon 451) or institutes of consecrated life (canons 586, 587) – there is no reference to the obligation of parishes to have their own statutes. Parish statutes would make it possible to specify the manner of administration of ecclesiastical goods, taking into account the requirements of both canon law and civil law.

1285

RNP XXIV 4/2014, 147-161: Paweł Kaleta: Pojęcie *patrimonium stabile* (*The concept of “patrimonium stabile”*). (Article)

See below, canon 1291.

1291

QDE 29 (2016), 230-251: Francesco Grazian: L’acquisto e l’alienazione dei beni temporali. (Article)

See above, canon 1259.

1291

RNP XXIV 4/2014, 147-161: Paweł Kaleta: Pojęcie *patrimonium stabile* (*The concept of “patrimonium stabile”*). (Article)

The *patrimonium stabile* is a new concept in the CIC/83. It comprises movable and immovable goods, which by lawful assignment of the competent ecclesiastical authority are established as a secure basis for the future existence of a juridical person. The stable patrimony allows the independent fulfilment of the mission for which the juridical person was established. The distinction between “stable” and “non-stable” patrimony should be clearly reflected and updated in the inventories (canon 1283 2°). Administrators cannot make gifts for pious purposes or Christian charity out of the movable goods which form part of the stable patrimony (canon 1285). To make any acts of alienation of ecclesiastical goods, including stable patrimony, administrators are required to observe canons 1291-1294 and 638 §3 whenever their value exceeds the sum determined by law. Canons 1291-1294 should also be observed in any other dealings whereby the stable patrimony may be jeopardized (canon 1295). The

stable patrimony is not subject to taxation, but the income derived from it may be taxed (canons 264 §3 and 1264).

1291

VR 119 (2015), 275-280: Fernando Torres: El «Patrimonio Estable».
(Article)

T. looks at the concept of “stable patrimony”, especially in so far as it applies to the funds necessary to support the life and mission of a religious institute or province. Ideally the institute or province should have sufficient financial resources or productive goods (e.g. buildings which produce rent) to cover the cost of pensions, salaries, property maintenance, etc., as well as its pastoral-missionary work. If it has insufficient to cover these costs it lacks the “stable patrimony” demanded by canon law and needs to do whatever is possible to increase the patrimony, with a view to guaranteeing the future viability of its mission.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1363

Comm 47 (2015), 434-467: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Litterae N. 1955/69 quibus relatio ad schema canonum de delictis et poenis, a Relatore parata, ad Consultores in adnexo transmittitur. (Report)

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

1311-1399

Comm 47 (2015), 468-478: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Relatio sessionis VIII^{ae}. (Report)

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

1311-1399

EIC 56 (2016), 219-244: Juan Manuel Cabezas Cañavete: Una mirada histórico canónica al devenir del derecho penal canónico desde 1917 hasta nuestros días (I parte). (Article)

C.C. presents the main trends in canonical penal law within the last century, detailing both the various currents of thought in canonical doctrine and the development of penal practice at each of those historical moments. He gives special attention to the period of application of Book VI of the CIC/83, which has witnessed many scandals which in turn have brought about important legislative developments at both the general and particular levels.

1311-1399

SC 50 (2016), 5-29: Thomas J. Green: Initial Reflections on the *Schema Recognitionis Libri VI Codicis Iuris Canonici*. (Article)

After brief introductory observations on the drafting of the revised penal law schema, G. comments on selected elements of the schema in terms of the two parts of the current Book VI on penal law. He devotes most of the analysis to the various titles of part I of the Book VI on delicts and penalties in general. He also looks more briefly at part II on penalties for specific delicts as well as at some

procedural issues. He concludes with reflections on positive and negative features of the proposed schema.

1311-1399

SC 50 (2016), 95-143: John Anthony Renken: Penal Law: A Realization of the *Misericordiae Vultus Ecclesiae*. (Article)

Pope Francis's call to an Extraordinary Jubilee of Mercy includes an invitation to everyone to receive the gift of God's mercy, and to extend a similar mercy to others. Jesus is the *misericordiae vultus Patris*, and the Church is the *misericordiae vultus Christi*. The entire existence of the Church must reflect mercy: all its ministries and activities must reveal the *misericordiae vultus Ecclesiae*. R. identifies many elements of the Church's penal law which manifest clearly its unique character – a character which reflects the merciful face of the Church, which mirrors the merciful countenance of Jesus, who is the *misericordiae vultus Patris*.

1311-1399

SCL X (2014-2015), 53-76: John A. Renken: Penal Law in the Church Tomorrow: Foundations for the Revision of *Book VI*. (Article)

R. notes that in 2007 Pope Benedict XVI entrusted to the Pontifical Council for Legislative Texts the task of reviewing and revising Book VI of the Code of Canon Law. On 26 July 2011 the President of the Council circulated to appropriate persons and bodies a draft schema seeking comments and corrections. R. presents the eight guiding principles set out in the *Praenotanda* and the guiding presumptions which directed the revision process: observing the guidelines of the 1967 Synod of Bishops; maintaining canon 1399 in any revision; incorporating all existing penal laws of the Latin Church in Book VI; considering some aspects of Eastern canon law on penalties; clarifying any existing texts that were unclear.

1336

KIP 5 (18) 2016, 247-263: Michał Aniszewski: Kara wydalenia ze stanu duchownego (*The penalty of dismissal from the clerical state*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-14>

A. describes the manner in which the clerical state may be lost according to canon 290 of the CIC/83, and the penalty of dismissal as an expiatory penalty in canon 1336. He sets out the offences punishable by dismissal from the clerical

state, distinguishing cases dealt with by the local Ordinary from those reserved to the Congregation for the Doctrine of the Faith. He then considers the methods by which the imposition of such a penalty is arrived at, before looking at the effects of the punishment of dismissal from the clerical state.

1364-1399

Comm 47 (2015), 118-119: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Litterae N. 1718/69 quibus convocatur VII Sessio Coetus Studii de iure poenali necnon in adnexo ad Consultores “Emendationes et complementa ad praeivium canonum schema de singulis delictis” a Relatore parata transmittuntur. (Report)

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

1364-1399

Comm 47 (2015), 120-125: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Litterae Relatoris Pii Ciprotti quibus transmittuntur “Emendationes et complementa ad praeivium canonum schema de singulis delictis”. (Report)

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

1364-1399

Comm 47 (2015), 126-143: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Animadversiones Consultorum factae ad “Emendationes et complementa ad praeivium canonum schema de singulis delictis” a Relatore paratum. (Report)

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

1364-1399

Comm 47 (2015), 144-158: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VII): Relatio Sessionis VII^{ae}. (Report)

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

1364-1399

Comm 47 (2015), 423-431: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Litterae N. 1901/69 quibus “Alterum canonum schema de singulis delictis” a Relatore paratum ad Consultores in adnexo transmittuntur. (Report)

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

1364-1399

Comm 47 (2015), 432-433: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “de Iure Poenali” (Sessio VIII): Votum Consultoris Ioannis Jaros. (Report)

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

1376

KIP 5 (18) 2016, 265-291: Edyta Nafalska: Przepięstwo profanacji rzeczy świętej w Kodeksie Prawa Kanonicznego z 1983 roku (*The crime of desecration of holy things in the 1983 Code of Canon Law*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-15>

See above, canon 1171.

1388

RMDC 20/2 (2014), 233-257: Luis de Jesús Hernández M.: El Sigilo de la confesión sacramental. (Article)

See above, canons 983-984.

1395

Canonist 7/1 (2016), 10-30: Brendan Daly: The Instruction *Crimen Sollicitationis* on the Crime of Solicitation: Confusion or Cover-up of Paedophilia? (Article)

The sin of sexual abuse of boys and girls has always been and always is, in accordance with the moral teaching of the Church, a grave or mortal sin. It has been regarded also as a crime in canon law from earliest times, and until recently offences were severely punished. This underlies the realization that it has always been seen to have had serious effects on the victim and the Church in general. Cover-ups and the extent of the problem have been a huge scandal for the Catholic Church in recent years. D. states that the secrecy surrounding the 1962 Instruction *Crimen Sollicitationis* is a scandal in itself. It has led to the inept handling of abuse cases in the upper levels of Church administration. The secret procedures contained in the Instruction have caused confusion and inaction, and have facilitated “geographical cures” of moving clergy from place to place. Consequently many bishops and religious superiors have not dealt with abusive clergy properly.

1395

Canonist 7/1 (2016), 75-87: Ian Waters: The Law of Secrecy in the Latin Church. (Article)

W. looks at the foundation of the law of secrecy in the Latin Church and the manner in which it has been dealt with in the CIC/17, the CIC/83, the 1962 Instruction *Crimen Sollicitationis*, and the current legislation on *graviora delicta*. He concludes that, without prejudice to the norms of canon law regarding the inviolability of the secret of the sacrament of penance, the present canonical legislation has no provisions which prohibit a bishop or any other Church authority from reporting sexual abuse of minors to civil authorities even where such reporting is not mandatory.

1395

RMDC 21/1 (2015), 9-51: Mario Medina Balam: Tolerancia cero ante el abuso sexual de menores: significado y criterios de aplicación en la Iglesia. (Article)

M.B. develops the concept of tolerance before setting out the ways in which the notion of zero tolerance has been interpreted in relation to the sexual abuse of minors. He also offers some criteria for applying the principle of zero tolerance. For the Church authorities it is a question of finding the middle point between passivity in the face of such offences (which cannot be allowed) and an attitude

of severely punishing any type of sexual abuse without taking into consideration the circumstances, the time, the age of the alleged victim, the ministry carried out by the accused, etc.

1399

RMDC 20/2 (2014), 391-410: Decisio R.P.D. José Huber, Causa penal, Sentencia definitiva del 9 de julio de 2004. (Sentence)

In 1993 R., who had been a priest since 1962, was accused before the civil courts of various instances of sexual misconduct with minor boys. In order to help him with his civil defence, his diocesan Ordinary set up a team of experts to investigate the facts. In the course of his discussion with the experts, R. confessed on his own initiative that between 1983 and 1990 he had practised anonymous sex in parks and frequented gay bars and bookstores. In December 1995 a priest was appointed to begin the ecclesiastical investigation, and in May 1996 a decree was issued initiating the penal process. The promoter of justice argued that R. had infringed canons 1387 (a confessor soliciting a penitent to sin against the sixth commandment), 1389 §1 (abuse of ecclesiastical power or office), 1395 §1 (a cleric continuing in an external sin against the sixth commandment, causing scandal), 1395 §2 (an offence against the sixth commandment with a minor) and 1399 (an especially grave external violation of divine or canon law, requiring the repair or prevention of scandal). The tribunal decided that R. had infringed canons 1395 §§1-2 and 1399, but not canon 1389 §1; it chose to refer investigation of the alleged violation of canon 1387 to a separate process. R. appealed to the Roman Rota, which in 1999 fixed the terms of the trial as a) the alleged violations of canons 1395 §§1-2 and 1399; and b) the question of whether, in the case of his being found guilty, R. should be dismissed from the clerical state or receive some other punishment. In March 2001, in view of the connection between this trial and the offences reserved to the Congregation for the Doctrine of the Faith, the *acta* of the case were transmitted to that Congregation, which in August 2001 returned the *acta* to the Rota, asking it to continue examining the case at second instance. On 9 July 2004 the Rota concluded that the elements in canon 1395 §§1-2 had not been sufficiently established. However, R. was considered to have been guilty of having violated canon 1399. In consequence he was to be deprived of all power and office, although he could be permitted to say Mass privately, with his bishop's consent. (See also *Canon Law Abstracts*, no. 114, pp. 112-113.)

BOOK VII: PROCESSES

1400

IE XXVII (2015), 619-631: Supremo Tribunale della Segnatura Apostolica: Decreto del Prefetto (Burke) in Congresso, *Iurium*, 11 gennaio 2013 (con nota di Joaquín Llobell, *Note minime sulla distinzione fra l'«atto amministrativo» e l'«atto non amministrativo» dell'Amministrazione*). (Decree and comment)

By this decree the Prefect of the Apostolic Signatura affirmed the exclusive competence of the Signatura both in respect of judicial causes arising out of a singular administrative act and also in respect of decrees of the Dean of the Roman Rota rejecting a *libellus* where there is evident incompetence on the part of the Rota (e.g., as here, in a contentious-administrative case). In his comment L. points out that not every act carried out by the administrative authority is necessarily an exercise of administrative power. Such acts would include certain contracts, as well as acts carried out by members of Church administration as private individuals.

1403

ADC 5 (abril 2016), 207-227: María Victoria Hernández Rodríguez: Algunas notas sobre la *Positio pro beatificatione*. (Article)

Causes involving the discernment of heroic virtues, martyrdom or miracles are carried out in accordance with the procedures established by law. The proofs accepted must be such as to make it possible to attain moral certainty, *ex actis et probatis*, and will form the basis on which the postulator will develop the *Positio*. H.R. offers some guidelines for drafting the *Positio* and a summary of the current canonical legislation and the *iter* of a cause of beatification.

1405

IE XXVII (2015), 555-576: Jürgen Jamin: Il foro personale del romano pontefice per i capi di stato. (Article)

Canon 1405 §1 reserves to the judgment of the Roman Pontiff not only the cases of cardinals, legates of the Apostolic See and bishops (in penal cases) but also those involving heads of State. J. analyses the meaning and *ratio* of this disposition by means of a comparative study with the corresponding canon in the CIC/17.

1419-1421

Ap LXXXVIII (2015), 271-289: Erasmo Napolitano: Le qualità del Giudice ecclesiastico in relazione ai suoi poteri-doveri nel Processo. (Article)

The word judge – *iudex* – is derived from *ius* (law) and *dicere* (to say). In order to “*ius-dicere*” and ensure – in the words of Pope Paul VI “the rational and normal application” of the law the judge needs to possess a set of academic and human qualities, combined with the awareness that his task is a ministry requiring professionalism and zeal. The diocesan bishop can exercise judicial power personally or through others; according to canons 1420 and 1421 he is required to appoint a judicial vicar and diocesan judges. The judge’s role is to undertake an objective search for the truth, while faithfully applying the procedural norms. He is an “ecclesiastical judge” not because he judges in ecclesiastical matters but because he acts in the name of the Church and according to the doctrine and law of the Church.

1428

REDC 73 (2016), 181-206: Julio García Martín: Alcune considerazioni sui concetti «istruttore» e «uditore» e sull’espressione «giudice istruttore». (Article)

The juridical concepts of auditor, instructor and judge instructor are well known in the field of procedural canon law, but they are not always adequately explained. The pre-1983 legislation used all three concepts; the present Code uses only the first two. The offices of auditor and instructor are similar to one another, their role being that of gathering proofs and delivering them to the judge. This involves the exercise of executive, not judicial, power. However, many commentators refer to them as *iudex instructor*, which leads to confusion since it blurs the distinction between the administrative and judicial acts of the judge as well as the nature of the power of the auditor and the instructor. The use of the term “judge instructor” is therefore not correct, since the Code clearly distinguishes the auditor and the instructor from the judge, upon whom they depend in the exercise of their function.

1432

ADC 5 (abril 2016), 15-39: Francesco Catozella: La Prospettiva del difensore del vincolo nella fase istruttoria del processo. (Article)

C. sets out the role and purpose of the defender of the bond in the matrimonial nullity process, and examines the specific procedural instruments at his disposal during the instruction phase, with special emphasis on the expert report. In

carrying out his task the defender is called upon to cooperate actively in the search for the truth of the matrimonial relationship.

1445

Ius Comm IV (2016), 105-133: Supremum Signaturae Apostolicae Tribunal: Decreto, 24 abril 2013 – Imposición de un precepto; Decreto, 10 enero 2014 – Supresión de una parroquia; Decreto, 25 mayo 2012 – Nombramiento de una Comisaria Apostólica. (Decreets with comment by Joaquín Alberto Nieva García)

The texts of three decrees of the Apostolic Signatura are given: one was issued by the Secretary, the other two by the Congress, of the Signatura. The decrees resolve recourses against the respective decrees of a Roman Congregation or the Secretary of the Signatura itself which had rejected recourses placed by the various petitioners following the unfavourable resolution of the respective hierarchical recourses against the original decrees. One decree deals with the imposition of a precept on a priest; another with the suppression of a parish; and the third with the appointment of an apostolic commissioner. In each case a decree of the Secretary rejected the recourse presented *in limine litis*, on the ground that the *petitio* lacked any foundation. In two cases further recourse was had to the Congress, which confirmed the Secretary's decision. In his comment on the decrees N.G. first explains the contentious-apostolic procedure in general before examining each decision in greater detail.

1445

J 76 (2016), 267-285: Jurisprudence of the Supreme Tribunal of the Apostolic Signatura. (Decreets)

The Latin and unofficial English text is given of five decrees of the Apostolic Signatura: 1. 11 July 2013 (rejecting a recourse at the outset as being proposed outside the peremptory time limit); 2. 11 July 2013 (rejecting a recourse at the outset as being proposed outside the peremptory time limit, and subordinately as lacking any foundation); 3. 18 December 2012 (rejecting a recourse at the outset as lacking any foundation); 4. 5 March 2013 (declaring a controversy before the Signatura to have ended); 5. 3 June 2013 (rejecting a recourse at the outset as being proposed outside the peremptory time limit).

1446-1457

SCL X (2014-2015), 7-10: Pope Francis: Allocution to the Roman Rota (24 January 2014). (Address)

The juridical and pastoral dimensions of the Church's ministry are not in opposition to each other but jointly contribute to the realization of the Church's purpose and unity of action. Pope Francis focuses on three aspects of the profile of the ecclesiastical judge: his human profile involving maturity and calm detachment; his judicial qualities characterized by knowledge of the law but also by objectivity and impartiality; a pastoral quality shown in a genuine spirit of service and charity. (See also *Canon Law Abstracts*, nos. 114, p. 115; 115, p. 116 [canons 1419-1427].)

1526-1586

KIP 5 (18) 2016, 229-245: Wojciech Witkowski: Prawno-procesowe ograniczenia w gromadzeniu dowodów w sprawach o nieważność małżeństwa (*Legal and procedural limitations in collecting proofs in marriage nullity cases*). (Article)

<http://dx.doi.org/10.18290/kip.2016.5.1-13>

W. deals with the legal and procedural limitations that apply in collecting proofs. Some of these consist of prohibitions (illicit proofs; certain parties who are precluded from giving evidence); some are limitations that are similar to prohibitions but can in some situations be waived by the judge (admittance of secret proofs or the testimony of minors under 14 or of persons of limited mental capacity). An important set of limitations arises from personal rights. Those who are bound by professional secrecy or who fear that their testimony will result in a loss of reputation, dangerous harassment or some other grave ill to themselves or to their spouses or other close relatives cannot be forced to provide evidence. There are also numerous procedural limitations concerning the collection of proofs, including the norms relating to deadlines and to the place and manner of taking of evidence.

1573

QDE 28 (2015), 458-469: La sentenza rotale *coram* Pinto del 22 aprile 1974. (Sentence)

P.'s Rotal sentence (translated into Italian) considers a *vinculum* case which raises questions about the weight to be given to the evidence of the petitioner when there is no other corroboration. Having examined circumstances which

indirectly supported it, the Rota granted a *constat* verdict on the basis of the petitioner's otherwise unsupported evidence.

1574-1581

Ap LXXXVIII (2015), 59-111: Roberto Palombi: Il Giudice e la valutazione delle Perizie. (Article)

The psychiatrist's or psychologist's expert report is crucial in cases of consensual incapacity. This is true above all at the investigation stage: only in very exceptional cases, in accordance with canon 1680, may the judge omit the expert's examination. P. looks at the decisional phase in the light of doctrine and jurisprudence, following the tripartite distinction of psychoses / neuroses / personality disorders. He then looks at some particular issues, such as an expert opinion on the acts of the case, and divergences between different experts' conclusions. In assessing the expert's report the judge has to ensure that he is not conditioned by the mentality of trying to fit every case within some clearly defined category. Only in this way can the expert's opinion be assessed within an overall perspective of a fruitful interaction between the various elements of proof.

1620 7°

Canonist 7/1 (2016), 142-145: Decree *coram* Arokiaraj, 2 December 2015 (Slovakia). Violation of the Right of Defence of the Defender of the Bond (cann. 1620, 7°, 1626, §1; DC art. 270, 7°, 276, §1). (Decree)

See below, canon 1626.

1626

Canonist 7/1 (2016), 142-145: Decree *coram* Arokiaraj, 2 December 2015 (Slovakia). Violation of the Right of Defence of the Defender of the Bond (cann. 1620, 7°, 1626, §1; DC art. 270, 7°, 276, §1). (Decree)

By this decree the Rota declared that despite some irregularities at both first and second instance regarding the manner in which the defender of the bond should have been involved, and the fact that the first instance sentence was published to private parties only, overall there was no substantial violation of the right of defence of the defender of the bond and hence no proof of nullity of the first and second instance decisions.

1671-1691

Comm 47 (2015), 11-12: Pope Francis: Allocutio ad eos qui die 24 mensis ianuarii 2015 in Conventu internationali, a Facultate Iuris Canonici Pontificiae Universitatis Gregorianae promoti, partem habuerunt. (Address)

Pope Francis greets participants in a conference organised to mark the tenth anniversary of *Dignitas Connubii* (see *Canon Law Abstracts*, no. 116, pp. 114-119). Familiarity with this Instruction is not simply an important aid to those working in tribunals but also helps to make the process speedier. Not all its possibilities have been fully utilized and the Pope hints at possible future changes.

1671-1691

Comm 47 (2015), 283-295: Pope Francis: Litterae Apostolicae *Mitis Iudex Dominus Iesus*, die 15 mensis augusti 2015 motu proprio datae, quibus Codicis Iuris Canonici canones de causis ad matrimonii nullitatem declarandam reformantur. (Document)

In response to the requests and recommendations made by the bishops at the 2014 Synod of Bishops, Pope Francis introduces reforms to the process for the declaration of nullity in marriage cases. The fundamental points are: one sentence in favour of nullity suffices; the appointment of a single clerical judge is at the discretion of the bishop; the bishop should exercise the role of judge in person; a shorter process for cases where the circumstances are clearly indicative of nullity; appeal to the metropolitan see should be the norm; the role of the bishops' conference; appeal to the Holy See; a parallel reform for the Eastern Churches. The text of canons 1671-1691 in 1983 Code is completely rewritten and accompanied by more detailed prescriptions in the form of a *Ratio procedendi* in 21 articles. The new legislation took effect on 8 December 2015.

1671-1691

SCL X (2014-2015), 15-34: Pope Francis: Apostolic Letter *Mitis Iudex Dominus Iesus* – By Which the Canons of the Code of Canon Law Pertaining to Cases Regarding the Nullity of Marriage are Reformed (15 August 2015). (Document)

See preceding entry.

1671-1691

Comm 47 (2015), 309-310: Pope Francis: Rescriptum Summi Pontificis Francisci de nova lege processus matrimonialis exsequenda necnon observanda. (Document)

This rescript, published in *L'Osservatore Romano* on 12 December 2015, clarifies the relationship between the new norms on marriage nullity cases and other laws such as those of the Roman Rota or particular arrangements such as the establishment under Pius XI of regional appeal courts in Italy. Even where these were approved *in forma specifica* the new legislation derogates from them. There will be no appeal against Rotal decisions with respect to nullity of sentences or decrees. Unless there is manifest injustice a new hearing will not be admitted once one of the parties has contracted a canonical marriage. At the request of the Eastern Patriarchs rights cases arising from marriage nullity will be judged on appeal by the Rota. In future Rotal cases will be judged free of charge with simply a moral obligation on the part of the faithful to make an offering for the needs of the poor.

1671-1691

CLSN 185/16, 17-19: Vatican Radio: Changes to Rotal procedures. (Radio announcement)

On 11 December 2015 Vatican Radio announced that Pope Francis had decreed how the principles behind the changes to the nullity process would affect procedures at the Rota. The text of the announcement explains how the amended Norms are intended to harmonize the provisions of the new canons 1671-1691 with the rules proper to the Roman Rota. (See preceding entry.)

1671-1691

CLSN 186/16, 5-49: Apostolic Tribunal of the Roman Rota: *Subsidium* for the application of the M.p. *Mitis Iudex Dominus Iesus*. (Document)

The text is given of the Rotal guidelines for the application of the changes introduced by *Mitis Iudex Dominus Iesus* to the procedures to be followed in marriage nullity cases. The document states that the foundational pillars of the reform are 1. the centrality of the bishop in the service of justice; 2. synodality in the pastoral service of rendering justice; 3. more simplified and agile procedures; and 4. the procedures are to be offered free of charge.

1671-1691

Comm 47 (2015), 394-405: Ex Ephemeride *L'Osservatore Romano*: Interventio a S. E. Ioanne Angelo Becciu occasione inaugurationis anni academici 2015-2016 Studii Rotalis habitus. (Address)

In his address at the beginning of the academic year Archbishop Becciu speaks of synodality and the fresh emphasis on the role of the diocesan bishop as judge, with a historical excursus on this question. The place given to this by Pope Francis in recent legislation is not new but was desired by Cardinal Sabattani during the drafting of the CIC/83.

1671-1691

Comm 47 (2015), 406-421: Aula Sanctae Sedis Diurnariis Edocendis: Conventus diurnariis edocendis de duobus Litteris Apostolicis *Mitis Iudex Dominus Iesus* ac *Mitis et misericors Iesus* de causis ad matrimonii nullitatem declarandam a Papa Francisco die 15 mensis augusti 2015 datis. (Press Conference)

At a press conference on 15 August 2015 Mgr Vito Pinto, Cardinal Coccopalmerio, Bishops Salachas and Ladaria Ferrer, Mgr Bunge and Fr Schöch introduce the new legislation on marriage nullity processes.

1671-1691

IC 56 (2016), 9-40: Carlos M. Morán Bustos: Retos de la reforma procesal de la nulidad del matrimonio. (Article)

The *motu proprio Mitis Iudex* entails a series of challenges from the point of view of its canonical application. The first such challenge is to effect a real “transformation of juridical-pastoral structures” so that judicial activity ultimately becomes part of pastoral work with the family, in accordance with the Church that “goes forth”, as Pope Francis says in *Evangelii Gaudium*. The second is the requirement that the diocesan bishop incorporate nullity processes into episcopal ministry as a whole, as one of the key tasks and responsibilities of the bishop towards the people of God. Such responsibility extends far beyond the immediate and personal exercise of the judicial function. The third challenge is to place the search for truth and the defence of the indissolubility of marriage at the centre of judicial activity. The final goal is to ensure that the nullity process proceeds in line with the criteria of due diligence and speed.

1671-1691

IC 56 (2016), 41-64: Carmen Peña García: Agilización de los procesos canónicos de nulidad matrimonial: de las propuestas presinodales al motu proprio *Mitis Iudex Dominus Iesus* y retos pendientes tras la reforma. (Article)

As regards the length of time taken to judge marriage nullity cases, there has been a doctrinal debate for a number of years concerning the suitability of canonical procedural law as well as other factors which may cause unjustifiable delays in dealing with cases. P.G. examines such doctrinal concerns and the changes brought about by *Mitis Iudex*, and offers some critical reflections for further improvements in the activity of ecclesiastical tribunals.

1671-1691

IC 56 (2016), 65-85: Pedro A. Moreno García: El servicio de indagación prejudicial: aspectos jurídico-pastorales. (Article)

The pre-judicial inquiry is an authorized, optional service, established by the diocesan bishop as part of the overall marriage pastoral plan. In this way the bishop shows his concern for separated or divorced persons who question the validity of their marriage. This service offers first of all help for overcoming the crisis in the marriage and for bringing the parties back together again, convalidating the marriage if necessary. Should reconciliation prove impossible, the focus of the pre-judicial inquiry shifts to the viability or otherwise of the marriage nullity process, gathering the elements necessary for presenting the case before a competent tribunal. Clearly a *vademecum* consolidating standards of practice at this pre-judicial stage would be a very useful resource; it would also be a way to grow in the missionary outlook of a Church which “goes forth” (*Evangelii Gaudium*, 46).

1671-1691

IC 56 (2016), 87-103: Julián Ros Córcoles: El vicario judicial y el instructor en los procesos de nulidad matrimonial tras el motu proprio *Mitis Iudex*. (Article)

R.C. analyses the figures of the judicial vicar and the instructor in the marriage nullity process, in the light of the provisions of *Mitis Iudex*. He discusses the various stages of the process, focusing on the role of the judicial vicar at each step: admission of the *libellus*, notification, determining the formula of the doubt, deciding as to the appropriate procedure, execution of the judgment. He pays special attention to the *processus brevior* before the bishop. He then addresses the role of the instructor.

1671-1691

IC 56 (2016), 105-133: Rafael Rodríguez-Ocaña: *Mitis Iudex*: Fuero competente y sistema de apelaciones. (Article)

R.-O. offers an overview of *Mitis Iudex*, with reference to the most significant developments concerning the issues of the competent forum and the system of appeals.

1671-1691

IE XXVIII (2016), 13-37: Joaquín Llobell: Alcune questioni comuni ai tre processi per la dichiarazione di nullità del matrimonio previsti dal m.p. “*Mitis Iudex*”. (Conference presentation)

<http://www.consociatio.org/repository>

The preamble to *Mitis Iudex* indicates its purpose in these terms: “not the nullity of marriages, but the speed of processes as well as the simplicity due them, lest the clouds of doubt overshadow the hearts of the faithful awaiting a decision regarding their state because of a delayed sentence.” At the same time Pope Francis has stressed that nullity cases are “to be handled in a judicial rather than an administrative way” (i.e. they are declarative rather than constitutive) since this is what “the unparalleled need to safeguard the truth of the sacred bond” requires. Such safeguarding is further ensured by the greater involvement of the diocesan bishop. L. comments on some of the essential elements of the reform: the normative nature of the “Procedural Rules”, the personal exercise of judicial power by the diocesan bishop, some of the institutes required by the declarative nature of this power, and the abrogation of the obligation of a double conforming sentence, while preserving the right of appeal.

1671-1691

IE XXVIII (2016), 39-61: Paolo Moneta: La dinamica processuale nel m.p. “*Mitis Iudex*”. (Conference presentation)

<http://www.consociatio.org/repository>

By means of the *motu proprio Mitis Iudex* Pope Francis, while respecting the indissolubility of marriage, has made the process of declaration of nullity of marriage more agile and more responsive to the needs of so many of the faithful who have had a difficult experience of conjugal life. M. explains the new procedure, drawing attention to the fundamental guiding principles and the most important aspects of the new legislation, from the introductory phase to the final decision. He looks in particular at the new *processus brevior*, which ends with a

sentence issued by the diocesan bishop, thus ensuring closer proximity of the faithful to their Pastor.

1671-1691

Patricia M. Dugan – Luis Navarro – Ernest Caparros (eds.): The Reform Enacted by the m.p. *Mitis Iudex*. Commentaries and Documentation. Proceedings of a Conference organised by LUMSA Università and the *Consociatio Internationalis Studio Iuris Canonici Promovendo*, Rome, 30 November 2015. (Book)

At one of the first conferences to present the reform introduced by *Mitis Iudex*, Cardinal Francesco Coccopalmerio, President of the Pontifical Council for Legislative Texts, sets out the background to the new document and its content; Paolo Moneta, Emeritus Professor of Canon Law and Church-State Law at the University of Pisa (and like Cardinal Coccopalmerio, a member of the Pontifical Commission that worked on the preparation of the reform) looks at the procedural dynamics of *Mitis Iudex*; and Joaquín Llobell, Professor of Procedural Law at the Pontifical University of the Holy Cross in Rome, deals with questions common to the three processes for the nullity of marriage set out in *Mitis Iudex* (for the presentations of Moneta and Llobell see also the two preceding entries). The publication has an Appendix consisting of the Latin and English texts of *Mitis Iudex* and *Mitis et misericors Iesus*; the “*mens*” of the Pontiff as presented by the Dean of the Rota on 4 November 2015; the English translation of the *Rescriptum ex audientia* “*L’entrata in vigore*” (7 December 2015) on the implementation and observation of the new law on matrimonial procedures; the related responses of the Pontifical Council for Legislative Texts; the address of Pope Francis to the Roman Rota of 22 January 2016; and his address of 12 March 2016 to participants in the course promoted by the Roman Rota. (For bibliographical details see below, Books Received.)

1671-1691

Ernest Caparros – Luis Navarro – Thierry Sol (co-dir.): La réforme opérée par le m.p. *Mitis Iudex*. Commentaires et documentation. Actes d’un colloque organisé par la LUMSA Università et la *Consociatio Internationalis Studio Iuris Canonici Promovendo*, Rome, 30 novembre 2015. (Book)

See preceding entry.

1671-1691

J 76 (2016), 115-136: Frans Daneels: A First Approach to the Reform of the Process for the Declaration of Nullity of Marriage. (Article)

After a short preliminary part that concerns especially the state and activity of ecclesiastical tribunals in the world, D., Archbishop-Secretary of the Apostolic Signatura, offers a brief presentation of the motu proprio *Mitis Iudex Dominus Iesus*. He then considers the intention behind the reform and some of its key points, and compares these elements with the Final Report of the Extraordinary General Assembly of the Synod of Bishops of 2014. He emphasizes that it is too early for an in-depth study of the matter and that his exposition is only a first approach. He strongly welcomes the fact that for the cases of marriage nullity no administrative process was introduced by the new motu proprio, and that the process remains a judicial one, which offers the best guarantee for discovering the truth concerning the marriage bond and protecting its indissolubility. He concludes by stating that many bishops in the recent meetings of the Synod of Bishops criticized the existing matrimonial nullity process and that Pope Francis is now challenging them to make his reform of the process work.

1671-1691

J 76 (2016), 137-157: Bernard A. Hebda: Reflections on the Role of the Diocesan Bishop Envisioned by *Mitis Iudex Dominus Iesus*. (Article)

H., himself a diocesan bishop, offers some reflections on the role of the diocesan bishop envisioned by the motu proprio *Mitis Iudex Dominus Iesus*. In order to gain a proper understanding of *Mitis Iudex*, he considers it essential to place the document in its proper context, which requires having a sense of the legislator, that is, of Pope Francis, so as to be able to see this particular legislative action in the overall context of his way of exercising the Petrine ministry. There is a great deal of seemingly intentional repetition in what Pope Francis has offered to the Church and to the world at large in the three years since his election. This repetition helps us identify certain emphases in his ministry that in turn give us a better understanding of *Mitis Iudex*.

1671-1691

J 76 (2016), 159-196: John P. Beal: The Ordinary Process According to *Mitis Iudex*: Challenges to Our “Comfort Zone”. (Article)

P. identifies the most significant revisions effected by *Mitis Iudex* and *Mitis et misericors Iesus* and explains the adjustments that tribunals will have to make in dealing with cases according to the “ordinary” process. He looks at changes in the organization and staffing of tribunals, tribunal competence, responsibility for

the several steps of the introductory phase of the process, the weighing of evidence, and appeals.

1671-1691

J 76 (2016), 287-292: Pontifical Council for Legislative Texts: Letters Clarifying Some Unclear Points of the motu proprio *Mitis Iudex Dominus Iesus*. (Documents)

The English text is given of four letters from the Pontifical Council for Legislative Texts dealing with 1. two questions about the application of *Mitis et misericors Iesus* (the new canon 1374 of the CCEO [the premarital enquiry] and the new canon 1359 §3 of the CCEO [the appointment of “other Christian faithful” as judges]) (25 November 2015); 2. the question of further appeal to the third instance tribunal (12 January 2016); 3. some questions about the constitution of the diocesan tribunal (12 February 2016); 4. two questions about the procedural norms and about canon 1676 §1 (8 April 2016). (See also *Canon Law Abstracts*, no. 116, p. 114.)

1671-1691

IE XXVIII (2016), 209-238: Atti sul nuovo processo di nullità del matrimonio. (Documents)

Given here are the Italian texts of *Mitis Iudex*, *Mitis et misericors Iesus*, the declaration of the “*mens*” of the Pontiff as presented by the Dean of the Rota on 4 November 2015; and the *Rescriptum ex audientia* “*L’entrata in vigore*” (7 December 2015).

1671-1691

Ius Comm IV (2016), 71-102: Roberto Serres López de Guereñu: El motu proprio *Mitis Iudex Dominus Iesus*: Un servicio de misericordia y de verdad. (Article)

The reform of the process for the declaration of nullity of marriages is aimed at achieving justice and mercy in relation to the truth of the bond of those parties who have suffered a breakdown of their marriage. The ecclesiastical tribunals are tribunals of truth (seeking the truth as to the existence or otherwise of the sacred bond) and of mercy (reducing the distance separating the faithful from the tribunals, speeding up the processes and ensuring free justice). Thus these tribunals carry out their commitment to justice “not as a profession or, worse, a power, but as a service to souls, especially those most injured” (Pope Francis).

1671-1691

SCL X (2014-2015), 239-254: Alagu Selvan Antony: A Juridical and Pastoral Reflection on the New Provisions of Juridical Procedures for The Marriage Tribunal. (Article)

A. gives a brief reflection on the new provisions contained in *Mitis Iudex* and *Mitis et misericors Iesus* with particular focus on the double conforming sentence and the forum of the petitioner.

1679

Canonist 7/1 (2016), 146-148: Decree *coram* Arokiaraj, 16 December 2015 (Brazil). Applicability of can. 1679 of *Mitis Iudex*. (Decree)

This decree relates to a case where an affirmative sentence had been issued on 10 February 2015, which was prior to the coming into force of *Mitis Iudex* on 8 December 2015 (even though it may have been published after that date); hence it required a second conforming decision. Having studied the evidence, the Rota concluded that the affirmative sentence at the lower instance – given on the ground of defect of discretion of judgement on the part of both parties – could not be immediately confirmed, but that the case had to be remitted to an ordinary examination in the second grade.

1680

Canonist 7/1 (2016), 137-141: Decree *coram* Arokiaraj, 18 November 2015. Defect [Absence] of Canonical Form (cann. 1108, 1160). Confirmation of a First Instance Affirmative Sentence (cann. 1682, §2 *CIC*, 1680, §2 *MI*). (Decree)

By this decree the Rota confirmed a first instance affirmative sentence of nullity on the ground of defect of canonical form, in a case where the petitioner at the time of the wedding – which was carried out before the civil authority only – was not baptized, but there was moral certainty that the respondent, although unable to produce a baptismal certificate, was a Catholic.

1683

IC 56 (2016), 157-192: Javier Ferrer Ortiz: Valoración de las circunstancias que pueden dar lugar al proceso abreviado. (Article)

F.O. studies the circumstances of things and persons which may render the nullity manifest under the new canon 1683 2°, expressing certain reservations concerning these circumstances from a technical-juridical point of view,

especially in the light of the explanations offered in the Roman Rota's *Subsidium* for the application of *Mitis Iudex*. He concludes with the recommendation that the Pontifical Council for Legislative Texts clarify the meaning of the law and facilitate its proper application by judges.

1683-1687

CLSN 185/16, 36-41: Paul Gargaro: *Mitis Iudex* and Diocesan Administrators. (Article)

G. offers some thoughts on the application of the *processus brevior* when there is no diocesan bishop. He examines whether a diocesan administrator could judge the case in such situations, tentatively concluding that he could do so.

1683-1687

IC 56 (2016), 135-155: Gerardo Núñez: El proceso *brevior*: exigencias y estructura. (Article)

N. examines the requirements and structure of the *processus brevior*. Analysis of the stages of the process reveals a number of questions, difficulties and loopholes, to which N. offers potential solutions.

1683-1687

J 76 (2016), 231-265: Ronny E. Jenkins: Applying Article 14 of *Mitis Iudex Dominus Iesus* to the *Processus Brevior* in Light of the Church's Constant and Common Jurisprudence on Nullity of Consent. (Article)

Mitis Iudex stipulates that the *processus brevior* for adjudicating causes of nullity of consent may be used only when the introductory petition includes recurring circumstances of things and persons, supported by testimonies and documents that require no further investigation, which together manifest the nullity of consent. Article 14 of the Procedural Rules that were included with the legislative text presents several examples of circumstances of things and persons that might manifest nullity. Each of them is taken from situations found in Rotal jurisprudence, and all of them need to be evaluated in the light of the same body of jurisprudence. J. considers how the examples of Article 14 are to be read in the light of the Church's common jurisprudence on marriage nullity. He first discusses the juridical character of the Procedural Rules in general, and of Article 14 in particular. He then considers each of the circumstances included in the first paragraph of Article 14. Finally he offers some practical observations on how those officials engaged in the briefer process might take account of the Church's jurisprudence when fulfilling their tasks.

1685-1687

REDC 73 (2016), 181-206: Julio García Martín: Alcune considerazioni sui concetti «istruttore» e «uditore» e sull'espressione «giudice istruttore». (Article)

See above, canon 1428.

1704

REDC 73 (2016), 181-206: Julio García Martín: Alcune considerazioni sui concetti «istruttore» e «uditore» e sull'espressione «giudice istruttore». (Article)

See above, canon 1428.

1732-1739

RMDC 20/2 (2014), 259-286: Marco Antonio Hernández H.: El procedimiento del Recurso jerárquico ante los dicasterios de la Curia Romana en la Jurisprudencia del STSA. Primera parte. (Article)

H. sets out certain aspects of the hierarchical recourse procedure, taking into account the praxis of the Roman dicasteries, and referring in a special way to the Apostolic Constitution *Pastor Bonus*, the General Regulation of the Roman Curia, and the *Lex propria* of the Apostolic Signatura.

1752

AkK 184 (2015), 16-33: Juan Ignacio Arrieta: Barmherzigkeit und kanonisches Recht. Die Erfahrung des lateinischen Kirchenrechts und die hermeneutische Aufgabe der Mediation. (Article)

In the context of the two recent Synods of Bishops on the Family and the relationship between the “general rule” and the solution in “individual cases” – and more generally, the relationship between justice and mercy – A. attempts to shed light on the peculiarities of the canonical system and on the special place of “mediation”. He explains how canonists, making use of the juridical norms inspired by charity, may apply the mercy of the law in specific cases. He presents the experience of the Church in this area in terms of sacramental discipline, canonical penal law, and the regulation and practice of ecclesiastical jurisdiction in the internal forum.

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
- Kościół i Prawo
- 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

ACR	Australasian Catholic Record, New South Wales – V. Rev. Ian B. Waters, Melbourne.
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.
BSKP	Biuletyn Stowarzyszenia Kanonistów Polskich, Lublin – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Mgr. Andrej Saje, Ljubljana.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa–Rome – Abstracts supplied by publisher.
Ius	Iustitia: Dharmaram Journal of Canon Law – Rev. Mgr. Gordon Read, Colchester, Essex / publisher.
Ius Comm	Ius Communio: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
J	The Jurist, Washington – Abstracts supplied by publisher.
KIP	Kościół i Prawo, Lublin – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
N	Notitiae, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.
PCH	The Person and the Challenges, Krakow – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Rev. Luke Beckett, Ampleforth, York.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Editor.
RNP	Roczniki Nauk Prawnych, Lublin – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
SCL	Studies in Church Law, Bangalore – Rev. Mgr. Gordon Read, Colchester, Essex.
Verg	Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.
VR	Vida Religiosa, Madrid – Editor.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Brendan DALY: *Canon Law in Action*, St Pauls, Strathfield, NSW, 2015, xii + 316pp., ISBN 978-1921963476 (reviewed by John A. Renken, SC 50 [2016], 257-258)
- John DUDDINGTON: *Christians and the State: A Catholic Perspective for the 21st Century*, Gracewing, Leominster, 2016, 225pp., ISBN 978-0852448298 (reviewed by James Campbell, LJ 176 [2016], 64-66)
- Paweł KALETA: *Ecclesiastical Patrimonial Law*, Catholic Printing Company, Farnworth, 2015, 282pp., ISBN 978-1899379057 (reviewed by John Poland, CLSN 185/16, 91-95; also by C. Thomas Miles, SC 50 [2016], 255-257)
- Kevin MCKENNA: *Annulment. A Guide for RCIA Candidates, Ministers and Others*, Paulist Press, New York/Mahwah NJ, 2016, 64pp., ISBN 978-0809149575 (reviewed by Martin Foster, CLSN 186/16, 84-86)
- Kevin E. MCKENNA: *For the Defense: The Work of Some Nineteenth Century American Canonists in the Protection of Rights*, Wilson & Lafleur (Gratianus series), Montreal, 2015, xiii + 196pp., ISBN 978-2896890705 (reviewed by Paul Kariuki Muriu, IE XXVIII [2016], 204-206; see also *Canon Law Abstracts*, no. 113, pp. 28-29)
- Sebastian PAYYAPPILLY: *Mixed Marriage in the Code of Canons of the Eastern Churches and the Particular Law of the Syro-Malabar Church*, Bangalore, Dharmaran Canonical Studies 9, 2014, 314pp., ISBN 978-0494494097 (reviewed by Varghese Koluthara, SCL X [2014-2015], 259-262)
- John Henry THORNBURGER – Michael GAFFNEY: *Governing in Faith: Foundations for Formation*, Connor Court, Ballarat, Australia, 2014, 274pp., ISBN 978-1925138016 (reviewed by Brian Sweeney, ACR XCII 2/15, 249-250)

BOOKS RECEIVED

- Daniel ANDREE: *Mutuae Relationes. The Relationship between Diocesan Bishops and Major Superiors of Clerical Institutes of Pontifical Right in the United States*, Pontificia Universitas S. Thomae in Urbe, Rome, 2016, 387pp., ISBN 978-0692708910 [see above, canons 678-683]
- Ernest CAPARROS – Luis NAVARRO – Thierry SOL (co-dir.): *La réforme opérée par le m.p. Mitis Iudex. Commentaires et documentation. Actes d'un colloque organisé par la LUMSA Università et la Consociatio Internationalis Studio Iuris Canonici Promovendo, Rome, 30 novembre 2015*, Wilson & Lafleur (Gratianus series), Montreal, 2016, xvii + 207pp., ISBN 978-2896893379 [see above, canons 1671-1691]
- Miguel DELGADO GALINDO: *Charismes, mouvements ecclésiaux et associations de fidèles*, Wilson & Lafleur (Gratianus series), Montreal, 2014, xix + 100pp., ISBN 978-2896891535 [see above, canons 298-329]
- Patricia M. DUGAN – Luis NAVARRO (eds.): *Mercy and Law in Marriage*, Wilson & Lafleur (Gratianus series), Montreal, 2015, xviii + 142pp., ISBN 978-2896890545 [see above, canon 915]
- Patricia M. DUGAN – Luis NAVARRO – Ernest CAPARROS (eds.): *The Reform Enacted by the m.p. Mitis Iudex: Commentaries and Documentation. Proceedings of a Conference organised by LUMSA Università and the Consociatio Internationalis Studio Iuris Canonici Promovendo, Rome, 30 November 2015*, Wilson & Lafleur (Gratianus series), Montreal, 2016, xviii + 222pp., ISBN 978-2896893591 [see above, canons 1671-1691]
- John HUELS: *The Pastoral Companion. A Canon Law Handbook for Catholic Ministry*, (5th edition), Wilson & Lafleur (Gratianus series), Montreal, 2016, xx + 476pp., ISBN 978-2896893546 [see above, canons 515-552]
- Jürgen JAMIN: *La cooperazione dei Cardinali alle decisioni pontificie ratione fidei. Il pensiero di Enrico da Susa (Ostiese)*, Marcianum Press, Venice, 2015, 269pp., ISBN 978-8865124031 [see above, Historical Subjects (Classical period)]
- Dominique LE TOURNEAU: *Les communautés hiérarchiques de l'Église catholique*, Wilson & Lafleur (Gratianus series), Montreal, 2016, xvii + 415pp., ISBN 978-2896893300 [see above, canons 368-572]
- Manuel VALDÉS MAS: *La contribución de Álvaro del Portillo en la elaboración del Decreto Presbyterorum Ordinis y en su aplicación jurídica*, Dissertationes Series Canonica XXXVIII, Edizioni Santa Croce, Rome, 2014, 494pp., ISBN 978-8883333446 [see above, canons 273-329]
- Justin M. WACHS: *Obsequium in the Church: Sacred Tradition, Second Vatican Council, 1983 Code, and Sacred Liturgy*, Wilson & Lafleur (Gratianus series), Montreal, 2014, xxiii + 256pp., ISBN 978-2896891610 [see above, canons 752-753]