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

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## GENERAL SUBJECTS

### *Comparative law*

**Comm 48 (2016), 326-325: Litterae Apostolicae *De concordia inter Codices Motu Proprio datae quibus nonnullae normae Codicis Iuris Canonici immutantur (lingua latina una cum versione italica).*** (Document)

This motu proprio seeks to address a number of discrepancies that have become apparent between the provisions of the CIC/83 and the CCEO, particularly with regard to relationships with non-Catholic Eastern Churches whose number in “Latin territories” has greatly increased. The 11 articles make changes in the following canons of the CIC/83: 111 and 112 (with regard to ascription); 535 §2 (annotating the baptismal register to record ascription); 868 (allowing the baptism with ascription to their own non-Catholic Church of a child of two non-Catholic Eastern Christians); 1108, 1109 & 1112 (only a priest may validly assist at the marriage where one or both parties are Eastern Christians); 1116 (permission to marry two non-Catholic Eastern Christians); 1127 (while observance of canonical form is only for liceity in the case of marriage to a non-Catholic Eastern Christian, the requirement of a priestly blessing is for validity). It was promulgated by publication in *L'Osservatore Romano* on 16 September 2016.

**Comm 48 (2016), 448-452: I. Arrieta: Articulus explanans litteras apostolicas *De concordia inter Codices*, die 31 mensis maii 2016 Motu Proprio datas, quibus nonnullae normae Codicis Iuris Canonici immutantur, ab Exc.mo D. Ignatio I. Arrieta conscriptus.** (Article)

A. explains that the CIC/83 was produced prior to the CCEO and was not able to incorporate some of the insights gained during the preparation of the Eastern Code. Also the process of migration was not as far advanced as today – something that has brought discrepancies to the fore. In 2010, to mark the 20th anniversary of the promulgation of the CCEO, Pope Benedict XVI established a working party to look at this issue, and the direction of travel was indicated in an Explanatory Note published in Comm 43 (2011), pp. 315-316 (see *Canon Law Abstracts*, no. 109, p. 30) indicating that references to a Church *sui iuris* by implication included the Latin Church. A first line of approach clarifies the question of ascription, especially for newly baptized children and in cases of transfer. A second concerns the marriage of the Eastern faithful and the requirement for validity of the priestly blessing, and clarifies issues of jurisdiction for marriage. A third concerns the lawful participation of Orthodox faithful in the celebration of baptism or marriage – provisions already present in

the CCEO. The overall purpose is to make easier the pastoral care of Eastern Christians in the Diaspora.

**SC 50 (2016), 323-345: Jobe Abbass: *De concordia inter Codices: A Commentary.* (Commentary)**

In *De concordia inter Codices* the Pope reformulates some Latin norms or adds others along the lines of the later CCEO. He wishes to do this for two specific reasons: 1. while recognizing the disciplinary peculiarities of various Churches that occur in a regional context, especially in the West, he seeks an equilibrium between safeguarding the law proper to the Eastern minority with the canonical tradition of the Latin majority; and 2. even though the Codes generally apply only to the Catholic faithful, he aims at a better definition of relations with the faithful of the non-Catholic Churches especially in regard to Catholic ministers' celebration of the sacraments of baptism and marriage for non-Catholic faithful under certain conditions. A. provides a commentary on the *motu proprio*: its preamble, its eleven articles and the Latin canons thereby affected, and its promulgation and entry into force.

**EE 91 (2016), 861-876: Miguel Campo Ibáñez: *De concordia inter codices. Primer comentario a la reforma del CIC para avanzar en la concordancia entre los dos Códigos de la Iglesia Católica.* (Article)**

See preceding entries. C.I. looks at the background to and the goals aimed at by *De concordia inter Codices* as well as the principal matters it deals with. He concludes with a positive assessment of the reform, and puts forwards some proposals.

**CLSN 188/16, 4-11: Apostolic Letter *motu proprio De concordia inter Codices*; reports of the Holy See Press Office concerning *De concordia inter Codices.* (Documents)**

See preceding entries.

**FThC IV (2016) Suppl., 49-72: Hanns Engelhardt: *Marriage and Divorce in Anglican Canon Law.* (Article)**

E. considers the nature of marriage according to the Anglican understanding; the sources of Anglican canon law concerning marriage; the initiation of marriage; the dissolution of marriage; and so-called same-sex marriages; with a special look at history, where applicable.

**IE XXVIII (2016), 263-284: Tomás J. Aliste Santos: Relevancia del derecho canónico en la formación de los sistemas procesales de *civil law* y *common law*.** (Article)

Historically, canon law has had a significant influence on the development of Western legal systems. In particular the canonical judicial system has been the epistemological reference for both civil law and common law procedural systems. The search for truth in order to achieve justice in each case as the historical purpose of the canonical process is also present in secular procedural systems. However, today's procedural systems are in crisis because they have renounced the transcendent purpose of the search for truth as the essential aim of procedural law.

***Compilations***

**RDC 66/1-2 (2016), 5-353: Actes du colloque sur «La conjugalité. Approche disciplinaire, évolution historique, conceptions religieuses, reconnaissance institutionnelle», Strasbourg, 18-19 mai 2015.** (Compilation)

This volume of RDC contains the Proceedings of a conference on “Conjuality” held in Strasbourg in May 2015, including contributions from Xavier Lacroix, Philippe Vallin and Jean-Luc Hiebel on theological, ethical and social aspects of conjuality; Marcel Metzger, Pier Aimoné, Christine Menges-le Pape and Bénédicte Decourt on the history and evolution of Christian marriage up to the 19th century; Alphonse Ky-Zerbo, Eugène Vassaux, Gabrielle Atlan and Moussa Abou Ramadan on conjuality as seen through the prism of the internal laws of different religions; and Frédérique Granet, Gabriele Fattori and Miguel Rodríguez Blanco on legal recognition of marriage in some European countries.

**Jesu Pudumai Doss (ed.): *Beati Misericordes. Questioni pastorali e giuridiche sulla misericordia.*** (Book)

This book consists of a series of articles exploring the pastoral and juridical aspects of mercy. The first six articles are of a pastoral nature, while the remaining nine deal with juridical considerations. These latter include contributions from Card. Francesco Coccopalmerio on the concepts of law and mercy in *Evangelii Gaudium and Laudato Si'*; Kevin Otieno Mwandha on the question of harmony or incompatibility between canonical laws and mercy; Giuseppe Duc Dung Do on the works of mercy in the CIC/83; Jesu Pudumai Doss on canonical considerations concerning the religious as “dispensers of mercy”; Michaela Pitterová on mercy in relation to burdensome provisions in religious law (removal from office of a superior, imposed excommunication,

dismissal, etc.); Seby Kidangan Ouseph on mercy as an indispensable element of evangelization; María Victoria Hernández Rodríguez on mercy and law in relation to education; Giorgio Degiorgi on dispensations from matrimonial impediments; and Benedetta Chinellato on fasting and abstinence in universal and particular law. (For bibliographical details see below, Books Received.)

### *Ecclesiology*

**Ap LXXXVIII (2015), 487-549: Simona Segoloni Ruta: Consultare e consigliare nella Chiesa: la stagione conciliare moderna.** (Article)

S.R. argues that the Council of Trent, marked by the reassertion of papal power after the conciliarist era, led to a Church guided solely by the Pope and a top-down ecclesial structure. The First Vatican Council was a sort of “papal” council, followed by an exaltation of the role of the Bishop of Rome as had never been seen before; whereas the Second Vatican Council was an event of renewed communal experience, guided by the aspiration for a shared and synodal ecclesial life, which was gradually reflected in institutions, such as the many entities present in the CIC/83. Thus the Church accepted a new way of searching for the truth, coming from a common listening to the Spirit.

**Per 105 (2016), 487-507: Jolanta Rzeczevska: I carismi nella Chiesa e la loro istituzionalizzazione canonica.** (Article)

R. examines the reality of the presence within the Church of a wide variety of charisms, and how these come to be institutionalized canonically. The text is a brief summary of her doctoral thesis defended at the Pontifical Gregorian University.

### *Ecumenism and interreligious dialogue*

**Ap LXXXVIII (2015), 571-592: Vincenzo Buonomo: Catholics and Muslims Working Together in the Service of Society: Legal and Institutional Elements for a True Dialogue.** (Article)

In today’s globalized world in which values are becoming increasingly unknown and the religious element is excluded from social life and relegated to a personal issue, how is it possible for believers to act in the service of society? Is a generic call for “ethics” sufficient? B. offers a number of considerations which he hopes will help to contribute to dialogue among believers who wish to serve the society in which they live together.

*General Subjects (Ecumenism and interreligious dialogue)*

**Comm 48 (2016), 415-418: Caritas Internationalis: Declaratio propositorum inter “Caritatem Internationalem” et “World Service” Foederationis Lutheranae Mundialis.** (Document)

Caritas International was established in 1950 and the Lutheran World Service in 1947. To commemorate the Reformation these two bodies declare their intention to work and cooperate ecumenically and in an interreligious way. The document identifies a number of areas for cooperation and concrete ways to take this forward.

**Comm 48 (2016), 419-433: Mixta Internationalis Commissio pro Dialogo Theologico inter Catholicam Ecclesiam et Orthodoxam Ecclesiam: Tempore primi millennii sinodalitas et primatus. Commune iter ad mutuam comprehensionem spectantem ad unitatem Ecclesiae (Documentum Teatinum) (lingua anglica una cum versione italica).** (Document)

This is the text in English (accompanied by an Italian version) on Synodality and Primacy during the First Millennium: towards a common understanding in service to the unity of the Church agreed at Chieti on 21 September 2016 by the Joint International Commission for Theological Dialogue between the Roman Catholic Church and the Orthodox Church. It looks briefly at the concepts of local Church, regional communion of Churches and the Church at universal level.

**Ius VI 2/15, 221-242: M. Orzolek: Orthodox *Oeconomia* and Civilly Remarried Catholics: An Opportunity for Doctrinal and Canonical Development?** (Article)

See below, CCEO canons 711-712.

**Ius VII 1/16, 97-112: Lorenzo Lorusso: Le Chiese orientali cattoliche nel movimento Ecumenico.** (Article)

See below, CCEO canons 902-908.

**QDE 29 (2016) 264-283: Matteo Visoli: Il dialogo ecumenico nella prospettiva giuridica canonica.** (Article)

V. argues for a right and duty to engage in ecumenical dialogue, looking at the various places in which both the CIC/83 (especially canon 755) and the CCEO



(canons 902-908) respond to *Unitatis Redintegratio*, nos. 4 and 5, to ground that right and duty as one of divine law (because willed by Christ) which rests on everyone in the Church, but especially on bishops. He looks at how ecumenical dialogue can become a source for the interpretation of the language of the Code.

**QDE 29 (2016) 284-303: Donatella Saroglia: Il diritto canonico e i dialoghi interconfessionali.** (Article)

S. looks at the present state of ecumenism and asks what role canon law might play in that. The ARCIC dialogue offers a case study of the Catholic Church as a partner in a bilateral dialogue, which points to the wider question of the reception of ecumenical work. S. suggests that the process of convergence offers an intermediary step towards reception, and looks at both strategies and responsibilities for achieving such reception.

**QDE 29 (2016) 304-321: Andrea Migliavacca: Formazione dei presbiteri e insegnamento dell'ecumenismo.** (Article)

M. considers the position of ecumenism in the *Ordo Studiorum* prescribed by the Italian bishops' conference for use in Italian seminaries, setting these in the context of the Directory on Ecumenism and its expectations. He then looks at the basic approach to teaching ecumenism in a number of Italian and other European theology faculties, and offers some concluding suggestions about future directions in this teaching.

**SC 50 (2016), 485-502: Lorenzo Lorusso – George Gallaro: Divorced and Remarried in the Eastern Orthodox Churches.** (Article)

The concept of *oikonomia*, as a pastoral discretion of showing leniency with regard to giving exceptions against the strict observance of the letter of the law based on the divine philanthropy and exercised through the Church in matters for salvation of the souls and for the general good, is of great importance in the life of the Eastern Orthodox Churches. It has caught the attention of many Churches, especially the Catholic Church, in the wake of mounting marriage problems. However, it should be noted that it is the Orthodox theology of marriage that allows the freedom to apply the principle of economy in solving pastoral issues arising from divorce and remarriage.

***Family issues***

**AkK 184 (2015), 454-478: Markus Graulich: Reproduktionsmedizin und Kirchenrecht.** (Article)

G. shows how the new technology of *in vitro* fertilization poses fresh question for the Church not simply from the moral point of view but also from a canonical perspective, including the question of the impediment of consanguinity.

**CLSN 188/16, 31-45: Francis G. Morrissey: Outline for a Spirituality of the Family in the Light of the Apostolic Exhortation, *Amoris Laetitia*.** (Lecture)

From Chapters III, IV and IX of *Amoris Laetitia*, M. presents a summary of what could be the elements of a contemporary spirituality for the family.

**Jesu Pudumai Doss – Giuseppe Duc Dung Do (eds.): *Schola Humanitatis: Famiglia e matrimonio nella legislazione ecclesiale. Miscellanea in occasione del 75° della Facoltà di Diritto Canonico dell'UPS*.** (Book)

See below, canons 1055-1165.

***Human rights***

**CLSN 187/16, 13-41: Michael Ashe: Human Rights.** (Article)

A. presents a revised version of a paper originally given at the 2011 Canon Law Society of Great Britain and Ireland Conference, in which he traces the historical development of the notion of human rights and considers their philosophical basis.

**EIC 56 (2016), 549-560: Giorgio Feliciani: Stati e confessioni religiose: normative “privilegiative” e pluralismo dei culti nella giurisprudenza della Corte europea dei diritti dell’uomo.** (Article)

The question of the legitimacy of making one or more religious confessions the subject of a special law, and in particular whether this constitutes a violation of the religious freedom of other confessions and their adherents, is one of the more difficult problems in the jurisprudence of the European Court of Human Rights. F. studies some of the important cases in this area.

**IE XXVIII (2016), 555-578: Luca Marabese: Recenti sviluppi nella relazione tra la Santa Sede e i “treaty bodies” dell’ONU. (Article)**

Viewing the *ius Ecclesiae* from the perspective of international human rights law, M. identifies the most significant aspects of the debate between the papal diplomatic delegations and the UN treaty bodies in charge of monitoring the implementation of the relevant conventions within the national laws of party States.

**LJ 177 (2016), 119-129: Peter Smith: Toasted? Christian Bakers Told to Bake Cake in Support of Same-Sex Marriage. (Article)**

S. comments on the upholding by the Northern Ireland Court of Appeal of a first instance decision against a Christian married couple and their bakery which had held that their refusal to bake a cake bearing a message in support of same-sex marriage was directly discriminatory on the grounds of sexual orientation. It also held that the claimant’s right not to be discriminated against outweighed the bakers’ rights under Articles 9 and 10 of the European Convention on Human Rights.

**LJ 177 (2016), 207-228: Frank Cranmer: Casebook. (Compilation)**

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

**PCH 6 (2016), Number 2, 87-96: Magdalena Butrymowicz: Human Dignity in Law – A Case Study of the Polish Legal System. (Article)**

<http://dx.doi.org/10.15633/pch.1894>

Human dignity is one of the most fundamental ideas in the entire international human rights system. From the time of the Universal Declaration of Human Rights in 1948, the concept of human dignity has been used to protect the basic needs of human persons. Other formal instruments of international human rights also make reference to dignity. Although there is widespread acceptance in international law of the concept of dignity, there are disagreements as to the source of such dignity. In Poland, however, the lawmakers have the clear idea that dignity arises from natural law. Even though there are controversies surrounding the concept of human dignity, there is no doubt as to its widespread acceptance by religions and political societies all across the world.

***Legal theory***

**AC 56 (2014-2015), 33-48: Philippe Greiner: De l'interrogation épistémologique à la mise en lumière métajuridique".** (Article)

G. deals with the necessity of recognizing the “metajuridical” (ontological, existential and salvific) elements of canon law.

**AnC 12 (2016), 79-89: Piotr KroczeK: Funkcje klauzul generalnych na przykladzie kodeksu prawa kanonicznego z 1983 roku (*Functions of general clauses – Code of Canon Law 1983 as an example*).** (Article)

<http://dx.doi.org/10.15633/acan.1821>

General clauses are an important part of a legislator’s working tools. Their functions offer him a wide range of opportunities. Unfortunately, there is also the danger that such clauses may be misused. K. examines the functions of general clauses in some of the normative texts in the CIC/83.

**CLSN 187/16, 4-12: Paul Churchill: Musings on Law in Society and in the Church.** (Article)

Given here is the text of some talks written by C. for local radio to explain in very simple terms the purpose of law and its role in life. The topics covered are law in general, canon law, natural law, positive law, and government.

**IE XXVIII (2016), 323-344: Thierry Sol: La notion de droit subjectif chez Villey et Hervada.** (Article)

S. analyses the views of the legal philosophers Michel Villey and Javier Hervada on the meaning of “subjective rights”.

**Per 105 (2016), 3-70: Gianfranco Ghirlanda: Inculturazione del Vangelo e inculturazione del diritto ecclesiale.** (*Lectio magistralis*)

G. examines the inculturation of the proclamation of the Gospel, before moving on to reflect on the inculturation of Church law. He does this by considering a number of themes: the encounter between the Church and the Roman and German juridical cultures; the law of the Church in relation to the Church as the sacrament of salvation; divine natural law and positive or revealed divine law as the regulators of the inculturation of Church law; the relationship between the universal and the particular Church, with special reference to the just autonomy

of the latter; and finally, the relationship between the universal and particular legal systems.

**RCDCP 3 (2016), 29-38: Burkhard Josef Berkmann: Inculturation and evangelization in the Catholic Canon Law.** (Article)

<http://www.eumed.net/rev/rcdcp/03/bjb.pdf>

B. studies the relationship of law and culture from the perspective of Catholic canon law. Canon law is, on the one hand, part of a culture, and on the other, it allows the peaceful co-existence of diverse cultures and promotes respect for all cultures.

***Relations between Church and State***

**AC 56 (2014-2015), 63-82: Brigitte Basdevant-Gaudemet: Réflexions sur les antécédents de la laïcité française.** (Article)

B.-G. looks at the events from the time of the Ancient Régime onwards which led to the republicanism and anticlericalism of the 19th century, the 1905 law on the separation of Church and State in France, and the formal State adoption of *laïcité* in 1946.

**Comm 48 (2016), 7-9: Conventio inter Apostolicam Sedem et Civitatem Megaloburgi-Pomeraniae Anterioris (Land Mecklenburg-Vorpommern), inita, qua “fidelitas iuramento” iuxta articulum 16, de quo in Concordato die 20 mensis iulii anni 1933 peracto, a Metropolita Berolinensi praestando, retuntiat.** (Document)

This note (in German) drops the oath of loyalty formerly to be taken by a newly appointed Archbishop of Berlin by virtue of the 1933 Concordat.

**Comm 48 (2016), 51-52: Secretaria Status: Rescriptum “ex audientia Ss.mi”, quo potestas legislativa Praesidi Pontificiae Commissionis Status Civitatis Vaticanae delegatur ut denua organizatio “structurae” Organismorum operatorum quos ita vocant.** (Document)

Pope Francis grants delegated legislative authority to the President of the Pontifical Commission for the Vatican City State for two years with regard to the structure and organization of the Governorate of the Vatican City State.

**Comm 48 (2016), 53-54: Secretaria Status: Rescriptum “ex audientia Ss.mi” quo art. 6 Statuti Officii Laboris Apostolicae mutatur (die 4 mensis augusti 2015).** (Document)

The article referring to a representative of the Administration of the Patrimony of the Apostolic See as a member of the Council for the Office of Labour is changed to refer to a representative of the Secretariat for the Economy.

**Comm 48 (2016), 55: Secretaria Status: Rescriptum “ex audientia Ss.mi” quo art. 6 Statuti Officii Laboris Apostolicae mutatur (die 24 mensis novembris 2015).** (Document)

The article referring to a representative of the Vatican Press and of Radio Vatican as a member of the Council for the Office of Labour is changed to refer to a representative of the Secretariat for Communication.

**Comm 48 (2016), 135-136: Status Civitatis Vaticanae: Decretum quo Servitium Securitatis atque salutis in locis laboris supprimitur eiusque functiones Sanitatis et Hygienes Publicae Directioni tribuuntur.** (Document)

The functions of the Service for the Security and Health of Workers in their place of work are transferred to the Directorate for Health and Hygiene together with its personnel.

**Comm 48 (2016), 263-280: Conventio inter Apostolicam Sedem et Statum Palaestinae inita.** (Document)

This is the text in English of the comprehensive agreement between the Holy See and the State of Palestine signed on 25 June 2015 and ratified on 16 September 2015.

**Comm 48 (2016), 382-387: Secretaria Status: “Avenant” clausula additionalis contractus inter Apostolicam Sedem et Rem Publicam Galliae ecclesiam ac coenobium “Trinitatis Montium” in Urbe respiciens.** (Document)

A diplomatic agreement between France and the Holy See dating from 1828 governs the Church of the Trinità dei Monti in Rome. This *avenant* (variation) provides for the church to be entrusted to the Emmanuel Community in place of the Brothers and Sisters of Jerusalem.

**EE 91 (2016), 715-758: Cristina Guzmán Pérez: El régimen vigente del reconocimiento civil de los estudios eclesiásticos en las universidades de la Iglesia. (Article)**

See below, canons 815-821.

**EIC 56 (2016), 341-354: Pietro Parolin: L'impegno diplomatico come esercizio di giustizia e misericordia. (Article)**

P. Secretary of State, addresses the topic of the relationship between the diplomatic efforts of the Holy See and mercy within the global framework of the evangelizing mission of the Church in the world.

**IC 56 (2016), 621-661: Enrique Herrera Ceballos: Sentido y alcance del artículo IV del Acuerdo sobre Enseñanza y Asuntos culturales de 1979. (Article)**

H.C. addresses the issue of religious education in teacher training in Spain, in the light of the 1979 Agreement on Education and Cultural Affairs. An overall assessment of the way in which it is being implemented reveals that the object and ends of the Agreement as such are not always respected.

**IC 56 (2016), 663-694: Camino Sancinena Asurmendi: Las recientes reformas legales en el sistema matrimonial español. (Article)**

S.A. looks at the 2015 amendment to Spanish law regarding the celebration and dissolution of confessional marriages.

**KIP 5 (18) 2016, nr. 2, 167-184: Stanisław Kawa: Kościół Matki Bożej Gromnicznej – świątynia zaanektowana? (*Church of Our Lady of Candles – Temple Annexed?*). (Article)**

<http://dx.doi.org/10.18290/kip.2016.5.2-9>

K. describes the dispute over the ownership of the church of Our Lady of Candles which until 1946 had belonged to the Latin-rite Lviv archdiocese. After the independence of the Ukrainian State and the restoration of Roman Catholic Church property, the city government, hostile to Latin-rite Catholics because of their Polish roots, transferred ownership to the Greek Catholic Church. Out of goodwill the Greek Catholic hierarchy returned the building to the Latin Church in Ukraine; but according to State law the Greek Catholic community remain the

legal owners. K. believes that it is still possible for official recognition to be given to the Roman Catholic archdiocese's right to ownership of the church.

**LJ 177 (2016), 146-156: Helen Costigane: Conscience and Concordat: When Two Worlds Collide?** (Article)

C. looks at the question of "conscientious objection" to the obligatory German Church tax and offers some suggestions as to how the Church authorities might respond to the haemorrhaging of members and the protests that are being made.

**LJ 177 (2016), 157-180: Robert Meakin: Gilmour v Coats revisited: A Study in the Law of Public Benefit in Charity Law Today.** (Article)

UK charities with purposes to advance religion have recently been challenged by the Charity Commission and the courts over the extent to which their religious practices can be exclusive and to what extent members of a religion must engage with the public if they are to qualify as charities or places of public worship for rate relief. The leading case in charity law is *Gilmour v Coats*, but that case was decided in 1949 and the legal landscape has changed following the abolition of the presumption of public benefit and the enactment of the Human Rights Act 1998. It has been accepted by the Government that the law of charitable status and religious charities is currently unclear. M. also raises doubts about whether the *Gilmour v Coats* case was correctly decided. He considers that now is an opportune moment to revisit the case and challenge the Charity Commission's approach to public benefit for religious charities and the authority of *Gilmour v Coats*.

**Per 105 (2016), 155-183: Ulrich Rhode: La personalità giuridica degli enti ecclesiastici negli ordinamenti civili.** (Article)

R. examines the question of the civil juridical personality of ecclesiastical bodies (of all kinds, public and private) in different countries.

**RCDCP 3 (2016), 15-27: Alessandro Bucci: L'abrogazione dell'insegnamento religioso nelle scuole e il dibattito tra socialisti e cattolici nell'età giolittiana.** (Article)

<http://www.eumed.net/rev/rcdcp/03/ab.pdf>

B. studies the secularization of schools in Italy as the result of anticlericalism, including the *Legge Coppino* introduced by the Minister of Education in 1877 which abolished the teaching of religion in schools. B. offers a summary of the



debate between Catholics and politicians of the left over the abolition of the teaching of religion.

### ***Religious freedom***

**AnC 12 (2016), 45-64: Nicolae V. Dură: Rules of national and international law prohibiting all forms of discrimination based on religion or religious belief. (Article)**

<http://dx.doi.org/10.15633/acan.1819>

Ignorance of the fundamental human right to freedom of religion or religious belief, and the corresponding right to respect for human dignity, has led to flagrant violations of the principle of tolerance and the equality of all human beings. D. examines the texts of international agreements and national legislation aimed at prohibiting and removing discrimination based on religion or religious beliefs.

**KIP 5 (18) 2016, nr. 2, 185-203: Grzegorz Szubtarski: Prawo do manifestowania przekonań religijnych poprzez symbole religijne w świetle wyroku w sprawie Eweida i inni przeciwko Zjednoczonemu Królestwu z 15 stycznia 2013 roku (*The right to manifest one's religious beliefs through religious symbols in the light of the judgment in "Eweida and others v. the United Kingdom", 15 January 2013*). (Article)**

<http://dx.doi.org/10.18290/kip.2016.5.2-10>

S. examines the right to manifest one's religious beliefs, in the light of existing European legislation and the jurisprudence of the European Court of Human Rights, looking in particular at the case of *Eweida and others v. the United Kingdom* (see *Canon Law Abstracts*, nos. 111, pp. 22-23; 112, p. 15).

### ***Social issues***

**Comm 48 (2016), 28-33: Interventus respiciens novas formas criminalitatis, necnon strictam connexionem iustitiae cum Misericordia in summi gradus conventu iudicum magistratumque apud Pontificiam Academiam Scientiarum Socialium a Papa Francisco habitus. (Address)**

In an address to judges and magistrates taking part in a meeting at the Pontifical Academy of Social Sciences Pope Francis takes as his theme new forms of

*General Subjects (Social issues / Teaching of canon law)*

criminality such as human trafficking and slavery. A free judiciary is very important but in many places is under threat of physical violence or corruption. The Pope encourages his audience to realise their true vocation. To do justice is not just to impose a penalty but to open thereby a way to reintegration into society. It is also important to respond to the needs of the victims of crime.

**Ius Comm IV (2016), 165-181: Antonio Rouco Varela: La cuestión de los fundamentos pre-políticos del Estado democrático de derecho: su actualidad. (Article)**

At the present moment in our history the most endangered thing is the truth about man inseparable from the truth of God. Respect, protection and promotion of the dignity of the human person are the ethical and legal cornerstone for the whole building of the social life and for the organization of the political community, and prevent human positive law from becoming detached from reason, and reason from becoming detached from the nature of man.

**Jesu Pudumai Doss: Child Protection Laws in India. (Book)**

This book consists of three parts. The first part presents an overall picture of the laws and policies on children enacted or applied by the Republic of India. The second part looks specifically at child protection in Indian legislations. The third part looks at the contribution of the courts to child protection. The book ends with some general perspectives and suggestions concerning child protection in India. (For bibliographical details see below, Books Received.)

*Teaching of canon law*

**RCDCP 3 (2016), 119-134: Joaquín Mantecón Sancho: La enseñanza del Derecho canónico en las Universidades públicas españolas. (Article)**

<http://www.eumed.net/rev/rcdcp/03/jms.pdf>

M.S. summarizes the current situation regarding the teaching of canon law in public universities in Spain. Canon law has largely been replaced by the rather more anodyne “ecclesiastical law”, but M.S. argues that as much as possible of the nucleus of canon law needs to be salvaged so as to fill a significant lacuna in the formation of future lawyers.

## HISTORICAL SUBJECTS

### *General*

**FThC IV (2016) Suppl., 107-116: Nicolás Álvarez de las Asturias: La investigación histórico-canónica: una tarea improrrogable en las instituciones académicas de la Iglesia.** (Article)

On the occasion of the 20th anniversary of the Institute of Canon Law of the Pázmány Péter Catholic University of Budapest, A. examines what the essential content should be of research on the history of canon law in a Church institution, highlighting the specifically ecclesial character of such research.

### *1st millennium*

**Ap LXXXVIII (2015), 441-485: Javier Belda Iniesta: Il trattamento canonico dell'eretico fino all'epoca medievale.** (Article)

The great epochs of reform in the Church have traditionally made it necessary to undertake a deeper study at all levels – not only from a dogmatic perspective – and have led to new formulations, sometimes redefinitions, of the topics which were the object of dispute. B.I. looks at the way in which different cases of disagreement – leading at different times to discord and difficulty for the Church – were dealt with juridically. The clearest example of opposition to certain interpretations proposed by the Church is heresy. B.I. focuses on how heresy was dealt with in the first millennium, when the Church became legal and then official, up to the time of the Fourth Lateran Council, when the inquisitorial tribunals took over responsibility for judging these attitudes.

**IusM X/2016, 151-171: Szabolcs Anzelm Szuromi: Influence of the Ancient Canonical Collections which Basically Maintained an Existence in Armenian on the Universal Ecclesiastical Legislation.** (Article)

The Syrian and Armenian Churches attributed unique value to respecting and transmitting the pseudo-apostolic and conciliar disciplinary texts, thus giving rise to numerous canonical collections. These early collections – together with the ancient councils – formed the basis of the universal canonical discipline of both East and West, and became the indispensable foundation of the new, structured canonical collections. This is particularly true of the *Syntagma Canonum* which played an important role in the development of the Armenian

ecclesiastical discipline. The most important pre-Chalcedonian councils – whose materials were to have a crucial influence on the later canonical norms and practice of the East and the West – can be found in very early text-form in the Armenian version of the *Syntagma Canonum*. More than half of these canonical materials found their way into the *Decretum Gratiani*, in large part through the *Collectio Dionysio-Hadriana*.

**Per 105 (2016), 475-486: Roberto Interlandi: Potestà sacramentale e potestà di governo nel primo millennio. Esercizio di esse e loro distinzione.** (Article)

In this presentation of his doctoral thesis, defended at the Pontifical Gregorian University, I. considers the theme of sacramental power and the power of jurisdiction in the first millennium, as well as the exercise of both and their distinction at that time.

*Classical period*

**AkK 184 (2015), 353-388: Krzysztof Burczak: Das Vergehen des Sakrilegs im Decretum Gatiani.** (Article)

The concept of sacrilege as a religious offence was defined similarly in many cultures (Sumerian, Hittite, Egyptian, Jewish, Greek and Roman). In Christianity it was taken from Roman law, where sacrilege was construed as *sacrorum violatio*. In the penal law of the Church it constitutes a particular type of offence. Although Gratian considers sacrilege to be an important offence, as demonstrated by the many relevant norms that he incorporated into the *Decretum*, it has no chapter of its own. Like all other institutes of the law, sacrilege is dealt with in various different places in the *Decretum*, since Gratian was not systematic throughout his work. B. sets out the understanding of sacrilege that is to be found in the *Decretum Gratiani*.

**FThC IV (2016) Suppl., 15-28: Péter Erdő: La questione della lingua dei fedeli nella costituzione 9 del Concilio Lateranense IV alla luce dei commenti dei canonisti.** (Article)

The pontificate of Innocent III, and especially the Fourth Lateran Council, seem to represent a turning point as regards the manner of dealing with the problems connected with the movements of peoples, their different cultures, and their integration and assimilation. E. examines the importance and effects of Constitution 9 of Lateran IV and the subsequent development of doctrine

concerning the language of the faithful as a criterion of ecclesiastical organization, with special reference to parishes.

**FThC IV (2016) Suppl., 199-210: Szabolcs Anzelm Szuromi: Relationship among the Holy See, Czech, Polish and Hungarian Kingdoms in the 13th-14th century. (Article)**

The period of the 13th and 14th centuries was notable for, among other things, the Fifth Crusade, the Mongol invasion of Europe, the “captivity” of the Popes at Avignon, and the general and local councils and their effects. The activity of the papal diplomacy and the international political background, the development of cities and universities, and the new political systems, combined to form a new Europe. The central part of Europe – the present-day Eastern border of Western Christianity – took on a crucial role within this time of transformation. From historical sources, facts and analyses it is clear that the Czech, Polish and Hungarian kingdoms played a special and unique role in this period in terms of institutions, initiatives and political changes, as well as developments in ecclesiastical discipline and doctrine, thus laying the foundations for the advances of the 15th and 16th centuries.

**FThC IV (2016) Suppl., 245-273: José Miguel Viejo-Ximénez: Anotaciones marginales en la *Discordantium canonum concordia* del monasterio de Schäftlarn (München, Bayerische Staatsbibliothek, lat. 17161). (Article)**

Among the 66 manuscripts illuminated at the monastery of Schäftlarn in the period 1140-1200, the *Discordantium canonum concordia*, now kept at the Bavarian State Library, is of particular interest. It is essentially the *Concordia discordantium canonum* of Gratian, which was copied out over a period of two years and subsequently corrected and improved. V.-X. carries out a detailed analysis of these later amendments and their significance.

**Hist. Research, vol. 89, no. 246 (November 2016), 636-650: Felicity G. Hill: Magna Carta, canon law and pastoral care: excommunication and the church’s publication of the charter. (Article)**

H. argues that the Church’s strenuous efforts to publicize Magna Carta can only be fully understood when viewed in the context of canon law and pastoral care. The automatic sentence of excommunication that fell on anyone who infringed Magna Carta meant that every Christian in medieval England needed to know not just the general principles of the charter, but the contents of every clause. Clergymen had a duty to ensure that their parishioners did not unwittingly incur the sanction, thereby endangering their souls. Thus the threat of

excommunication had a profound effect on the political awareness of English society, as a result of the Church's obligation to look out for the spiritual welfare of its members.

**IC 56 (2016), 585-619: Javier Otaduy: *Dulcor misericordiae. Justicia y misericordia en el ejercicio de la autoridad canónica. I. Historia.* (Article)**

In the early stages of canon law there was a specific need to intervene to ensure equity in given situations. Canonical equity began to develop in two directions: that of "perfect justice" and that of "benign intervention". These two "souls" have coexisted from the start. Equity also encompasses *epikeia* when the general nature of the law proves to be an obstacle to justice in a specific instance. O. presents three representative cases to provide a clearer understanding of the medieval canonical doctrine of *aequitas*: a letter of St Augustine in the *Decretum Gratiani*; a passage from a decretal by Honorius III contained in the *Liber Extra*; and the 12th century debate between the jurists Martinus Gosia and Bulgarus. He draws a number of conclusions as to the ongoing value of equity and sets out some hermeneutical rules regarding its application.

**RCDCP 3 (2016), 134-147: Elena Sáez Arjona: *Las aportaciones de Patricia Zambrana Moral al Derecho penal real y canónico del antiguo régimen.* (Article)**

<http://www.eumed.net/rev/rcdcp/03/esa.pdf>

S.A. comments on a 2016 book by Patricia Zambrana Moral which looks at medieval and modern Spanish penal law, and distinguishes the different kinds of offences and punishments in the Middle Ages. The juridical culture of the time aimed to discourage the commission of offences by intimidatory penalties, and its ideas on punishment, including the use of torture, are today seen as barbaric. However, the book argues that it is not correct to judge events of the past in the light of present-day criteria.

**Verg 3 (2016), 19-58: Ruggero Maceratini: *Innocenzo III, Il Concilio Lateranense IV e lo status giuridico dell'eretico nella Glossa Ordinaria al Decreto di Graziano ed in quella di Accursio al Codice di Giustiniano.* (Article)**

<http://vergentis.ucam.edu/revistas/numero3/1-ruggero.pdf>

M. provides an introductory chronological, conceptual and juridical foreword dealing with the problem of heresies in Roman-Christian law, since that law

greatly influenced both canon and Roman medieval law. He sets out the canonical legislation of the 11th century and the problem of heresies prior to Pope Innocent III's decretal letter *Vergentis* (1199), pointing out the changes which that document introduced. He also describes Innocent III's juridical education and his relationship with Ugucione da Pisa, the most important and influential canonist of the time and for a considerable period thereafter. M. studies the juridical status of heretics in the *Glossa ordinaria* on Gratian's Decree and in that of Accursius on the *Codex Iustiniani*, showing not only the treatment reserved for heretics, with the corresponding juridical penalties and incapacities, but also the relationship between canon and Roman law in the Middle Ages.

**Verg 3 (2016), 59-77: José Antonio Martínez Vela: Notas sobre las limitaciones impuestas a los eclesiásticos y su régimen de vida por el IV Concilio Lateranense: caza, banquetes, espectáculos.** (Article)

<http://vergentis.ucam.edu/revistas/numero3/2-martinez-vela.pdf>

In his Letter to the Romans (12:9-16), Saint Paul emphasizes that the Christian should be a person of irreproachable moral conduct, far removed from all vice. The same idea remained unchanged over the following centuries, perhaps with the only additional consideration that those whose lives were dedicated to worship were to set a special example of virtue. Because of this, we find harsh criticisms of ecclesiastics in several of St Jerome's letters for the excesses they commit in their daily life, all of them completely opposed to the principles defended by Christ. Roman law was soon to echo these concerns, as can be seen in Justinian's *Nov.* 123. However, it was the various ecclesiastical councils that established and regulated a whole series of prohibitions or limitations concerning ecclesiastics and their way of life, which were reaffirmed in Lateran IV, for example in its canons XIV, XV, XVI and XVII, dealing with prohibitions on hunting, food, spectacles, dress, and the like.

**Verg 3 (2016), 79-100: Anna Sammassimo: L'affermazione del Collegio Cardinalizio tra l'XI ed il XIII secolo.** (Article)

<http://vergentis.ucam.edu/revistas/numero3/3-sammasimo.pdf>

Between the 11th and the 13th centuries the Cardinals became electors of the Pope and began to participate in the supreme power of the universal Church. They contributed significantly to the affirmation of the papal primacy and the *plenitudo potestatis* of the Bishop of Rome as well as to the freedom of the Church. Innocent III convened consistories of Cardinals three times a week.

**Verg 3 (2016), 101-143: Domenico Bilotti: L'altro lato della "Riforma Protestante": il Papato nel contesto dello scisma luterano.** (Article)

<http://vergentis.ucam.edu/revistas/numero3/4-bilotti.pdf>

B. describes how the history of the papacy had a deep impact on the progressive formation of the canon law of the West, taking as his starting point the uncertain initial reaction to the 95 Theses of Luther and the Protestant Reformation of the 16th century. The main issue appears to have been the situation of conflict between the Church and the ruling European dynasties, but this persistent antagonism probably caused jurists and theologians to be less attentive to doctrinal controversies which were arising within Christianity itself.

**Verg 3 (2016), 144-169: Cesare Edoardo Varalda: Il contributo di Innocenzo III alla formazione della cultura giuridica occidentale: in particolare in relazione al noto principio «Rei publicae interest ne crimina remaneant impunita».** (Article)

<http://vergentis.ucam.edu/revistas/numero3/5-cesare-articolo-definitivo-ne-crimina.pdf>

The principle that it is in the public interest not to allow crimes to remain unpunished ("*Rei publicae interest ne crimina remaneant impunita*"), which is mentioned in two of Innocent III's decretals (*Inauditum* in 1199, and *Ut famae* in 1203), has played an essential role in the development of the conceptual system of modern criminal law. V. studies the historical *iter* of the principle and how it has been embraced by canon law and by Western law in general, analysing the origin of the formula and the contribution of Christian theology to its interpretation and application.

**Verg 3 (2016), 173-192: Daniela Tarantino: Confesión y sigilo sacramental en el Concilio Lateranense IV: de la normativa a la reflexión doctrinal.** (Article)

<http://vergentis.ucam.edu/revistas/numero3/6-tarantino-confesion-sigilo-sacramental-en-el-iv-concilio-de-letran.pdf>

Canon 21 of the Fourth Lateran Council, entitled *Omnis utriusque sexus*, not only established the obligation on the faithful to confess all their sins to their priest each year, in order to be able to receive the sacrament of the Eucharist at least at Easter, after fulfilment of the imposed penance, but also introduced a broader regulation of the same sacrament including the topic of the sacramental seal and the penalties for its violation. This was the first time that the matter,



which stems from divine law, was regulated in a general and organic manner, such that it became the subject of doctrinal reflection, especially in the wake of its inclusion in the *Liber Extra* of Gregory IX (X 5. 38. 12). T. looks at the pre-existing legislation on the seal of confession and assesses the impact of the provisions of Lateran IV on subsequent developments.

**Verg 3 (2016), 221-245: Laura García Durán: La intervención de Inocencio III en la política matrimonial de Felipe Augusto de Francia y Alfonso IX de León.** (Article)

**<http://vergentis.ucam.edu/revistas/numero3/8-Vergentis-inocencio-iii-laura-garcia.pdf>**

G.D. studies Pope Innocent III's declarations of invalidity of the marriages of King Philip II of France and King Alfonso IX of León. Innocent challenged these rulers since he could not allow Western monarchs to maintain marital unions which could be regarded as sinful in the eyes of their subjects, as being bigamous (Philip had entered into a second marriage while his first was still valid) or within the prohibited degrees of consanguinity (Alfonso had married his first cousin once removed). Innocent was well acquainted with the canonical doctrine and showed that he was prepared to apply it to monarchs, regardless of the special rights of the sovereigns of France and León, and to impose the penalties of excommunication and interdict.

**Verg 3 (2016), 269-315: Fernando Betancourt-Serna: Inocencio III (1198-1216) y la *Universitas Studiorum* [1203 → 1917/1983/1990] (II).** (Article)

**<http://vergentis.ucam.edu/revistas/numero3/10-fernando-betancourt-serna.pdf>**

Following on from his earlier article on the process by which the term *universitas* came to be applied to institutes of higher education (see *Canon Law Abstracts*, no. 117, p. 22), B.S. shows how the term gradually prevailed over other names for institutes of higher study (*studium generale*, academy, etc.) and came to have only one meaning. In this it differs from the term *facultas* which continues to have a variety of meanings.

**16th-19th centuries**

**AA XXII (2016), 93-117: Sebastián Terráneo: El proceso de nulidad matrimonial en el Derecho Canónico Indiano. Puntos de contacto con el motu proprio *Mitis Iudex Dominus Iesus*. (Article)**

T. undertakes a comparative study of the marriage nullity process as it existed and was practised in the Spanish colonial territories of South America and its points of contact with Pope Francis's motu proprio *Mitis Iudex*. His examination of one particular case presented before the tribunal of the diocese of Buenos Aires in the middle of the 17th century points up a number of common points of contact between both legislations.

**AA XXII (2016), 231-269: Milagros Gallardo: La emigración del clero secular europeo a la Diócesis de Córdoba entre 1875 y 1925. (Article)**

In the context of massive immigration into Argentina in the last decades of the 19th century G. studies the reaction of the Church in accommodating itself to the new situation. A considerable number of secular clergy from Spain were integrated into the local Church and there emerged a more cohesive framework based on stronger diocesan and parochial structures focused more directly on relationship with the papacy and Rome rather than on hitherto assimilation to civil provincial and State entities. These developments are examined specifically in the diocese of Córdoba.

**AA XXII (2016), 271-323: Luis Martínez Ferrer: Casos de conciencia, profecía y devoción. Comentarios sobre el *Directorio para confesores y penitentes del Tercer Concilio Mexicano (1585)*. (Article)**

The *Directory for Confessors and Penitents* of the Third Mexican Council (1585) is a masterpiece of post-Tridentine pastoral praxis of the sacrament of Penance in the New World. It was strongly influenced by Jesuit spirituality but firmly rooted in the social context of the *Nueva España*. Although the Directory was never published canonically, the recent scholarly publication by Carrillo Cázares (2011, Colegio de Michoacán) invites reflection on the document's social, theological and canonical significance.

**EIC 56 (2016), 561-591: Federico Marti: Riflessioni sparse sulle *Institutiones Iuris Canonici* di Giovanni Paolo Lancellotti nel dibattito giuridico cinquecentesco attraverso la rilettura dell'*Institutionum Iuris Canonici Commentarium*.** (Article)

Taking as his starting point the *Institutiones Iuris Canonici* of Giovanni Paolo Lancellotti, first published in 1563, M. examines the importance of the work in the context of the 16th century debate on juridical studies, as well as its influence on the understanding of the concept of canon law. M. looks at the debate through the lens of Lancellotti's *Institutionum Iuris Canonici Commentarium*, published in 1560 as an introductory apologetics to his *Institutiones*.

**RCDCP 3 (2016), 15-27: Alessandro Bucci: L'abrogazione dell'insegnamento religioso nelle scuole e il dibattito tra socialisti e cattolici nell'età giolittiana.** (Article)

<http://www.eumed.net/rev/rcdcp/03/ab.pdf>

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

**RCDCP 3 (2016), 103-117: Flavia Marisi: Towards or against group cohesion and State unity. The relationship between Church and State in the Italian peninsula.** (Article)

<http://www.eumed.net/rev/rcdcp/03/flavia-m.pdf>

M. looks at the evolution of the relationship between Church and State in the Italian peninsula, focusing on some landmark decrees, statutes and treaties, and examining the differences between the Catholic Church and the nascent Italian monarchy, and the anticlericalism of the second half of the 19th century and the first four decades of the 20th century.

**REDC 73 (2016), 341-356: Sandra Brandi Portorrico: Política y Religión. El «juicioso» Hooker como icono del anglicanismo y soporte del «status quo» entre 1660-1668.** (Article)

Richard Hooker, a major theologian of the Anglican Church, in his magnum opus *Of the Laws of Ecclesiastical Polity* defended the Elizabethan religious settlement and the governance of the Church by the temporal power. B.P. considers the use of Hooker's political ideas, and examines his image as an iconic emblem of Anglicanism, with all its complexities and ambiguities. These ideas constitute a real Anglican political theology, consolidated during the

Restoration period which B.P. is examining here. It is remarkable that both Tories and Whigs used Hooker's ideas to support their own political ideas. (See also *Canon Law Abstracts*, no. 117, p. 25, for the period between 1603 and 1649.)

**REDC 73 (2016), 357-387: Fernando Campo del Pozo: Fray Alonso de Veracruz y el compendio de todos los privilegios de los religiosos.** (Article)

The subject of privileges granted to religious was an important issue in the 16th century in the context of evangelization in the New World; it still has its importance in the present Code (canons 76-84) with a pastoral purpose under the control of the competent ecclesiastical authority. It was not (nor is) a question of arbitrary authority or special concessions to favourites but rather a recognition of the variety of concrete cases which must be responded to with charity and humanity. It is in this context that C. analyses the work of Alonso de Veracruz, *Compendio de todos los privilegios de los mendicantes en Indias*, which served as a veritable *vademecum* for missionaries and is notable for its defence of the rights of the native peoples as well as of religious missionaries themselves.

**REDC 73 (2016), 389-439: Francisco Cantelar Rodríguez – Jaime Justo Fernández: Ediciones anteriores a 1563 (Concilio de Trento) de sínodos de España y Portugal.** (Article)

This article by the editors of the *Synodicon Hispanicum* has as its main objective a brief description of each of the synods celebrated in Spain and Portugal, published from the invention of printing to the closure of the Council of Trent (1563), and contains some editions hitherto unknown. They draw attention to one incunabulum which has not yet been identified, in the hope that some specialist may be able to help in this regard. In some cases only one copy survives; in another case there exists an edition of a synod which never existed. They also cast doubts on some editions admitted as authentic by other scholars.

**REDC 73 (2016), 441-487: José Luis Fernández Cadavid: Justicia social y sínodos diocesanos de Lima (II). Instituciones de enseñanza y lenguas indígenas.** (Article)

In his examination of some of the diocesan synods celebrated in Lima in the late 17th century F.C. is interested in social justice and especially in how the native people were educated and the indigenous languages promoted. In assessing this he uses the modern theory of justice propounded by John Rawls. In an appendix an extensive bibliography is provided. (See also *Canon Law Abstracts*, no. 117, p. 25.)

**REDC 73 (2016), 525-592: Eutimio Sastre Santos: El Padre Plancarte, párroco de Jacona (Michoacán-México), Misionero Apostólico *ad honorem*, 20 diciembre 1876. (Article)**

During the uprising of 1875-1877 in Mexico the parish priest of Jacona requested the title of apostolic missionary *ad honorem*, so as to attend better to his scattered parish. The title and its privileges *praetor ius* were granted to him as a pontifical favour, in addition to his normal canonical faculties, by the Sacred Congregation *De Propaganda Fide*. In this article S.S. studies the origin of the title, its special faculties, the petition for its concession and its use in Mexico, as well as other favours obtained by Padre Plancarte. An appendix contains transcripts of much of the relevant correspondence and documents.

**Jesu Pudumai Doss – Giuseppe Duc Dung Do (eds.): *Schola Humanitatis: Famiglia e matrimonio nella legislazione ecclesiale. Miscellanea in occasione del 75° della Facoltà di Diritto Canonico dell'UPS*. (Book)**

See below, canons 1055-1165 (article by Mauro Mantovani).

### *1917 Code*

**José Fernández San Román: La admisión al matrimonio de los que notoriamente abandonaron la fe y de los censurados. Estudio histórico-canónico del iter redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II. (Extract from doctoral dissertation)**

This dissertation offers a historical and canonical study of the sources and the *iter* of the drafting of canons 1065 and 1066 of the CIC/17 which deal with marriages *cum indignis* (those who have notoriously abandoned the faith, members of condemned societies, those who have been censured, and public sinners). It also includes an analysis of three pronouncements of the Holy See on the admission to marriage of those who are ignorant of Christian doctrine (1918), members of atheistic sects (1934) and Communists (1949), thus extending almost to the threshold of Vatican II. In view of the pastoral situation of those who approach marriage with little personal faith, an attempt is made to verify in some way, in the light of the sources, what is affirmed in the Apostolic Exhortation *Familiaris Consortio*: that to establish criteria for admission to marriage based on the degree of faith of the intended spouses is at odds with the Church's tradition. The thesis provides a contribution to the current reflection on the relationship between faith and marriage, since the corresponding canons of

the CIC/83 substantially mirror those of the CIC/17. (For bibliographical details see below, Books Received.)

### **20th century**

#### **IC 56 (2016), 487-512: Javier Martínez-Torrón – Alberto de la Hera: Pedro Lombardía. A los treinta años de su muerte. (Article)**

Pedro Lombardía was probably the most influential canon lawyer in the last two centuries. In addition to his significant contributions to the reform of the Code of Canon Law and to the constitutional law of the Catholic Church, he had a decisive impact on the methodological renewal of the study of canon law in Spanish universities; in conjunction with a number of colleagues, he set up an international, pluralist scholarly network of canon lawyers and fostered the studies of law and religion in Spain. The purpose of this article is to explain how Lombardía's Christian faith is indispensable to an understanding of his work as a canonist.

#### **IusM X/2016, 173-201: Maurizio Martinelli: La Lettera apostolica «Maximum illud» di Benedetto XV e il rinnovamento missionario del ventesimo secolo. (Article)**

M. focuses on the dynamism that ignited the Catholic Church's missionary renewal during the first part of the twentieth century. The Magisterium of Benedict XV – not simply his specifically missionary teaching – consolidated a centuries-old tradition and relaunched the universal civilizing activity of which the Church was a witness. This missionary renewal applied not only to the formation of the clergy, but also to the Church's role *ad extra*, in the international arena. Within this scenario there were different elements which helped promote the juridical humanism advocated by Benedict XV. On the one hand there was the spiritual testimony of a missionary Church in a complex geopolitical context; and on the other, the relationship between the Church and the secular powers, which was to give rise to problems on account of colonial politics and bitter nationalisms.

**KIP 5 (18) 2016, nr. 2, 9-24: Aleksandra Polewska: *Humani generis unitas* – projekt antyrasistowskiej encykliki Piusa XI (*“Humani generis unitas”* – *Draft of an anti-racist Encyclical by Pope Pius XI*). (Article)**

<http://dx.doi.org/10.18290/kip.2016.5.2-2>

P. examines the draft of an Encyclical planned by Pope Pius XI in 1938, due to be entitled *Humani generis unitas*. The draft text condemned anti-Semitism, racism and the persecution of Jews. P. sets out the history of the draft, describes the Pope’s attitude to the Nazi and Fascist persecution of Jews, and attempts to answer why the draft Encyclical was never issued.

**RCDCP 3 (2016), 1-14: María Cristina Toledo Báez – Manuel J. Peláez: Estudios en homenaje a Gérard Fransen, Luigi De Luca, Amadeo de Fuenmayor Champín, Lorenzo Spinelli y Antonio Innocenti por el centenario de su nacimiento. (Article)**

<http://www.eumed.net/rev/rcdcp/03/ctb-mjp.pdf>

The third issue of this multiconfessional canon law journal is intended as a homage to five experts in canon and ecclesiastical law who were all born in 1915.

**RCDCP 3 (2016), 59-71: Gaia Pinto: Le diverse posizioni della Santa Sede nei confronti delle legge razziali. (Article)**

<http://www.eumed.net/rev/rcdcp/03/gp.pdf>

P. offers a series of considerations on the reaction of the Holy See before the Nazi Holocaust and the Fascist persecution of Jews. She sets out the different theories on race, and mentions the Encyclical which Pius XI intended to publish but which never saw the light of day, which highlights the incompatibility of the Catholic religion and anti-Semitism.

**RCDCP 3 (2016), 103-117: Flavia Marisi: Towards or against group cohesion and State unity. The relationship between Church and State in the Italian peninsula. (Article)**

<http://www.eumed.net/rev/rcdcp/03/flavia-m.pdf>

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

***Second Vatican Council and revision of the CIC and CCEO***

**ADC 5 supl. (octubre 2016), 123-164: Carlos López Segovia: La confirmación de la sentencia en el M. P. *Mitis Iudex Dominus Iesus*. Elementos de continuidad.** (Conference presentation)

See below, canons 1671-1691.

**Comm 48 (2016), 139-215: ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio IX).** (Documentation)

Included here are the text of the schema on penal law as revised in the light of the recommendations made at the session held 24-28 November 1969; the proposed procedural norms for the investigation of criminal allegations and action for compensation prepared by Pio Ciprotti; the response of six consultors to the investigative process proposed by Pio Ciprotti: Huizing, Mundy, Pašek, Filipiak, Jaroš and Moverley; a comment by two consultors on the possibility and extent of a right of appeal in a judicial penal process, particularly when the decision has been one of acquittal; the text of the revised schema of canons for a penal process following the recommendations made at the session held 27-29 April 1970; an evaluation by the study group of the recommendations passed to them by the study group on penal law with regard to the penal process; and a report on the discussion of the study group on the proposed penal process at the session held 27-29 April 1970.

**Comm 48 (2016), 216-252: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de magisterio Ecclesiastico” (Sessio III, diebus 20-25 mensis octobris 1975 habita).** (Report)

Report of the study group working on the text of the revised Eastern Code in the area of clergy. The topics discussed relate mostly to clergy lifestyle and in particular the question of celibacy and married clergy.

**Comm 48 (2016), 467-569: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Iure Poenali”.** (Documentation)

Given here are a proposal from Cardinal Felici, on behalf of the Commission for the Revision of the Oriental Code, that a pontifical document update the penal law prior to the promulgation of the revised Code; an attached draft motu



proprio entitled *Humanum Consortium* together with 72 canons on penal law in general and penalties for individual offences; a reply to the proposed *motu proprio* from Cardinal Villot, with advice on how to proceed and comments from experts consulted by the Secretariat of State; a letter from Pio Ciprotti, the Relator, replying to the various comments made by the experts at the Secretariat of State; an exchange of letters in which Cardinal Villot notes some reservations on the part of his experts since they had not been part of the Commission's work, and Cardinal Felici replies with a revised draft document taking account of the observations made (now 71 canons); a further exchange of letters between Cardinals Felici and Villot on the proposed revised penal law; and the text of the proposed schema on penal law for the revised Latin Code as printed by the Vatican Press in 1973.

**IC 56 (2016), 555-583: José Tomás Martín de Agar: La recepción de la *Dignitatis humanae* en la canonística española e italiana. (Article)**

On the 50th anniversary of the Second Vatican Council's Declaration on Religious Freedom *Dignitatis Humanae*, M. studies the reactions which the document provoked among Italian and Spanish canonists. He looks in particular at the changes which the Declaration introduced in the teaching of the Church, and at its impact on the State Law on Religion, especially in Spain. On more specific issues he notes that while Spanish authors focused on matters such as matrimonial and religious teaching, their Italian counterparts were more concerned with the application of the Declaration within the Church, especially in relation to penalties for dissenting from the teachings of the Magisterium.

**KIP 5 (18) 2016, nr. 2, 25-66: Mirosław Sitarz: Wkład biskupa Walentego Wójcika na rzecz Soboru Watykańskiego II i reformy prawa kanonicznego (*The contribution of Bishop Walenty Wójcik to the Second Vatican Council and the reform of canon law*). (Article)**

<http://dx.doi.org/10.18290/kip.2016.5.2-3>

Bishop Walenty Wójcik (1914-1990) took part in the Second Vatican Council and was a consultor of the Pontifical Commission for the Revision of the Code of Canon Law. S. examines his writings on the Council and the reform of canon law, which include a series of articles on an improved formula for Councils and the proposed creation of particular bodies to deal with the Code and the results of their work.

## CODE OF CANONS OF THE EASTERN CHURCHES

### *General*

#### **Ius VI 2/15, 139-144: Cherian Thunduparampil: Signs of the Times and Recent Canonical Reforms.** (Editorial)

Vatican II wanted the Church to be aware of the “signs of the times” and today the Church wants to keep pace with the changes taking place in the secular world without compromising essentials of doctrine or discipline. This issue of *Iustitia* treats of some of the reforms introduced by Pope Francis, particularly in the area of matrimonial law, and the use of other disciplines and sciences in evaluating matrimonial cases. It also looks at the difficulties arising from the different approaches of the CCEO and the CIC/83 to reserved sins or penalties in the context of increased migration, and in the 25 years since the promulgation of the CCEO to its reception in the Church in India, in particular the Syro-Malabar and Syro-Malankara Churches.

#### **Ius VI 2/15, 201-220: Sebastian Payyapilly: Reception of CCEO by the Catholic Churches in India.** (Article)

P. makes a practical study of the application of the CCEO in the context of the Catholic Church in India. By making a voyage through the reception of the CCEO in the Catholic Church in India, its culture and context, he evaluates how far it has been successful in its purpose, especially in the context of the Syro-Malabar and Syro-Malankara *sui iuris* Churches. Among the visible signs of this are the recognition and elevation of both to major archiepiscopal status, the formation of synods of bishops and the higher tribunals within these Churches and the promulgation of particular laws. Also significant is the erection of personal parishes by the local Latin-rite bishops for the care of those outside their proper territory and the increasing co-operation between all three *sui iuris* Churches in pastoral care and the study of canon law.

### **CCEO 27-35**

#### **Stanisław Kawa – Agnieszka Romanko – Mirosław Sitarz – Anna Słowinkowska (eds.): *The Enrollment to the Catholic Church.*** (Book)

Despite the existence of norms concerning ecclesiastical enrolment, their application poses numerous difficulties. This book contains a collection of articles dealing with the fundamental concepts involved, and the criteria for ecclesiastical enrolment and change of rite, as well as other issues arising at the

theoretical and practical level, including an analysis of the amendments introduced by the *motu proprio De Concordia inter Codices* (see above, General Subjects (*Comparative law*)). Individual contributions are provided by Anna Słowinkowska, Mirosław Sitarz, Stanisław Kawa, Józef Pawliczek, Andriy Tanasychuk, Jozef Marčín and Agnieszka Romanko. (For bibliographical details see below, Books Received.)

#### **CCEO 29-34**

**AC 56 (2014-2015), 249-278: Bruno Gonçalves: L'appartenance à une Église de droit propre dans l'Église catholique. D'une principe juridique établi à une réalité malmenée. (Article)**

See below, CIC canons 111-112.

#### **CCEO 63-77**

**AC 56 (2014-2015), 341-363: Élie Wardé: Le *ius particulare* de l'Église syriaque catholique et l'élection des évêques et du Patriarche. Confrontation avec le Code des canons des Églises orientales. (Article)**

W. provides a brief outline of Catholic ecclesiological thought from the time of the Great Schism of 1054, before focusing on the election of bishops and of the Patriarch in the *ius particulare* of the Syriac Catholic Church of Antioch, comparing it to the CCEO.

#### **CCEO 182**

**AC 56 (2014-2015), 341-363: Élie Wardé: Le *ius particulare* de l'Église syriaque catholique et l'élection des évêques et du Patriarche. Confrontation avec le Code des canons des Églises orientales. (Article)**

See above, CCEO canons 63-77.

#### **CCEO 255**

**Ap LXXXVIII (2015), 405-438: *Supremum Signaturae Apostolicae Tribunal: Decreta*; Cristian Begus: *Adnotationes in Decreta*. (Documents and comment)**

See below, CIC canon 1445.

### **CCEO 323-398**

**Comm 48 (2016), 216-252: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de magisterio Ecclesiastico” (Sessio III, diebus 20-25 mensis octobris 1975 habita).** (Report)

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

### **CCEO 589**

**IusM X/2016, 117-150: Sunny Kokkaravalayil: Preparation of Missionaries according to CCEO c. 589.** (Article)

K. analyses CCEO canon 589 on the preparation of the Christian faithful who are to be sent as missionaries. While demanding a suitable formation of the future missionaries, the canon requires specifically that they are to be qualified in the skills and ability necessary for evangelization, they should have suitable formation in missiology and missionary spirituality, and they should be instructed in the history and culture of the people evangelized. This demand is made of both native and non-native missionaries. K. concludes that this preparation should aim at their integral formation. After presenting an overview of the sources of the canon, most notably the documents of Vatican II, K. looks at the reasons for and the methods of missionary formation. He also highlights other canons of the CCEO related to evangelization in order to place canon 589 in its correct perspective.

### **CCEO 711-712**

**Ius VI 2/15, 221-242: M. Orzolek: Orthodox *Oeconomia* and Civilly Remarried Catholics: An Opportunity for Doctrinal and Canonical Development?** (Article)

O. considers select ecumenical dimensions of admitting divorced and civilly remarried Catholics to Holy Communion. He begins by presenting fundamental concepts in canon law and moral theology necessary to contextualise the current debate, before examining the restrictive doctrinal developments in the Apostolic Exhortation *Familiaris Consortio* and Cardinal Kasper’s critical assessment of this teaching in *The Gospel of the Family*. He concludes with a brief assessment of the current state of the question.

### **CCEO 727-729**

**Ius VI 2/15, 179-200; Ius VII 1/16, 43-61: Vinson Joseph: The Sacrament of Penance: Pastoral and Inter-Ritual Difficulties Regarding Reserved Sins and *Latae Sententiae* Censures (Parts I and II).** (Article)

This article (parts I & II) is based on J.'s research into the canonical nuances of reserved sins, which in a strict sense are found only in the CCEO. These are compared with the parallel system of non-declared *latae sententiae* censures, especially excommunication and interdict, found in the CIC/83. J. claims that these systems are theoretically and legally unequal, and that having two types of reservations concerning the sacrament of penance creates injustices, legal confusions and illegal practices.

### **CCEO 732**

**Ius VII 1/16, 13-41: Aidan McGrath: “Authentic Signs of the Father’s Mercy” (MV 17). Some Reflections on CCEO c. 372.** (Article)

In the light of the Year of Mercy, McG. examines the fundamental ordinary duties of the confessor outlined in CCEO canon 732, comparing them to the prescriptions of CIC canons 978-981. The approach of the CCEO is altogether more succinct and less concerned with practical details. However, there is much in common, and reflection on these basic responsibilities will help all confessors become “authentic signs of the Father’s mercy” (Bull of Indiction for the Extraordinary Jubilee of Mercy *Misericordiae vultus*, no. 17).

### **CCEO 902-908**

**Ius VII 1/16, 97-112: Lorenzo Lorusso: Le Chiese orientali cattoliche nel movimento Ecumenico.** (Article)

L. deals with the role of the Eastern Churches in the ecumenical movement. The Eastern Catholic Churches’ “special function in fostering unity among all Eastern Churches” (CCEO canon 903) derives from the fact that the Oriental Churches, Catholic and Orthodox, have a centuries-old common history and tradition as well as a common ecclesial understanding. L. discusses the canons of title XVIII of the CCEO, connecting them with their sources as well as with other relevant canons of the Code. He claims that the progress of the dialogue between the Orthodox Church and the Catholic Church (Church of Rome) at the universal level will depend on the dialogue between the local Orthodox and Catholic Churches.

**CCEO 902-908**

**QDE 29 (2016) 264-283: Matteo Visioli: Il dialogo ecumenico nella prospettiva giuridica canonica.** (Article)

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

**CCEO 975**

**Comm 48 (2016), 34-36: Litterae Apostolicae *Come una madre amorevole a Summo Pontifice die 4 mensis iunii currentis anni motu proprio datae.*** (Document)

See below, canon 193.

**CCEO 1357-1377**

**EIC 56 (2016), 487-519: Dimitrios Salachas: Riforma del processo canonico per le cause di dichiarazione di nullità del matrimonio nel Codici dei Canoni delle Chiese Orientali (Lettera Apostolica Motu Proprio «*Mitis et Misericors Iesus*»).** (Article)

S. provides a general overview of the reforms introduced by the motu proprio *Mitis et misericors Iesus* on the marriage nullity process in the CCEO.

**CCEO 1364**

**Ius VI 2/15, 145-164: B. Tharakunnel: Forensic Psychiatry and the Role of Experts in Canon Law.** (Article)

In ecclesiastical tribunals experts have great relevance in helping arrive at a proper judicial sentence in matrimonial cases. T. claims that forensic psychiatry and experts in this field can contribute much to the decision-making process especially in cases of a psychic nature. He distinguishes between a psychiatrist and a forensic psychiatrist and their respective roles. Forensic psychology is a sub-speciality of psychology, whereas forensic psychiatry is a sub-speciality of psychiatry that combines the latter with criminology. The forensic psychiatrist brings special skill and knowledge to legal proceedings concerning questions of mental competence to stand trial and to be held responsible for criminal acts.

**CCEO 1389-1396**

**Ius VII 1/16, 63-95: Johnson Kovoorthenpurayil: The Right of Defence in the Administrative Process of the Removal of a Parish Priest. Part I: Canonical Causes and Procedures.** (Article)

This first part of K.'s article deals with canonical causes and procedures for the administrative removal of parish priests. It explains harmful or ineffective ministry as the reason for removing a parish priest, leaving room for adding any grave reasons, and the five specific reasons for removal. Beginning with the preliminary investigation, K. illustrates the procedures for removing parish priests and the relevant general norms for issuing an administrative decree.

**CCEO 1401-1467**

**Comm 48 (2016), 467-569: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Iure Poenali”: litterae N. 2996/72 quibus propositum “motu proprio”, quo disciplina sanctionum seu poenarum in Ecclesia denuo ordinatur, ad Secretarium Status mittitur.** (Letter)

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

**CCEO 1414**

**FThC IV (2016) Suppl., 191-198: Péter Szabó: The Penal Legality and Guarantees of Self-Defense in Canon Law: CIC/CCEO.** (Article)

See below, CIC canon 1399.

**CCEO 1423-1424**

**FThC IV (2016) Suppl., 191-198: Péter Szabó: The Penal Legality and Guarantees of Self-Defense in Canon Law: CIC/CCEO.** (Article)

See below, CIC canon 1399.

## CODE OF CANON LAW BOOK I: GENERAL NORMS

### 2

**IE XXVIII (2016), 301-321: Carlos José Errázuriz M.: L'intrinseca doverosità liturgica e giuridica del culto ecclesiale. (Article)**

E. studies the distinction between liturgical duty and juridical duty in relation to ecclesial worship, considering them both to be based on the same reality of the sacred liturgy. Liturgical “law” has a broader meaning than the strictly juridical aspect, which refers to the rights and duties of pastors and faithful; but both aspects are intertwined in the one reality of the liturgical mystery.

### 4

**FThC IV (2016) Suppl., 73-106: Bruno Esposito: Il rapporto del Codice di Diritto canonico latino con i diritti acquisiti. Commento sistematico-esegetico alla prima parte del can. 4 del CIC/83. (Article)**

Following on from his commentaries on the first three canons of the CIC/83 (see *Canon Law Abstracts*, nos. 91, p. 32; 95, p. 33; 97, p. 21), E. focuses on the part of canon 4 dealing with acquired rights (leaving to another occasion the question of privileges granted by the Apostolic See). He carries out an extensive analysis of the way in which canonical tradition has understood the concept of right, as it is only in the light of that tradition that a proper understanding of acquired rights can be achieved. He considers that there is evidence of juridical positivism in the drafting of the canon, and perhaps rather too much attention to the “protection” of rights rather than to persons and the achieving of justice.

### 7

**Per 105 (2016), 91-106: Francesco Coccopalmerio: *Lex instituitur cum promulgatur*. Riflessioni sul can. 7 del Codice di diritto canonico. (Article)**

The President of the Pontifical Council for Legislative Texts reflects on canon 7 of the Code of Canon Law. He tries to tease out the precise meaning of the terms “*instituitur*” and “*promulgatur*”, asking what precisely is the nature of the act of the legislator when he makes a law. It is clear that the content of some laws found in the Code already existed – the law in this case is a declaration; such laws cannot be said to be the creation of the legislator. On the other hand, the content of other laws in the Code did not exist already – the intervention of the legislator in these is truly a creation. C. moves on to consider the delicate and



controversial topic of the reception of law and its consequences for the activity of the legislator.

## 8

**SC 50 (2016), 453-483: Chantal Labrèche: Le droit particulier de l'Église au Canada, de ses origines (1658) au Concile Vatican II (1962-1965).** (Article)

In Canada, particular canon law has a long history that dates back as far as the time of Bishop François de Montmorency-Laval, first bishop of Québec. Indeed, ecclesiastical authorities did not wait for the Second Vatican Council (1962-1965) to occur before they created laws that attempted to meet the needs of the faithful of the country. L. presents an overview of the historical development of the particular law of the Catholic Church in Canada, from its origins (1658) to the Second Vatican Council. She presents some legislation promulgated in the wake of diocesan synods held in New France, the various provincial councils, and the only plenary council to be held in Canada (1909).

## 17

**ADC 5 supl. (octubre 2016), 165-191: Manuel Jesús Arroba Conde: La experiencia sinodal y la reciente reforma procesal en el Motu proprio *Mitis Iudex Dominus Iesus*.** (Conference presentation)

See below, canons 1671-1691.

## 50

**AnC 12 (2016), 115-129: Przemysław Michowicz: Kanoniczne postępowanie administracyjne: zarys problematyki na przykładzie wartości dowodowej środków komunikacji elektronicznej (*Canonical administrative procedures: the problem of the legal value of proofs involving electronic communications*).** (Article)

<http://dx.doi.org/10.15633/acan.1823>

M. looks at the question of the legal value of proofs involving electronic communications (e-mails, text messages, Facebook posts, etc.) in the context of canonical administrative procedures and decision-making. A correct assessment of their legal value depends on the degree of discretion afforded to the administrative authority by the principle of legality.

**76-84**

**REDC 73 (2016), 357-387: Fernando Campo del Pozo: Fray Alonso de Veracruz y el compendio de todos los privilegios de los religiosos.** (Article)

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

**111-112**

**AC 56 (2014-2015), 249-278: Bruno Gonçalves: L'appartenance à une Église de droit propre dans l'Église catholique. D'une principe juridique établi à une réalité malmenée.** (Article)

G. examines the current juridical process by which a person may be ascribed to a Church *sui iuris*. This process is not sufficient in itself to give a proper picture of what it means to “belong” to a Church *sui iuris*, which includes the effective living out of that ascription, and involves historical and sociological elements.

**111-112**

**Comm 48 (2016), 326-325: Litterae Apostolicae De concordia inter Codices;** also **Comm 48 (2016), 448-452: I. Arrieta: Articulus explanans litteras apostolicas De concordia inter Codices;** also **SC 50 (2016), 323-345: Jobe Abbass: De concordia inter Codices: A Commentary;** also **EE 91 (2016), 861-876: Miguel Campo Ibáñez: De concordia inter codices. Primer comentario;** also **CLSN 188/16, 4-11: Apostolic Letter *motu proprio De concordia inter Codices*;** reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)

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

**111-112**

**Stanislaw Kawa – Agnieszka Romanko – Mirosław Sitarz – Anna Słowinkowska (eds.): The Enrollment to the Catholic Church.** (Book)

See above, CCEO canons 27-35.

**119**

**REDC 73 (2016), 489-523: Julio García Martín: La abstención en el Código de Derecho Canónico: derecho y obligación.** (Article)

The CIC/17 dealt with abstention in the context of individual acts only, while current legislation has introduced it for collegial acts with the new system of

computing votes. Abstention in this context can be a right or an obligation derived from the office exercised by the person. The law, therefore, protects the right by imposing on the authority the obligation to call all those entitled to vote, to recognize the freedom to vote and the possibility of abstaining from voting. On the other hand, because of the content of an election and the matter to be decided it may impose a moral and legal obligation to abstain.

**127**

**Ap LXXXVIII (2015), 593-616: Paolo Gherri: Consultare e consigliare nella Chiesa.** (Article)

G. looks at the question of ecclesial consultation and its foundations, including the dynamics of the consultation itself, as well as its institutional forms. Consulting and advising should be seen as complementary activities within a relationship that is never one-sided. The aim of seeking advice is not to achieve consensus as such but to identify and assess the quality of such consensus: the *rationabilitas* that determines whether a decision is necessary, possible, or simply advisable or preferable.

**128**

**AC 56 (2014-2015), 309-318: Dominique le Tourneau: La réparation des dommages dans les recours contentieux administratifs (le canon 128 du Code de droit canonique).** (Article)

See below, canon 1445.

**128**

**IC 56 (2016), 799-815: Maria D'Arienzo: Responsabilidad jurídica (principio de).** (Dictionary entry)

See below, canons 208-231.

**132**

**AnC 12 (2016), 155-182: Piotr Skonieczny: Upoważnienia habitualne (*facultates habituales*) – wprowadzenie do problematyki (*Habitual faculties – an introduction to the problem*). (Article)**

<http://dx.doi.org/10.15633/acan.1825>

S. deals with the question of habitual faculties, looking at their basis in law and their evolution from a status of privilege under the CIC/17 to an aspect of the power of governance under the CIC/83. He distinguishes between *facultates* in a strict sense, involving the exercise of power, and *facultates* in a broader sense, such as faculties to hear confessions. There are two structural elements: the hierarchical relationship existing between a higher and lower body, and the purpose, which is the extending of the competence of the lower body. M. concludes with some difficulties that need to be resolved.

**135**

**AC 56 (2014-2015), 229-248: Philippe Toxé: Quel principe de légalité en droit canonique? (Article)**

T. examines the extent to which the “principle of legality”, according to which the administrative authority is subject to the law in the exercise of its power, is applicable to canon law, looking at the criteria for determine the hierarchy of norms and the procedures for control envisaged by positive ecclesiastical law.

**145-183**

**Vid 79 4/15, 292-310: Sebastian S. Karambai: Provision of Offices in the Particular Church. (Article)**

K. reviews the concept of ecclesiastical office in the CIC/17, the modifications to that concept to be found in the documents of the Second Vatican Council, and its treatment in the CIC/83 and the CCEO.

**149**

**IE XXVIII (2016), 345-366: Antonio Viana: La comprobación de la idoneidad para el oficio eclesiástico y el orden sagrado. (Article)**

There is a growing awareness in the Church of the need for candidates for orders and ecclesiastical offices to be adequately prepared. The question arises as to whether canon law provides the means necessary for verifying the suitability of candidates, and how those means may be applied in practice. V. outlines various

canonical methods of assessing suitability, and points out some of the theoretical and practical difficulties that may arise. The right to personal privacy is not in conflict with the Church's right to verify fulfilment of the conditions of admission to public office and to the sacrament of order.

**184**

**KIP 5 (18) 2016, nr. 2, 79-89: Andrzej Kukulski: Przyczyny rezygnacji z urzędu biskupa diecezjalnego (*Reasons for resignation from the office of diocesan bishop*). (Article)**

<http://dx.doi.org/10.18290/kip.2016.5.2-5>

See below, canon 401.

**193**

**Ap LXXXVIII (2015), 405-438: Supremum Signaturae Apostolicae Tribunal: Decreta; Cristian Begus: Adnotationes in Decreta.** (Documents and comment)

See below, canon 1445.

**193**

**CLSN 188/16, 12-19: Apostolic Letter *motu proprio As a Loving Mother*.** (Document and comment by Gordon Read)

See following entry.

**193**

**Comm 48 (2016), 34-36: Litterae Apostolicae *Come una madre amorevole a Summo Pontifice die 4 mensis iunii currentis anni motu proprio datae*.** (Document)

Canon 193 §1 provides for removal from office for grave causes. In this *motu proprio* the Pope spells out how this applies to bishops who are found to be negligent in carrying out their office particularly with regard to cases of sexual abuse. Article 1 indicates that objectively grave failings suffice for removal even without grave moral fault and that this applies not only to diocesan bishops but also to major religious superiors. The remaining articles spell out how the appropriate Dicastery is to proceed, concluding with a decree of removal or request for resignation to be approved *in forma specifica* by the Roman Pontiff.

**193**

**EE 91 (2016), 843-860: José Luis Sánchez-Girón Renedo: El motu proprio «Como una madre amorosa» a la luz de la normativa codicial. (Article)**

The motu proprio *As a Loving Mother* provides for the dismissal of a diocesan bishop for negligence in the performance of his pastoral office. The CIC/83 contains various norms dealing with the loss of office, among which canons 1389 §2 and 1740-1747 offer relevant elements for an evaluation of this motu proprio. Even though the procedure referred to in the document is presented as being of a non-penal nature, in fact for those who come within its scope it is harsher than the penal treatment envisaged by the CIC/83 under canon 1389 §2 and the canons dealing with the removal of a parish priest.

**193**

**IE XXVIII (2016), 716-734: Papa Francesco: Lettera Apostolica in forma di Motu Proprio “Come una madre amorevole” (4 giugno 2016) (con commento di F. Puig). (Document and comment)**

See preceding entries. In his comment on the Apostolic Letter, P. concentrates on the scope of application of the new provisions, the question of the responsibility which is at the basis of the procedure for removal, and some aspects of the procedure itself.

**197-199**

**AA XXII (2016), 121-145: Ariel David Busso: La prescripción extintiva y la dispensa de la prescripción en el derecho penal canónico. (Article)**

See below, canon 1362.

## BOOK II, PART I: CHRIST'S FAITHFUL

**204**

**Comm 48 (2016), 58-86: Congregatio pro Doctrina Fidei: Litterae *Iuvenescit Ecclesia* ad Episcopos Ecclesiae catholicae de relatione inter munera hierarchica et munera charismatica intercurrente apta ad vitam necnon missionem Ecclesiae.** (Document)

This letter (in Italian) explores the relationship between the charismatic and hierarchical aspects of the life of the Church. The first section sets out the New Testament teaching on the gifts of the Spirit. The second explores the teaching of Vatican II and post-conciliar Magisterium. The third investigates the theological foundations of the relationship between the hierarchical and charismatic gifts. The fourth looks at the relationship between them in the life and mission of the Church. The final section looks at the practical implications for the life of the Church.

**204**

**Comm 48 (2016), 434-439: Gianfranco Ghirlanda: Articulus explanans Litteras *Iuvenescit Ecclesia* a Congregatione pro Doctrina Fidei die 15 mensis maii 2016 datas, a Rev.mo D. Ioanne Francisco Ghirlanda S.J. conscriptus.** (Article)

G. comments on the letter *Iuvenescit Ecclesia* (see preceding entry). Every charism in its exercise has an effect on the community. Gifts and charisms flow from the sacraments, and communion is built from these hierarchical and charismatic gifts. Some charisms are canonically institutionalized, e.g. offices or associations. Calls to the sacred ministry and to consecrated life manifest the richness of the gifts of the Spirit.

**204**

**FThC IV (2016) Suppl., 129-142: Gábor Tamás Juhász: Status of “Christ’s Faithful” – A Philosophical and Canonical Overview.** (Article)

Taking as his starting point canon 204 §§1 and 2, J. investigates what is meant by “equality” and “inequality” in relation to the members of the Church, approaching the question from a philosophical and canonical standpoint. He examines the relationship between the ordained members’ participation in the threefold power of Christ, and that of the lay faithful; the fundamental equality of all the faithful arising out of baptism; and the “inequality” resulting from sacred orders and the fact that the Church is, by Christ’s will, a hierarchical

organization. He also looks in this context at the relationship of the Church to other Christian communities.

**208-231**

**IC 56 (2016), 799-815: Maria D'Arienzo: Responsabilidad jurídica (principio de).** (Dictionary entry)

This is an addition to the *Diccionario General de Derecho Canónico* published by the University of Navarre in 2012. D'A. looks at the concept of responsibility as a juridical category; the etymological and semantic roots of the concept of juridical responsibility; juridical responsibility and communion; juridical responsibility and participation; and juridical responsibility and compensation for damage.

**215**

**AkK 184 (2015), 389-416: Heribert Hallermann: Der Anteil der Verbände an der Sendung der Kirche.** (Article)

50 years after the conclusion of the Second Vatican Council it is evident that central teachings of the Council, for example the doctrine of the common priesthood of all the faithful, have not yet been adopted everywhere. Thus all the faithful, as individuals and also joining together in associations, have by virtue of baptism an active part to play in carrying out the mission of the Church. The Federation of German Catholic Youth has reflected on its own place and role in the Church, but its views contrast with those of the German Bishops' Conference, which H. claims largely ignores the autonomy of associations.

**215**

**Per 105 (2016), 198-209: Fausto Sangianni: Comunità di famiglie: nuovo orizzonte dell'associazionismo nella chiesa.** (Article)

See below, canon 605.

**220**

**IE XXVIII (2016), 345-366: Antonio Viana: La comprobación de la idoneidad para el oficio eclesiástico y el orden sagrado.** (Article)

See above, canon 149.



**221**

**Per 105 (2016), 107-134: Davide Salvatori: Le eccezioni dilatorie e il confine tra uso e abuso del diritto di difesa? Alcune note all'interno del processo di nullità matrimoniale.** (Article)

See below, canon 1491.

**239**

**AnC 12 (2016), 9-26: Jerry Adamczyk: Urząd kierownika duchowego w wyższym seminarium duchownym (*The post of spiritual director in the major seminary*).** (Article)

<http://dx.doi.org/10.15633/acan.1817>

A. discusses the post of the spiritual director of the major seminary from a canonical perspective, outlining the requirements for the post and the qualifications and religious formation of the spiritual director. He then analyses the spiritual director's duties.

**252**

**QDE 29 (2016) 304-321: Andrea Migliavacca: Formazione dei presbiteri e insegnamento dell'ecumenismo.** (Article)

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

**298**

**FThC IV (2016) Suppl., 211-244: Kinga Vadász: Preguntas y desafíos canónicos en relación con los movimientos eclesiales y nuevas comunidades.** (Article)

V. examines the so-called ecclesial movements and new communities as new associative forms arising after Vatican II. The universality of such ecclesial realities, both in terms of their geographical extension and in the sense that they contain all kinds of faithful, represents a great wealth both for themselves and for the Church, but at the same time gives rise to a number of questions, not to say difficulties, in the fields of theology and canon law. V. looks at the canonical status of the ecclesial movements and new communities, their insertion into the particular and local Churches, and the possibility of assuming the evangelical counsels and of incardination in a movement or new community.

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

**332**

**AA XXII (2016), 147-168: Hugo Héctor Cappello: La renuncia del Romano Pontífice a su oficio.** (Article)

C. analyses some of the reasons for the resignation of a Roman Pontiff. He explains the principal characteristics of the canonical institution of resignation from office and its historical origins and development, and looks at the current legislation and the resignation of Pope Benedict XVI.

**342-348**

**AC 56 (2014-2015), 215-228: Cédric Burgun: Les synodes sur la famille: quelques réflexions sur la méthode synodale.** (Article)

Between its 2014 Extraordinary Assembly and its 2015 Ordinary Assembly, the Synod of Bishops reviewed its working methods; and the *Ordo synodi* is still undergoing reform. One task however remains unchanged: that of assisting the Holy Father in his governing of the Church, as a body which does not share in the supreme authority but rather cooperates with the supreme authority who is the Pope.

**342-348**

**Ap LXXXVIII (2015), 617-629: Maurizio Gronchi: Evoluzione del Sinodo del Vescovi.** (Article)

Fifty years after its establishment, the Synod of Bishops now has the opportunity to evaluate itself and to consider the future, concerning which there are conflicting views. The main issues are whether the conciliar doctrine of collegiality is able to express itself through the instrumentality of the Synod, and whether the conclusions shared by the Synod really have an impact on Church practice. The question of collective responsibility in relation to collegiality seems to have taken on a new perspective, thanks to the practical way in which Pope Francis addresses particular Churches. The involvement of the People of God in the local Churches in responding to the two “Questionnaires” attached to the *Lineamenta* of the two Assemblies on the family reveals how the supernatural sense of faith of the *unjversitas fidelium* is closely linked to the exercise of episcopal collegiality, and thus to the Magisterium of the Church.

**342-348**

**Ap LXXXVIII (2015), 631-658: Émile Kouveglo: Il Sinodo del Vescovi nella vita e nel Diritto della Chiesa. Tra “collegialità episcopale” e “sinodalità”.** (Article)

K. looks at the principle of episcopal collegiality as the theological basis of the Synod of Bishops, arguing that a deeper study is required of the concept of representativeness in order to recover true “synodality”.

**360**

**Comm 48 (2016), 10-11: Litterae Summi Pontificis, quibus nonnullae “structurae” Curiae Romanae reformantur ad Cardinalem Secretarium Status missae.** (Document)

This short letter (in Italian) seeks to remove a sense that the ongoing reform of the Curia means there are no laws in place, and upholds existing provisions and regulations.

**360**

**Comm 48 (2016), 12-21: Chirographum Papae Franciscae, quo Opus Fundatum “Gravissimum educationis” occasione celebrationis quinquagesimi anniversarii Declarationis Gravissimum educationis in personam iuridicam publicam canonicam necnon civilem ad normam cann. 116 §1, 117, 1303 §1, 1° erigitur.** (Document)

To mark the 50th anniversary of the Declaration *Gravissimum educationis* Pope Francis establishes and gives public juridical personality to a new Institute to promote Catholic education from a scientific and cultural point of view. The statutes spell out its remit and organization.

**360**

**Comm 48 (2016), 37-41: Statutum novi Dicasterii pro Laicis, Familia et Vita.** (Document)

The statutes of the new Dicastery for the Laity, the Family and Life are set out, in three separate sections, and approved experimentally with effect from 1 September 2016. From that date the Pontifical Councils for Laity and for the Family are suppressed, and with them articles 131-134 and 139-141 of *Pastor Bonus* are abrogated.

**360**

**Comm 48 (2016), 57: Secretaria Status: Rescriptum “ex audientia Ss.mi” quo Artt. 9, 11-16 et 21 Statuti Officii Laboris Sedis Apostolicae mutantur (die 14 mensis iunii 2016).** (Document)

This rescript introduces a conciliation procedure into the Statute of the Office of Labour of the Holy See.

**360**

**Comm 48 (2016), 100-121: Archivum Secretum Vaticanum: Statutum Archivi Secreti Vaticani.** (Document)

The statutes set out the remit and organizational structure of the Vatican Secret Archive.

**360**

**Comm 48 (2016), 309-312: Litterae Apostolicae *I beni temporali, de nonnullis quaestionibus oeconomicis financiariis respicientibus, a Summo Pontifice die 4 mensis iulii 2016 motu proprio datae.*** (Document)

In the light of experience some changes are deemed necessary in the provisions of the motu proprio *Fidelis dispensator et prudens* of 24 February 2014 in order to ensure a clear and unequivocal separation between the general running of the Patrimony of the Apostolic See and the role of control and vigilance. The different responsibilities of the Vigilance and Administrative sections of the Secretariat for the Economy and of the Administration of the Patrimony of the Apostolic See are spelt out in detail.

**360**

**Comm 48 (2016), 315-316: Chirographum Papae Francisci quo Exc.mum Vincentium Paglia Cancellarium Pontificii Instituti Ioannis Pauli II studiis de Matrimonio et Familia provehendis necnon Praesidem Pontificiae Academiae pro Vita renuntiat.** (Document)

Having decided to reform the Institutes of the Holy See in the area of Marriage, Family and Life, Pope Francis appoints the President of the Pontifical Council for the Family as Grand Chancellor of the Pontifical Institute of John Paul II (derogating from article 6 of its statutes) and also as President of the Pontifical Academy of Life, so as to help them integrate with the new structure.

**360**

**Comm 48 (2016), 317-319: Litterae Apostolicae Motu proprio datae *Humanam progressionem* quibus Papa Franciscus Dicasterium ad Integram Humanam Progressionem fovendam die 17 mensis augusti constituit (lingua latina una cum versione italica).** (Document)

Pope Francis creates a new Dicastery for Integral Human Progress incorporating the Pontifical Councils for Justice and Peace, *Cor Unum*, the Spiritual Care of Migrants and Travellers and of Health Workers. It will have additional responsibilities for other underprivileged groups such as prisoners and victims of war or natural disasters. This takes effect on 1 January 2017.

**360**

**Comm 48 (2016), 320-321: Litterae Apostolicae *Sedula Mater* Motu proprio datae, quibus Papa Franciscus Dicasterium pro Laicis, Familia et Vita die 4 mensis iunii constituit (lingua latina una cum versione italica).** (Document)

Pope Francis establishes a new Dicastery for the Laity, Family and Life replacing as of 1 September 2016 the Pontifical Councils for the Laity and for the Family.

**360**

**Comm 48 (2016), 322-325: Statutum Dicasterii ad Integram Progressionem Humanam fovendam die 17 mensis augusti 2016 *ad experimentum* a Papa Francisco adprobatum.** (Document)

This is the text of the statutes for the new Dicastery for Integral Human Progress in five articles setting out its name, structure, remit, relationship with the Curia and with other bodies (e.g. international associations).

**360**

**Comm 48 (2016), 336-343: Statutum Secretariae Communicationis die 6 mensis septembris 2016 *ad experimentum* trium annorum a Papa Francisco adprobatum.** (Document)

This is the text of the statutes for the new Secretariat for Communication, setting out its nature, structure, direction and personnel with some transitional norms for existing bodies such as the Pontifical Council for Communications, Vatican Press, etc.

**360**

**Comm 48 (2016), 344-351: Statutum Pontificiae Academiae pro Vita die 18 mensis octobris 2016 ad quinquennium a Papa Francisco adprobatum.** (Document)

The statute sets out the remit for the Pontifical Academy for Life, its structure, scientific work and financial resources.

**360**

**Comm 48 (2016), 388-403: Secretaria Status: Rescriptum “ex audientia SS.mi” quo provisio quoad Providentias erga Familias in unum textum colligens, approbatur.** (Document)

This rescript draws together a number of previous documents and makes provision for family support to employees of the Roman Curia, Vatican City State and other bodies directed by the Holy See in areas such as maternity, disability and educational expenses.

**360**

**IC 56 (2016), 783-795: Sumo Pontífice Francisco: Carta Apostólica en forma de Motu Proprio *Los bienes temporales*, sobre algunas competencias en materia económica y financiera (4 de julio de 2016); Diego Zalbidea: Delimitación de competencias de la Secretaría de asuntos económicos en relación con la Administración del Patrimonio de la Sede Apostólica.** (Document and comment)

On 4 July 2016 Pope Francis issued the motu proprio *I beni temporali* regarding certain competences in economic-financial matters, clarifying the functions which correspond to two entities whose competences could overlap: the Secretariat for the Economy (created along with two other offices by the motu proprio *Fidelis dispensator et prudens* of 24 February 2014) and the Administration of the Patrimony of the Apostolic See (*Apsa*). In his comment on the motu proprio Z. sees these latest regulations as constituting another step towards the goal of transparency in the financial dealings of the Holy See and towards compliance with international standards. (See *Canon Law Abstracts*, nos. 115, pp. 63-65; 116, pp. 46-47.)

**360**

**IE XXVIII (2016), 697-715: Papa Francesco: Statuto del Dicastero per i Laici, la Famiglia e la Vita (4 giugno 2016) e Lettera Apostolica in forma di**

**Motu Proprio con cui si istituisce il Dicastero per i Laici, la Famiglia e la Vita (15 agosto 2016) (con commento di M. Delgado).** (Documents and comment)

The Italian text of the statutes of the Dicastery for Laity, the Family and Life, and that of the Apostolic Letter *Sedula Mater* by which the new Dicastery is instituted, are accompanied by a comment from the delegate of the Prefect of the Dicastery.

**360**

**SC 50 (2016), 291-322: Kurt Martens: La réforme de la Curie romaine au service de la nouvelle évangélisation.** (Article)

Since the beginning of the pontificate of Saint John Paul II, emphasis has been placed on the new evangelization. This new evangelization was defined, not as a re-evangelization, but as a new evangelization. John Paul's two successors, Benedict XVI and Francis, have continued to emphasize this new evangelization. How can the reform of the Roman Curia, proposed by Pope Francis and desired by many, be at the service of this new evangelization? M. suggests that what is needed is not so much new structures, or a reshuffling of the existing structures, but above all a *novus habitus mentis*, with emphasis on professionalism and service to the Roman Pontiff and the particular Churches. To put it in the words of Pope Francis: "What we especially need in these times are credible witnesses who make the Gospel visible by their lives as well as by their words." Such is also true for the Roman Curia. (See also *Canon Law Abstracts*, no. 115, p. 67.)

**360**

**Vid 77 8/13, 583-596: F. Wilfred: The Reform of the Roman Curia.** (Article)

W. considers the motives for the current intention of Pope Francis to reform the workings of the Roman Curia. He reviews briefly the history of the Roman Curia and previous efforts at reform, and then sketches out the principles which he considers should underlie this reform. The curia must give expression to the relationship of communion between the particular Churches, in the context of collegiality; membership of the Curia must reflect the diversity and plurality of the universal Church; this should involve a far greater proportion of lay persons than hitherto. The reformed Curia must be sensitive to modern forms of communication. W. draws conclusions from these principles, particularly in regard to appointments to the episcopate.

**372**

**AA XXII (2016), 45-71: Matías Ezequiel Barutta: Coordinación y comunión entre jurisdicciones territoriales y personales.** (Article)

B. examines the development of territorial and personal jurisdictions and their cumulative relationship. This relationship facilitates an effective pastoral assistance to the faithful and seeks to harmonize both jurisdictions in accordance with the proper nature of each. His analysis is mainly based on the experience of military Ordinariates, the Ordinariate of Our Lady of Walsingham (for Anglicans entering the Catholic Church) and the Apostolic Administration of Campos (Brazil).

**372**

**IC 56 (2016), 769-781: Congregatio pro Ecclesiis Orientalibus: Decretum. Ordinariatus pro christifidelibus orientalibus in Hispania degentibus instituitur (9 Iunii 2016); Astrid Kaptijn: Ordinariato Apostólico para la atención de los orientales en España.** (Document and comment)

On 9 June 2016 the Holy See's Press Office made public a decree from the Congregation for Oriental Churches appointing the Archbishop of Madrid as the Ordinary for Eastern Catholics in Spain, effective as from 9 September 2016. Commenting on the decree, K. looks at the reasons behind this development, the legal basis for Ordinariates for Eastern Catholics, the question of which law (Latin or Eastern) applies, the faculties and obligations of the Ordinary, the responsibilities of the Latin parish priest towards Eastern Catholics lacking their own parish priest, the (not yet defined) statutes of the Ordinariate, and the faculties of the Ordinary in relation to married clergy. See also the following entry.

**372**

**EE 91 (2016), 889-912: Miguel Campo Ibáñez: Nobilis hispaniae natio. Ordinariato para los fieles de ritos orientales residentes en España. Presentación y comentario.** (Article)

See preceding entry. In relation to the establishment of an Ordinariate for Eastern-rite faithful resident in Spain, C.I. examines several issues connected with the life of Eastern faithful in traditionally Latin territories and with the institution of the Ordinariate itself. He looks at the situation of migrants within the Church, and more specifically that of Eastern-rite Catholics displaced from the territory of their Church *sui iuris*. He pays special attention to the nature of Ordinariates within the Church's law, asking whether or not these ecclesiastical circumscriptions constitute a particular Church. He then looks in detail at the



decree of erection of the Ordinariate, and highlights certain challenges for the future.

### 383

**IC 56 (2016), 769-781: *Congregatio pro Ecclesiis Orientalibus: Decretum. Ordinarius pro christifidelibus orientalibus in Hispania degentibus instituitur (9 Iunii 2016); Astrid Kaptijn: Ordinariato Apostólico para la atención de los orientales en España.*** (Document and comment)

See above, canon 372.

### 400

**KIP 5 (18) 2016, nr. 2, 67-77: *Patrycja Kukulska: Cel wizyty ad limina Apostolorum (Purpose of the visit “ad limina Apostolorum”).*** (Article)

<http://dx.doi.org/10.18290/kip.2016.5.2-4>

The *ad limina* visit is an obligation on diocesan bishops (and those equivalent to them in law) to visit, at stated times, the “threshold of the Apostles”, and to present themselves to the Pope so as to give an account of the state of their particular Churches (or equivalent). K. describes the different stages of the visit: 1. venerating the tombs of the Blessed Apostles Peter and Paul; 2. meeting with the Roman Pontiff; and 3. visiting the Roman dicasteries. The essential purpose of the visit is to strengthen collegiality and unity in the Church.

### 401

**KIP 5 (18) 2016, nr. 2, 79-89: *Andrzej Kukulski: Przyczyny rezygnacji z urzędu biskupa diecezjalnego (Reasons for resignation from the office of diocesan bishop).*** (Article)

<http://dx.doi.org/10.18290/kip.2016.5.2-5>

An ecclesiastical office is any function constituted in a stable manner by divine or ecclesiastical law to be exercised for a spiritual purpose. According to canon 184 §1 ecclesiastical office is lost by the expiry of a predetermined time, by reaching the age determined by the law, by resignation, by transfer, by removal or by privation. Any person of sound mind can resign from an ecclesiastical office for a just cause. A diocesan bishop who has completed his 75th year of age is requested to present his resignation to the Supreme Pontiff. A diocesan bishop is earnestly requested to present his resignation from office when he has

become less able to fulfil his office on account of ill health or another serious reason (canon 401).

#### **460-572**

**Comm 48 (2016), 463-466: Ex Actis Episcoporum: Decretum de muneribus ac facultatibus dioecesani recognitoris ab Episcopo Albanensi latum.** (Document)

The financial and administrative side of a diocese is increasingly complex and often has civil implications. The Bishop of Albano by this decree establishes the post of a “diocesan reviewer”. The person could be a priest, a religious or a lay person, and would have the responsibility of reviewing the diocesan structures, curia, parishes and other entities under the authority of the diocesan bishop. The decree sets out the role in some detail and also the limitations of authority.

#### **475-481**

**FCan XI/1 (2016), 55-86: Sebastião Ferreira: O ofício de Vigário Geral.** (Conference presentation)

F. sets out the features of the office of vicar general within the context of the overall legislation of the Church. He analyses the power of governance in the Church, ecclesiastical offices, juridical acts, and the historical antecedents for the office of vicar general: the deacon and the archdeacon.

#### **482**

**SC 50 (2016), 277-289: Thomas John Paprocki: The Chancellor as Minister of Administrative Justice.** (Article)

The Code’s understanding of *notarius* is similar to the Italian usage of *notaio* as a person trained and authorized to draft legal instruments. Since the Code of Canon Law is based on a more European concept of a code of civil law, the concept of notaries in the Code does not follow the common law tradition, where a notary merely authenticates documents. Instead it follows the civil law tradition, where notaries often prepare legal documents as well. As secretary of the curia, therefore, the notary’s functions of preparing and publishing curial documents are especially entrusted to the chancellor. The implication for the North American ecclesial context is that the diocesan chancellor, as a “notary,” should be trained in canon law or civil law, but preferably both. As chief canonical adviser for the executive branch of governance, the chancellor should have a special solicitude for the ministry of administrative justice.

**485**

**Ap LXXXVIII (2015), 405-438: *Supremum Signaturae Apostolicae Tribunal: Decreta*; Cristian Begus: *Adnotationes in Decreta*.** (Documents and comment)

See below, canon 1445.

**494**

**FCan XI/1 (2016), 107-123: Jorge Antonio Di Nicco: *El canon 494 §1 del Código de Derecho Canónico: análisis y particularidades*.** (Article)

Di N. analyses canon 494 §1 of the CIC/83 which deals with the appointment of the diocesan financial administrator. He examines the background to the wording of canon 494 §1, and looks at the obligatory nature of the office, the need for prior consultation of the college of consultors and the finance committee for the validity of the appointment, and the qualities required of the financial administrator. He then looks at some particular features of the office.

**512**

**IC 56 (2016), 515-553: Antonio Viana: *¿Son idóneos para el oficio eclesialístico los divorciados que contraen nuevo matrimonio civil?*** (Article)

The Apostolic Exhortation *Amoris Laetitia* and the 2014 and 2015 Synods have addressed the situation of Catholics who enter into a civil marriage following divorce. Greater involvement of such faithful in the life of the Church has been proposed, which raises the issue of whether they may serve in Church offices and ministries, e.g. by participating in pastoral councils, teaching religion in Catholic schools, or leading catechesis in parishes. V. analyses the concept of canonical suitability in the light of the teachings of the Church's Magisterium and of general canonical provisions. He suggests that different criteria be applied to clear situations than to those that are less clear-cut.

**515**

**FCan XI/1 (2016), 37-53: Manuel de Pinho Ferreira: *Uma releitura das Fontes do Vaticano II sobre a paróquia e o pároco*.** (Conference presentation)

F. recalls two theories concerning the parish, which were prevalent at the time of Vatican II: the theological theory, which regarded the parish as a cell of the universal Church, and the canonical theory, which saw the parish as a simple administrative unit of the diocese. On a rereading of the conciliar teaching, F. considers that the parish has the capacity to represent the Church *hic et nunc*;

while the functions of the parish priest tend to have as their object the promoting and safeguarding of the rights and duties of the faithful, under the authority of the bishop. F. concludes that the parish is to be acknowledged in some way as a local Church, which makes the People of God of the New Covenant more perceptible to human experience.

**518**

**AC 56 (2014-2015), 319-340: Philippe Greiner: Repères canoniques relatifs à la paroisse. Rapport à la territorialité dans un contexte français en évolution.** (Article)

G. studies how the relationship of the parish to territoriality has evolved over the centuries, before commenting on two recent experiments, in the dioceses of Poitiers and Rennes respectively, in response to ecclesial and societal developments.

**527**

**IusM X/2016, 13-38: Antoine M. Ndiaye: Enjeux juridiques et pastoraux de la prise de possession.** (Article)

N. begins with a historical study on the formal taking possession of office, and then examines various aspects of its application in order to highlight the factors that allow a correct and peaceful change of office of parish priest, especially in mission territories. He aims to stimulate reflections on this topic, and at the same time presents some proposals for the better application of canon 527 aimed at bringing about a greater involvement of all the protagonists (bishops, priests and faithful) in this intense ecclesial event.

**535**

**Comm 48 (2016), 326-325: Litterae Apostolicae De concordia inter Codices;** also **Comm 48 (2016), 448-452: I. Arrieta: Articulus explanans litteras apostolicas De concordia inter Codices;** also **SC 50 (2016), 323-345: Jobe Abbass: De concordia inter Codices: A Commentary;** also **EE 91 (2016), 861-876: Miguel Campo Ibáñez: De concordia inter codices. Primer comentario;** also **CLSN 188/16, 4-11: Apostolic Letter motu proprio De concordia inter Codices; reports of the Holy See Press Office concerning De concordia inter Codices.** (Document and commentaries)

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

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

**573**

**AC 56 (2014-2015), 293-308: Cédric Burgun: Appartenir à un institut: quelques considérations canoniques.** (Article)

B. studies the essential elements of a “sacred bond” (cf. canon 573 §2), describing the stable character of the commitment, which is inherent to all forms of consecrated life.

**573**

**EE 91 (2016), 661-675: Piotr Rossa: El testimonio cristiano del monacato.** (Article)

Among the various forms of Christian witness, monasticism holds pride of place. It is currently understood as a type of consecrated life, and consists essentially of putting on the “new man” after the example of Jesus Christ. This is achieved through evangelical simplicity, by practising the evangelical counsels and living out the Beatitudes. The presence of Christians who exemplify this act of witness in their life, in its eremitical and coenobitic forms, has been a radical eschatological sign to the world down through the centuries.

**573**

**SC 50 (2016), 359-382: Nancy Bauer: Profession by *Votum* or by *Vinculum*: Is One Bond Better than Another?** (Article)

Profession of the evangelical counsels of poverty, chastity, and obedience is constitutive of the state of consecrated life, and profession of the counsels takes a number of different forms. According to canon 573 §2, members of institutes of consecrated life profess the counsels *per vota aut alia sacra ligamina* – “by vows or other sacred bonds.” In particular, members of religious institutes undertake the counsels *per vota*, that is, by public vows, while members of secular institutes assume them by other sacred bonds referred to as *sacra vincula*. In addition to members of institutes of consecrated life, canonical hermits profess the evangelical counsels and, according to canon 603 §2, they do so “by vow or other sacred bond.” Finally, although not a form of consecrated life in the strict sense of the term, members of some societies of apostolic life assume the counsels by “some bond defined in the constitutions”. B. briefly traces the origin of the phrase *per vota aut alia sacra ligamina* and

then looks at the meaning of three relevant Latin terms – *votum*, *ligamen* and *vinculum* – as they relate to consecrated life. Finally, she examines the specific canonical forms and effects of profession of the evangelical counsels within religious institutes, secular institutes, eremitical life, and societies of apostolic life.

## **579**

**Comm 48 (2016), 56: Secretaria Status: Rescriptum “ex audientia S.mi” spectans ad Instituta dioecesana erigenda, de quibus in can. 579 CIC.** (Document)

Although arising in the context of a particular Church, a new institute of the consecrated life is a fact of relevance to the whole Church, and so it is important that diocesan approval is not given without sufficient discernment of the originality of the charism and the possibility of development. This rescript requires prior consultation with the Holy See as a condition for the valid erection of a diocesan Institute of consecrated life, entering into effect on 1 June 2016 after promulgation in *L’Osservatore Romano*.

## **579**

**Comm 48 (2016), 128-131: J. Rodriguez Carballo: Articulus explanans rescriptum quoad erectionum institutorum Dioecesanorum iuxta can. 579 CIC, ab Exc.mo D. Iosepho Rodriguez Carballo conscriptus.** (Article)

Over the past fifty years the Congregation for the Consecrated Life and Societies of Apostolic Life has noted that a number of institutes have been established with insufficient caution. Pius X had required written permission before an institute could be erected but this was weakened by can. 492 §1 of the CIC/17. Canon 579 maintained the same law but it was not clear whether the obligation on the part of the bishop was for validity. The Congregation’s experience has been that a number of new institutes have been erected without a clearly original charism, specificity or likelihood of growth. This has led to crisis interventions by the Congregation and in some cases to the painful experience of suppression. This was why the Congregation advised the Holy Father to make prior consultation a requirement for validity.

**579**

**SC 50 (2016), 347-358: Gisèle Acotchou: Notes sur la dérogation du c. 579. Rescrit *ex audientia* (11 mai 2016).** (Article)

Canon 579 says that diocesan bishops can erect institutes of consecrated life by a formal decree, provided that the Apostolic See has been consulted. As of 1 June 2016, this consultation is required for the validity of the decree of erection. This derogation from canon 579 was made by Pope Francis in an audience with the Secretary of State and promulgated in a rescript *ex audientia Sanctissimi* on 11 May 2016 (French and English versions are given at the end of the article). After noting the reason for the derogation, A. offers information pertinent to the stages, criteria, and required documents for the erection of an institute of consecrated life of diocesan right.

**579**

**IE XXVIII (2016), 407-415: Papa Francesco: Rescritto in merito al can. 579 del Codice di Diritto canonico sulla erezione di Istituti diocesani (*L'Osservatore Romano*, 21 maggio 2016, p. 8) (con commento di Fernando Puig, *Alla prova del governo tra universale e particolare, la erezione di istituti di vita consacrata diocesani*).** (Document and comment)

See preceding entries. The Italian version of the rescript is followed by a comment from P., who explains that the novelty, in the form of an authentic interpretation given by the Legislator, consists in its making clear that the requirement of consulting the Holy See before erecting a diocesan institute has invalidating force if such consultation is omitted.

**587**

**EE 91 (2016), 877-887: Raquel Pérez Sanjuán: Acerca de la colegialidad en el gobierno de los Institutos de Vida Consagrada.** (Article)

Collegiality is one of the concepts often mentioned when trying to promote a greater participation of members in the governance of institutes of consecrated life. Sometimes understood as co-responsibility, collegiality has clear limits established by the universal legislator, while leaving open a wide range of possibilities within the framework of proper law.

**587**

**SC 50 (2016), 503-517: Przemysław Michowicz: Révision des constitutions: méthodologie et travaux pratiques. (Article)**

M. highlights issues concerning the project of the revision of the constitutions of institutes of consecrated life. The socio-cultural changes of our time require the adaptation of constitutional texts so that consecrated members can respond better to the vocation received according to the established charism. Although the linear methodology of work is the personal choice of each institute, it seems necessary or even compulsory to predetermine a concrete epistemology – responding in the most appropriate way possible to real needs – thereby allowing the institute to proceed effectively in its revising effort. Given the difficulties that arise from the ordinary affairs of ecclesiastical governance, M. proposes new norms understood as elements to be considered for possible future legislation.

**602**

**Per 105 (2016), 185-197: Nilson Leal de Sá: La vie fraternelle: étude théologique et juridique du canon 602. (Article)**

This is a brief presentation of a doctoral thesis defended at the Pontifical Gregorian University in Rome. L. offers a theological and juridical study of canon 602 concerning the nature of fraternal life in the context of a life consecrated to God through profession of the evangelical counsels.

**605**

**FThC IV (2016) Suppl., 211-244: Kinga Vadász: Preguntas y desafíos canónicos en relación con los movimientos eclesiales y nuevas comunidades. (Article)**

See above, canon 298.

**605**

**Per 105 (2016), 198-209: Fausto Sangianni: Comunità di famiglie: nuovo orizzonte dell'associazionismo nella chiesa. (Article)**

S. presents the outline of his doctoral thesis defended at the Pontifical Gregorian University. The focus of his study is the phenomenon of new forms of consecrated life seeking to include the involvement of married couples. He examines this through the lens of the right of the faithful to form associations,



the theology and law of the laity, the theology and law of the sacrament of marriage, and the demands of living a Gospel life.

### **641-653**

**AkK 184 (2015), 417-453: Johann Hirnsperger: Postulat und Noviziat in der Franziskanerprovinz Austria vom Hl. Leopold. Ein Blick in die Partikularstatuten.** (Article)

Taking as his starting point the relevant canons of the CIC/83 concerning the general law for religious orders, H. examines the particular statutes of the Austrian Franciscan Province of St Leopold. He looks at the juridical structures and at the canonical aspects of postulancy and the novitiate.

### **662-672**

**Comm 48 (2016), 281-308: Constitutio Apostolica *Vultum Dei quaerere de vita contemplativa mulierum* a Summo Pontifice Francisco die 29 mensis iunii 2016 data.** (Document)

The purpose of this document is to revisit the nature of mutual support and of the enclosure for female contemplative religious. The first part reflects on the nature of the monastic life and the role of guidance provided by the Church, making mention not only of *Vita Consecrata* but a number of subsequent Instructions. After analysing the essential elements of contemplative life the document identifies a number of areas calling for discernment and revised norms. The document concludes with 14 dispositive norms. These replace those contained in the CIC where they may be contrary and also the provisions of *Sponsa Christi* (1950), the Instruction *Inter praeclara* and *Verbi Sponsa* of 13 May 1999. Particular attention is given to the kind of support that might be offered to smaller communities by forms of affiliation or federation.

### **667**

**CLSN 188/16, 27-30: Rachel Harrington: Comment on Apostolic Constitution *Vultum Dei Quaerere*.** (Comment)

H. comments on the Apostolic Constitution *Vultum Dei Quaerere* on the life of contemplative nuns, signed by Pope Francis on 29 June 2016. The document follows an international survey of contemplative nuns which examined in particular three aspects of the lives of nuns: formation, autonomy and federation. However it addresses a wide range of subjects relevant to contemplative life.

**667**

**REDC 73 (2016), 601-634: El Santo Padre Francisco: Constitución Apostólica *Vultum Dei Quaerere* sobre la vida contemplativa femenina.** (Document)

This Spanish translation of the Apostolic Constitution *Vultum Dei Quaerere* on women's contemplative life (see preceding entries), is followed by a commentary by Luis Aurelio García Matamoro.

**678**

**FCan XI/1 (2016), 7-36: Manuel Saturino Costa Gomes: *Mutuae Relationes* e as suas implicações hoje.** (Conference presentation)

The 1978 document *Mutuae Relationes* established a new dynamic in the Church between bishops and religious. Based on theological grounds, it called for greater communion between the parties, specifically taking the form of cooperation in activities, especially at diocesan and national level. Now it is expected that the document will be updated, as indeed has already been announced by the competent dicastery.

## BOOK III: THE TEACHING OFFICE OF THE CHURCH

### 747-833

**EE 91 (2016), 827-841: José-Miguel Espinosa Sarmiento: Potestad de magisterio: evolución y actualidad de este concepto. (Article)**

E.S. looks at the Church's Magisterium considered as power. He states that the notion of the power of Magisterium as an autonomous power stems from Ferdinand Walter in the 19th century. Authors differ in their opinions on the issue: some consider that the Magisterium has its own status, others that it is part of the power of order or of jurisdiction. The Church has not made any official statement on the matter. E.S. attributes the legal character of the Magisterium to its object: the Word of God. He considers that the Magisterium has the power to give an authoritative interpretation of divine Revelation as contained in Sacred Scripture and other texts for the instruction of the faithful and all people of good will. Such an interpretation may apply to new realities in favour of unity and communion in the Church. E.S. goes on to raise a number of issues which will require further study.

### 755

**QDE 29 (2016) 264-283: Matteo Visioli: Il dialogo ecumenico nella prospettiva giuridica canonica. (Article)**

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

### 774-780

**Vid 78 10/14, 740-754: E. Yohannan: Juridical Norms for Catechesis in the Codes of Canon Law and the Catechetical Directories. (Article)**

Y. considers the norms governing catechetical practice in the CIC/83, the CCEO, the 1971 General Catechetical Directory, the Rite of Christian Initiation of Adults, *Evangelii Nuntiandi*, *Catechesi Tradendae*, the Catechism of the Catholic Church, and the 1997 General Directory for Catechesis. He examines the stages of catechesis, its content, and the means to be employed, recognizing that the use of modern media will be a challenge for the Church. He notes that all are called to the work of catechesis, but the family is the first locus, and parents have the first duty, in this regard. Godparents, schoolteachers, pastors and others involved in parish work likewise all have a role, and in particular members of religious congregations engaged in pastoral work. He then considers the responsibility of bishops at the diocesan level, in particular in regard to

issuing norms for catechetical matters, ensuring the availability of appropriate means, and if necessary to ensure appropriate texts are prepared and published.

**779**

**Comm 48 (2016), 42-44: Allocutio Summi Pontificis ad eos qui, die 11 mensis iunii 2016, Conventui, personis, ex aliqua parte corporis impeditis, dicato, a Conferentia Episcopali Italiae promoti, interfuerunt, prolata.** (Address)

Pope Francis addresses a group of the disabled at a conference to mark the 25th anniversary of section of the National Catechetical Office of Italy for the catechizing of the disabled. He pays particular attention to sacramental preparation even when there are great psychic dysfunctions. Those who say that such people have no need of the sacraments have not really understood the nature of the sacramental life which is about experiencing the love of God.

**780**

**IC 56 (2016), 515-553: Antonio Viana: ¿Son idóneos para el oficio eclesíástico los divorciados que contraen nuevo matrimonio civil?** (Article)

See above, canon 512.

**781**

**IC 56 (2016), 799-815: Maria D'Arienzo: Responsabilidad jurídica (principio de).** (Dictionary entry)

See above, canons 208-231.

**787**

**IusM X/2016, 39-89: Luciano Meddi : La testimonianza della vita cristiana come metodologia missionaria (can. 787).** (Article)

Canon 787 is closely linked with canons 788-789, and appears to be more of a guiding principle than a norm regarding certain aspects of the missionary responsibility of the whole Church. The canon is attentive to the innovations of Vatican II (above all those in *Ad Gentes*) and takes into consideration the subsequent reflections of the Magisterium in *Evangelii Nuntandi* and *Ecclesiae Sanctae*. Faithfulness to the conciliar teaching does not impede participating in the successive missiological debate. It appears that the purpose of the canon is to put order into three particular areas: the importance of the missionary figure

within the common responsibility of all the baptized; the missionary importance of baptism and bearing witness to the love of God; and the need to keep the Gospel and Church tradition closely connected to each other. Moreover, canon 787 is rather vague on the question of religion and cultures. The text reveals an awareness that the Church is called upon to make the spiritual wealth of peoples her own and to assume this conciliar teaching as its essential methodology, but struggles to accept this innovation.

## **789**

**IusM X/2016, 203-213: Andrea D’Auria: Il concetto di neofita nell’ordinamento canonico.** (Article)

D’A. looks at the concept of neophyte in canon law and how it is understood in the theological-juridical tradition of the Church. He also deals with the formation and ecclesial accompaniment of the newly baptized after the period of their catechumenate. He studies the issue of irregularities and impediments to ordination, particularly that related to the condition of a neophyte.

## **804**

**IC 56 (2016), 515-553: Antonio Viana: ¿Son idóneos para el oficio eclesiástico los divorciados que contraen nuevo matrimonio civil?** (Article)

See above, canon 512.

## **804-805**

**IC 56 (2016), 695-728: María del Carmen Caparrós Soler: La falta de motivación de las decisiones episcopales de revocación de la idoneidad de los profesores de religión y su control jurisdiccional.** (Article)

In 2007 the Spanish Constitutional Court ruled that the freedom of religious confessions to decide on the suitability of religion teachers is subject to some control by the courts so as to protect the teacher’s fundamental rights. In this regard, it is of vital importance that the Church authority should have set out in writing its eligibility criteria for teachers, so that reasons can be provided for the dismissal of a teacher who no longer fulfils those criteria.

**815-821**

**EE 91 (2016), 715-758: Cristina Guzmán Pérez: El régimen vigente del reconocimiento civil de los estudios eclesiásticos en las universidades de la Iglesia.** (Article)

G.P. sets out the canonical regulations on university education from the CIC/17 to the present day, as well as the current rules concerning the recognition by the Spanish government of the studies undertaken at ecclesiastical universities.

**816**

**AnC 12 (2016), 65-77: Jan Dyduch: Fundamentalne zasady inspirujące aktualny Statut Uniwersytetu Papieskiego Jana Pawła II w Krakowie** (*The fundamental principles inspiring the current statutes of the Pontifical University of John Paul II in Krakow*). (Article)

<http://dx.doi.org/10.15633/acan.1820>

D. examines the 2015 statutes of the Pontifical University of John Paul II in Krakow, based on the Apostolic Constitution *Sapientia Christiana*, and the manner in which the university is dealt with by State law.

## BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

**838**

**Comm 48 (2016), 87-89: Congregatio de Cultu Divino et Disciplina Sacramentorum: Decretum quo Congregatio de Cultu Divino et Disciplina Sacramentorum Ritus de pedibus lavandis in Liturgia Missae in Coena Domini reformatur (una cum versione italica decreti).** (Document)

Pope Francis revises the Maundy Thursday rite of the washing of the feet so that women as well as men may be chosen.

**838**

**Comm 48 (2016), 125-127: A. Roche: Articulus explanans decretum in Missa in Coena Domini, ab Exc.mo D. Arturo Roche conscriptus.** (Article)

R. sets out a brief history of the washing of feet in the context of the papal liturgy from the 12th century. The *Caerimoniale* of 1600 required 13 poor people. The revision of Pius XII spoke of 12 and made the requirement of males explicit, thus making the imitative aspect more obvious. The 1970 Missal no longer specified 12 but retained the reference to males. The new change puts the emphasis on the example of charity. It is not a mandatory element in the Maundy Thursday liturgy but should be done in a way that is not artificial or automatic but represents the whole range of the People of God.

## BOOK IV, PART I, TITLE I: BAPTISM

**868**

**Comm 48 (2016), 326-325:** *Litterae Apostolicae De concordia inter Codices*; also **Comm 48 (2016), 448-452:** **I. Arrieta:** *Articulus explanans litteras apostolicas De concordia inter Codices*; also **SC 50 (2016), 323-345:** **Jobe Abbass:** *De concordia inter Codices: A Commentary*; also **EE 91 (2016), 861-876:** **Miguel Campo Ibáñez:** *De concordia inter codices. Primer comentario*; also **CLSN 188/16, 4-11:** *Apostolic Letter motu proprio De concordia inter Codices*; reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)

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

**872**

**AA XXII (2016) 343-350:** **Javier E. González Greñón:** *La congruencia entre fe y vida para ser padrino de bautismo y de confirmación*. (Article)

Among the conditions for a sponsor for baptism or confirmation is one requiring them to live a life “which befits the role to be undertaken”. It is important that parents of children or adults being baptized or confirmed are aware of and respect this criterion. The bishop and parish priest must avoid the extremes of severity or laxity in establishing norms and in putting them into effect. Although there can be conditions which exclude a person from being a sponsor, caution should be used when discerning pastorally difficult situations.

**874**

**AC 56 (2014-2015), 279-292:** **Éric Besson:** *Quelques éclaircissements sur le parrain et le témoin de baptême*. (Article)

B. studies the different ways envisaged by the CIC/83 of accompanying a baptized person, and comments on the difficulty of interpreting the word “witness” in canon 874 §2. He then deals with a response from the Pontifical Council for Legislative Texts dated 25 September 2014, clarifying the role of the sponsor and giving advice as to how to avoid practical errors and confusion in cases in which it is desired that a non-Catholic witness also be present.



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

915

**IC 56 (2016), 731-738: Carlos José Errázuriz M.: Matrimonio y justicia objetiva en la comunión eclesial: un aspecto del discernimiento pastoral propiciado por *Amoris laetitia*.** (Article)

Commenting on the Pope's Apostolic Exhortation *Amoris Laetitia* (AL), E. stresses the importance of the objective aspect of justice in so-called irregular situations (cf. AL 296-300). Ecclesial communion embraces and requires harmony between married life and Eucharistic life – a harmony which possesses an undeniable aspect of intraecclesial justice, implying respect for the rights of the other spouse, the children of that union, and the whole Church. The specific question of the admission to the sacraments of divorced and civilly-remarried Catholics – and more generally of those faithful who are in non-matrimonial affective-sexual relationships – becomes clearer if one bears in mind that their situation is contrary to what justice requires as an essential aspect of their ecclesial communion. As long as this voluntarily chosen objective injustice remains, it constitutes an obstacle to ecclesial communion in its external aspect. The problem is not solved by regarding rights in a purely individualistic way while losing sight of what is just, or by simply imposing prohibitions “as if they were stones to throw at people's lives” (AL 305). The true solution demands a change of focus, as proposed by Pope Francis, based on mercy and an awareness of what intraecclesial justice requires. A member of the faithful whose marriage bond has been recognized by the Church cannot, when approaching the sacraments, expect the Church to ignore that bond, which would mean the Church contradicting herself. AL is an invitation to delve more deeply into these considerations and appreciate their positive aspects. As the Pope himself says: “That is how Jesus treated the Samaritan woman (cf. *Jn* 4:1-26): he addressed her desire for true love, in order to free her from the darkness in her life and to bring her to the full joy of the Gospel” (AL 294).

915

**IE XXVIII (2016), 579-587: Carlos José Errázuriz M.: La rilevanza pastorale della giustizia oggettiva nella situazione dei fedeli che vivono relazioni affettivo-sessuali non matrimoniali.** (Article)

See preceding entry. In discerning the ecclesial situation of those faithful who are divorced and civilly remarried, or who live in other non-marital affective-sexual relationships, it has always been important to consider the objective dimension of their relationship. This dimension essentially involves a relational

aspect of justice in the Church. It therefore follows that the criteria that govern the administration of the sacraments to such faithful should also be based on objective justice. Thus it is necessary to demonstrate the profoundly positive pastoral value of this way in which the Church acts, and to discover how it harmonizes with the true mercy referred to in *Amoris Laetitia*.

## **915**

### **Vid 79 7/15, 494-522: V. Tirimanna: Reception of the Eucharist by Divorced and Remarried Catholics. (Article)**

T. starts by examining the teaching in regard to this issue contained in *Familiaris Consortio* (FC), no. 84, the Catechism of the Catholic Church, no. 1650, and *Sacramentum Caritatis*, no. 29. He notes that the Catechism fails to adopt the nuances of FC. He refers to a certain diversity in practice in the early Church, and then critically examines some proposed pastoral solutions. In particular he draws attention to the theological difficulties with the “spiritual communion” idea. He reviews the particular difficulties faced by those who were in conscience certain of the invalidity of their previous union, but could not prove it in the external forum. He considers the importance of faith in regard to the sacrament of marriage, and the possible effect of an absence of faith on sacramental validity. More recent solutions proposed include the possibility of non-judicial procedures, such as entrusting decisions in particular cases to the diocesan penitentiary, or reforming the canonical processes, even to the extent of instituting a diocesan administrative process. He refers also to the law of gradualness, and to the Eastern concept of *oikonomia*, as possible ways forward, before commenting on the importance of *epikeia*. He finally considers the category of the unjustly abandoned (FC, no. 84) and wonders about its possible canonical implications.

## **915-916**

### **Ius VI 2/15, 221-242: M. Orzolek: Orthodox *Oekonomia* and Civilly Remarried Catholics: An Opportunity for Doctrinal and Canonical Development? (Article)**

See above, CCEO canons 711-712.

**920**

**Jan Dohnalik: Il precetto pasquale. La normativa sulla Comunione e la confessione annuale (cann. 920 e 989) alla luce della tradizione canonica.**  
(Book)

This book deals with the question of Easter duties, that is, the obligation to receive Holy Communion and confess one's grave sins at least once a year. Although formulated distinctly from one another in the Code, the two sacramental duties share a common history as well as customs and practice on the part of the Christian people. Since canonical tradition is presented by the CIC/83 as an important hermeneutical rule, it is essential to examine the historical background to the current norms. Thus D. studies their biblical and patristic roots, as well as the decisions of Lateran IV and Trent. He identifies not only their historical and passing elements but also the core content of the norms: the unity of the precept setting out the two sacramental duties, the meaning and internal structure of the duties, and the tension and interdependence between the juridical and pastoral aspects of the dual obligation. The paschal precept sets out the juridical minimum in terms of reception of the Eucharist and Penance, giving further strength to the powerful bond existing between the two. A renewed interest in our times in living the Paschal Mystery presents an opportunity for deeper catechesis in this area. (For bibliographical details see below, Books Received.)

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

**978-981**

**Ius VII 1/16, 13-41: Aidan McGrath: “Authentic Signs of the Father’s Mercy” (MV 17). Some Reflections on CCEO c. 372. (Article)**

See above, CCEO canon 732.

**983-984**

**AnC 12 (2016), 131-153: Bartłomiej Pieron: Tajemnica zawodowa (duszpasterska) duchownego (*Professional secrecy [pastoral secrecy] of clergy*). (Article)**

**<http://dx.doi.org/10.15633/acan.1824>**

Polish law protects information which a priest may receive as part of sacramental confession. P. studies the protection which the Polish justice system should grant to other information confided to the priest in situations not involving the seal of confession.

**989**

**Jan Dohnalik: Il precetto pasquale. La normativa sulla Comunione e la confessione annuale (cann. 920 e 989) alla luce della tradizione canonica. (Book)**

See above, canon 920.

## **BOOK IV, PART I, TITLE VI: ORDERS**

### **1024**

**Comm 48 (2016), 313-314: Documentum, quo Commissio studii de mulierum diaconatu instituitur.** (Document)

This document gives effect to Pope Francis's suggestion of a commission to study the question of the ordination of women to the diaconate. It lists a number of participants under the presidency of the Secretary of the Congregation for the Doctrine of the Faith but gives no further details.

### **1031-1032**

**NRT 138 (2016), 568-584: Alphonse Borras: Le diaconat permanent: questions et perspectives.** (Article)

Having clarified the doctrinal and ecclesial basis of the restoration of the diaconate, B. examines how the ministry of deacons today meets the needs of the mission by comparing it to lay ministries. He looks at three issues: the power to serve according to ordination understood as the sacramental authority to act on behalf of another, Christ; the question of deacons and women in the context of the evolution of the assigned roles; the legitimacy of diaconal ministry in the plurality of ministries.

### **1041**

**CLSN 188/16, 20-21: Report of the Holy See Press Office concerning Pontifical Council for Legislative Texts: Interpretation of canon 1041.** (Document)

On 15 September 2016 the Holy See Press Office reported that the Pontifical Council for Legislative Texts had issued an authentic response to a question concerning those who are irregular for reception of orders in accordance with canon 1041. In relation to the acts mentioned in canon 1041, nos. 4 and 5, the term "irregular" is to be understood as including non-Catholics.

## **1041**

**Comm 48 (2016), 373-374: Pontificium Consilium de Legum Textibus: Responsum ad propositum dubium (can. 1041, nn. 4-5 CIC).** (Authentic interpretation)

The Pontifical Council for Legislative Texts gives an affirmative reply to the question whether non-Catholics who have carried out the acts specified in canon 1041, nos. 4 and 5, incur irregularity for orders. This was confirmed by Pope Francis on 31 May 2016.

## **1041**

**Comm 48 (2016), 453-455: I. Arrieta: Articulus explanas interpretationem authenticam ad can. 1041, nn. 4 et 5 CIC ab Exc.mo D. Ignatio I. Arrieta conscriptus.** (Article)

Irregularities in the CIC are prohibitions against receiving sacred orders in order to protect the sacrament and the faithful, but are not a kind of additional penalty for a crime. The Eastern discipline, while similar, is framed differently and does not give rise to the same questions as to whether in the absence of imputability a crime has been committed or irregularity incurred. This is particularly problematic with regard to non-Catholics who are not bound by purely ecclesiastical laws (canon 11). The import of this authentic interpretation is to make a clear differentiation between penalty and irregularity with the result that non-Catholics incur irregularity where the facts are verified. This avoids the danger of formalism and also discrimination. The rationale becomes clearer in the light of canon 1044 which makes it clear that deficiencies that do not imply sin can be a source of irregularity for the exercise of orders already received. This contrasts with the provisions of canon 1044 §1 3° which makes explicit reference to a delict.

## **1042**

**IusM X/2016, 203-213: Andrea D'Auria: Il concetto di neofita nell'ordinamento canonico.** (Article)

See above, canon 789.

## **1051-1052**

**IE XXVIII (2016), 345-366: Antonio Viana: La comprobación de la idoneidad para el oficio eclesiástico y el orden sagrado.** (Article)

See above, canon 149.

## BOOK IV, PART I, TITLE VII: MARRIAGE

**1055**

**AC 56 (2014-2015), 157-172: Emmanuel Petit: Mariage canonique et foi personnelle.** (Article)

Among the circumstances listed in article 14 §1 of *Mitis Iudex* as allowing a case to be handled by means of the briefer process is “defect of faith which can generate simulation of consent or error that determines the will”. P. shows how the question of faith is taken into account by existing matrimonial canon law. Although personal faith is not a condition for marriage, the lack of such faith is taken into account both in envisaging the marriage and in evaluating the reality of the consent. However, the absence of faith could not undermine the solidity of a marriage once contracted. Faith is in fact engaged at another level: it is baptism, the sacrament of faith, which seals the marriage and gives it its solidity.

**1055**

**FCan XI/1 (2016), 87-91: Papa Francisco: O matrimónio querido por Deus e a questão da falta de fé. Discurso de sua Santidade aos membros do tribunal da Rota Romana.** (Address)

Address of Pope Francis to the Rota on 22 January 2016, with a brief comment by Miguel Falcão (see below, canon 1099, and *Canon Law Abstracts*, no. 117, p. 84).

**1055**

**IE XXVIII (2016), 417-428: Papa Francesco: Discorso alla Rota Romana, 22 gennaio 2016 (con nota di Montserrat Gas Aixendri, *Verità sulla famiglia, fede personale e validità del matrimonio*).** (Document and comment)

See preceding entry. The Italian version of the Pope’s address is accompanied by a comment from G.A., who states the need for a pastoral plan that includes all the members of the Church to support families, especially those undergoing difficulties. This is probably the most important challenge facing the Church today. Regarding the question of the requirement of personal faith for a valid marriage, the Pope limits himself in this address to confirming previous Magisterium. Although, as everyone is aware, the matter was raised at the 2014 Synod of Bishops, it was not dealt with by the 2015 Synod, nor did the Pope add anything new in the Apostolic Exhortation *Amoris Laetitia*.

**1055**

**IE XXVIII (2016), 527-544: Giacomo Bertolini: Recenti tensioni dottrinali in ordine alla natura del matrimonio ed al rapporto tra la fede e l'intenzione coniugale.** (Article)

Following an analysis of the most recent studies on the problem of sacramental intention and the relationship between faith and sacrament, B. proposes a middle way that makes use of the categories of juridical realism and the study of knowledge by inclination, where the universal is specifically identified *in concreto* by the spouse who is conscious of his or her own *objective* dimension as a created being.

**1055**

**RCDCP 3 (2016), 45-57: Federico Viola: Riflessioni dottrinarie sulla rilevanza giuridica dell'amore coniugale.** (Article)

<http://www.eumed.net/rev/rcdcp/03/fv.pdf>

V. offers some considerations on the importance attached by canon law to conjugal love in canonical marriage.

**1055-1165**

**ADC 5 supl. (octubre 2016), 15-37: Juan Ignacio Arrieta Ochoa de Chichetru: La renovación del derecho matrimonial canónico en el contexto del Sínodo de la Familia.** (Conference presentation)

A. presents the reflections of the Pontifical Council for Legislative Texts on aspects of canonical marriage law which could be the subject of modifications, as a result of the recent assemblies, ordinary and extraordinary, of the Synod of Bishops. [The presentation, given in February 2016, anticipates some of the changes later introduced by Pope Francis in his *motu proprio De concordia inter Codices* of 31 May 2016: see above, General Subjects (*Comparative law*).]

**1055-1165**

**EIC 56 (2016), 355-381: Héctor Franceschi: Il diritto della famiglia nella Chiesa. Approccio ad una rinnovata visione alla luce dell'Esortazione Apostolica «Amoris laetitia» di Papa Francesco.** (Article)

In canon law attention has been focused primarily not on family law but on matrimonial law. F. begins by clarifying a number of concepts in relation to “family law” (or “law of the family”) in the Church. In particular he stresses the



need to overcome a positivist understanding by which “law” would be equivalent to “norms promulgated”. Only through an understanding of law as the “*res iusta*” is it possible not only to grasp the positive norms regulating marriage and the family, but above all to understand that the juridical order is not limited to positive norms, but is a complex system in which natural law and positive law need to be harmonically interwoven. F. goes on to explain, in the light of *Amoris Laetitia*, why it is better to talk of “law of the family” rather than “family law”, since in this way it is clearer that the family is a reality in its own right, prior to any legal norm, and is not a creation of positive law.

### 1055-1165

**Jesu Pudumai Doss – Giuseppe Duc Dung Do (eds.): *Schola Humanitatis: Famiglia e matrimonio nella legislazione ecclesiale. Miscellanea in occasione del 75° della Facoltà di Diritto Canonico dell'UPS*. (Book)**

This book contains a series of articles written on the occasion of the 75th anniversary of the Faculty of Canon Law of the Pontifical Salesian University (3 May 2015). It includes contributions from Jesu Pudumai Doss on the rights of the family in ecclesiastical legislation; Seby Kidangan Ouseph on the family as the subject and agent of evangelization; Jozef Slivoň on the rights and duties of parents to educate their own children; Arkadiusz Domaszko on educating young children in the use of social media; Michaela Pitterová on the role of the woman in the domestic Church; Luigi Sabbarese on the *foedus matrimoniale* in canon law; Giorgio Degiorgi on the relationship of *fides* and *foedus* in marriage; María Victoria Hernández Rodríguez on education as *ordinatio matrimonii ad bonum proles*; Anton Padinjarathala on canonical form in Latin and Eastern law; Kevin Otieno Mwandha on marriage preparation and the respective competences of the Church and of civil society; Antonio Inguscio on the matrimonial nullity process in the light of *Mitis Iudex*; Pierluigi Paoletti on the lay judge in the light of *Mitis Iudex*; Giuseppe Duc Dung Do on the family and marriage in particular law; Mauro Mantovani on a comparison of the thought of Francisco de Vitoria and Domingo de Soto on marriage; and Markus Graulich on artificial fertilization and canon law. (For bibliographical details see below, Books Received.)

### 1056

**AC 56 (2014-2015), 173-187: Luc Marie Lalanne: *Amour conjugal et indissolubilité du mariage*. (Article)**

L. sets out the doctrine on the indissolubility of the marriage bond and its theological basis, before examining the relationships between conjugal love and indissolubility.

**1063**

**AA XXII (2016), 73-94: Mauricio Landra: Continuidad y novedad de *Amoris Laetitia* en la preparación al matrimonio.** (Article)

L. deals with the preparation for marriage as presented in *Familiaris Consortio* and *Amoris Laetitia*. Both texts take their inspiration from the Word of God, the novelty of *Amoris Laetitia* being its interpretation and application to the contemporary context of marriage and family life just as *Familiaris Consortio* successfully did in its own context.

**1063-1070**

**Vid 80 2/16, 112-125: E. Yohannen: Pastoral Preparation to Catholic Marriage: Juridical Perspectives.** (Article)

Y. notes the importance of careful pastoral preparation for marriage in the contemporary context, and examines the various stages of pastoral preparation and those who should be involved in each of these stages, with reference to *Familiaris Consortio* and other documentation from the universal Church, and supplementary material provided by the Catholic Bishops of India.

**1071**

**José Fernández San Román: La admisión al matrimonio de los que notoriamente abandonaron la fe y de los censurados. Estudio histórico-canónico del iter redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II.** (Extract from doctoral dissertation)

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

**1083-1094**

**Jesu Pudumai Doss (ed.): *Beati Misericordes. Questioni pastorali e giuridiche sulla misericordia.*** (Book)

See above, General Subjects (*Compilations*) (article by Giorgio Degiorgi on dispensations from matrimonial impediments).

**1095**

**EE 91 (2016), 759-803: Francisco A. Carrasco Cuadros: Epilepsia y nulidad matrimonial.** (Article)

Epilepsy belongs to a long list of psychic causes which can lead to nullity of marriage. Despite the belief of some experts that it can be cured by modern medicines and that it no longer carries the social stigma it once had, epilepsy continues to be a significant problem, it being estimated that there are some 40 million sufferers worldwide, 80% of whom are in developing countries. Marriage nullity petitions sent to ecclesiastical tribunals continue to include this pathology among the factual situations affecting the marriage. C.C. provides a summary of the basic knowledge which canonists need to have in this area, and comments on its importance in relation to the different forms of incapacity under canon 1095, as well as its possible significance in the area of error under canon 1097.

**1095**

**Ius Comm IV (2016), 237-255: Paolo Bianchi: La evolución de la jurisprudencia rotal sobre la incapacidad para el matrimonio.** (Article)

B. describes various aspects of the evolution of the jurisprudence of the Roman Rota on the psychic incapacity of the parties.

**1097**

**EE 91 (2016), 759-803: Francisco A. Carrasco Cuadros: Epilepsia y nulidad matrimonial.** (Article)

See above, canon 1095.

**1099**

**Comm 48 (2016), 22-25: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos die 22 mensis ianuarii 2016 prolata.** (Address)

In his Rotal Allocation for 2016 Pope Francis refers to the Synods on marriage and family life and the fact that due to their circumstances many people live in a state of error concerning the nature of marriage. A correct understanding of marriage is part of God's gift to the world through the teaching of the Church. The quality of faith is not an essential condition for valid consent. The habit of faith can be present from baptism, albeit in an undeveloped way and apparently lacking. Often a full awareness of God's project will develop only as married

life unfolds. The deficiencies in faith formation, or error as to the unity, indissolubility and sacramental dignity of marriage, affect validity only if they determine the will. There is all the more need today for proper preparation for marriage.

### **1101**

**IE XXVIII (2016), 601-635: Tribunale Apostolico della Rota Romana: Nullità del matrimonio – Simulazione totale – Sentenza definitiva – 16 febbraio 2012 (A. 27/2012) – Grzegorz Erlebach, Ponente (con nota di A. González Alonso, *Elementi della simulazione totale nella giurisprudenza recente della Rota Romana*). (Sentence and comment)**

A will which at the moment of consent excludes marriage itself (canon 1101 §2) produces nullity. This exclusion may occur in a direct way, or in an indirect way as, for example, when the will is directed towards a formal object totally different from the substance of marriage. Both situations belong to the realm of total simulation. With total simulation or exclusion of *matrimonium ipsum*, proof is required not only of the specific object of the excluding will, but also of the positive act of will excluding marriage. This *actus positivus voluntatis* is a true and voluntary act, even when placed in an implicit or virtual manner. With indirect proof of total simulation the *causa contrahendi* and the *causa simulandi* have great importance in casting light on the truth of the specific marriage. If some element of proof is missing, it may not make it impossible to achieve moral certainty, but it would certainly make it more difficult. In his comment on the case, G.A. examines the most important elements of total simulation.

### **1108-1109**

**Comm 48 (2016), 326-325: Litterae Apostolicae *De concordia inter Codices*; also Comm 48 (2016), 448-452: I. Arrieta: *Articulus explanans litteras apostolicas De concordia inter Codices*; also SC 50 (2016), 323-345: Jobe Abbass: *De concordia inter Codices: A Commentary*; also EE 91 (2016), 861-876: Miguel Campo Ibáñez: *De concordia inter codices. Primer comentario*; also CLSN 188/16, 4-11: *Apostolic Letter motu proprio De concordia inter Codices*; reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)**

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

### **1112**

**Comm 48 (2016), 326-325: Litterae Apostolicae *De concordia inter Codices*; also Comm 48 (2016), 448-452: I. Arrieta: *Articulus explanans litteras***

**apostolicas De concordia inter Codices**; also SC 50 (2016), 323-345: **Jobe Abbass: De concordia inter Codices: A Commentary**; also EE 91 (2016), 861-876: **Miguel Campo Ibáñez: De concordia inter codices. Primer comentario**; also CLSN 188/16, 4-11: **Apostolic Letter motu proprio De concordia inter Codices**; reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)

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

## 1112

**IusM X/2016, 91-115: Luigi Sabbarese: I laici “testes qualificati” per assistere al matrimonio canonico. Facoltà speciale?** (Article)

The possibility of lay persons acting as qualified witnesses of canonical marriages is not new in canon law, and can be traced back as far as the Council of Trent. S. explains when and how the faculty in canon 1112 §1 may be delegated to lay persons, taking into consideration the complementary norms of episcopal conferences where relevant. However, there remains a fundamental doubt as to the extent to which a normative provision such as canon 1112 §1 can be considered as being at the same time a universal law and a special faculty.

## 1116

**Comm 48 (2016), 326-325: Litterae Apostolicae De concordia inter Codices**; also **Comm 48 (2016), 448-452: I. Arrieta: Articulus explanans litteras apostolicas De concordia inter Codices**; also SC 50 (2016), 323-345: **Jobe Abbass: De concordia inter Codices: A Commentary**; also EE 91 (2016), 861-876: **Miguel Campo Ibáñez: De concordia inter codices. Primer comentario**; also CLSN 188/16, 4-11: **Apostolic Letter motu proprio De concordia inter Codices**; reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)

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

## 1116

**EE 91 (2016), 963-1007: Romane Rotae Tribunal: Sententia definitiva coram Caberletti, 20 decembris 2013 – Vianen. Castelli – Existentia matrimonii.** (Sentence)

The female petitioner claimed that the man with whom she had lived in a matrimonial relationship had agreed on his death-bed, before witnesses, to marry her. Her claim was rejected at both first and second instances, but

ultimately a *nova causae propositio* was allowed. Despite indications that the petitioner and the witnesses had acted in a less than honest way in relation to the presentation of the proofs, the Rota, after considering all the evidence, accepted that the conditions for the extraordinary form of the celebration of marriage in danger of death, as set out in canon 1116 §1, 1<sup>o</sup>, did in fact apply in this case and accordingly, on 20 December 2013, declared in favour of the existence of the marriage. (In a subsequent decree dated 26 December 2014 the Rota altered the wording of its decision of 20 December 2013 to refer to the “validity” of the marriage rather than to its “existence”.)

## **1127**

**Comm 48 (2016), 326-325: Litterae Apostolicae *De concordia inter Codices***; also **Comm 48 (2016), 448-452: I. Arrieta: Articulus explanans litteras apostolicas *De concordia inter Codices***; also **SC 50 (2016), 323-345: Jobe Abbass: *De concordia inter Codices: A Commentary***; also **EE 91 (2016), 861-876: Miguel Campo Ibáñez: *De concordia inter codices. Primer comentario***; also **CLSN 188/16, 4-11: Apostolic Letter *motu proprio De concordia inter Codices***; reports of the Holy See Press Office concerning *De concordia inter Codices*. (Document and commentaries)

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

## **1141-1150**

**Elias Frank: *The Dissolution of Marriage Bond in the Discipline of the Church and Its Application***. (Book)

This book is intended as a concrete guide for those who have to help their bishops in cases of dissolution of the marriage bond. Chapter 1 deals with dissolution of a non-consummated marriage, looking first at the substantive law and then at the procedures involved. Chapter 2 deals with privilege of the faith cases: the Pauline privilege, polygamy and polyandry, and captivity or persecution. Chapter 3 looks at dissolution in favour of the faith, commenting on the norms and procedures to be followed in specific cases. (For bibliographical details see below, Books Received.)

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

1176

**AnC 12 (2016), 91-114: Piotr Majer: Pogrzeb symboliczny po donacji zwłok na cele naukowe – aspekty prawnokanoniczne (*Symbolic funeral after donation of the body for scientific purposes – legal and canonical aspects*).** (Article)

<http://dx.doi.org/10.15633/acan.1822>

The inspiration for M.'s article was a question about the possibility of a Catholic funeral for a strand of hair of someone who had donated his body to science. M. presents and examines the regulations of Polish law and the bioethical aspects of donating a body, and after analysing the teaching of the Apostolic See in this matter is of the opinion that permission for a symbolic funeral should not be granted. A person who donates his or her body to science should request a Catholic funeral after the body has been utilized, and the medical institution should honour such a request.

1176

**Comm 48 (2016), 404-408: Congregatio pro Doctrina Fidei: Instructio *Ad resurgendum cum Christo quoad sepulturam defunctorum necnon asservationem cinerum si eorum corpora cremantur*.** (Document)

This Instruction explains the preference of the Church for burial of human remains over cremation as an expression of faith in the resurrection. While the Church accepts that there can be legitimate reasons for choosing cremation, the cremated remains must still be treated with respect and buried in a cemetery or dedicated place. They should not be kept in a domestic dwelling other than in wholly exceptional and grave circumstances, when permission may be granted by the Ordinary in consultation with the bishops' conference. Neither should ashes be scattered, whether in the air, on land or at sea, or turned into mementoes or jewellery. If the deceased has insisted on such a scattering of ashes for reasons contrary to Christian faith a funeral should be denied as provided in canon 1184.

**1176**

**Comm 48 (2016), 440-444: B. Esposito: Articulus explanans instructionem *Ad resurgendum cum Christo* a Congregatione pro Doctrina Fidei die 15 mensis augusti 2016 datam a Rev.mo Brunone Esposito conscriptus. (Article)**

See preceding entry. B. expects mixed reactions to the Instruction particularly in the context of the Year of Mercy and draws attention to a number of points. The motivation is to care canonically for the spiritual wellbeing of the faithful. Secondly, although statistics vary, cremation is becoming increasingly common with implications for how the body is seen. Permission to cremate has been seen as reflecting a change in doctrine. The most important part of the Instruction is that which explains the value of the body in Christian tradition, the need for prayer for the deceased and the teaching that life is changed, not ended, by death. This has implications for how cremated remains are to be conserved. Preferably this should be in a sacred place outside of extraordinary and particular circumstances. For the same reason they should be kept together, not scattered or divided among family members. An express and public rejection of this by the deceased, not by family members, would be a reason for refusing ecclesiastical funeral rites.

**1176**

**Comm 48 (2016), 445-447: A. Rodriguez Luño: Articulus explanans Instructionem *Ad resurgendum cum Christo* a Congregatione pro Doctrina Fidei die 15 mensis augusti 2016 datam a Rev.mo Angelo Rodriguez Luño conscriptus. (Article)**

See preceding entries. R.L. considers the pastoral import of the Instruction. Burial is the form of conservation of human remains that is closest to the mystery of Christ's burial and resurrection, and historically rejection of burial was seen as rejection of the doctrine of resurrection. Increase in population and concern for hygiene and financial costs led to a re-evaluation in 1963, incorporated in the CIC/83. However, this has given rise to pastoral problems associated with the disposal of the ashes. The Instruction is intended to clarify the Church's expectations in this regard and in particular to uphold the doctrinal aspect by stating that the scattering or division of the remains or their incorporation into mementoes is unacceptable. Such practices imply that death annihilates a human being who is then dissolved into the natural world, whereas the Church considers the faithful departed still to be part of the Church and the object of prayer.



**1176**

**FCan XI/2 (2016), 79-83: Congregação para a Doutrina da Fé: Instrução *Ad resurgendum cum Christo* a propósito da sepultura dos defuntos e da conservação das cinzas da cremação.** (Document)

See preceding entries. Portuguese text of the Congregation for the Doctrine of the Faith's Instruction of 15 August 2016 regarding the burial of the deceased and the conservation of the ashes in case of cremation, reaffirming the Church's ancient tradition and recommendation that the bodies of the deceased be buried in cemeteries or other sacred places, and stating that in cases where cremation is legitimately chosen, the ashes of the faithful must be laid to rest in a sacred place, and not scattered in the air, at sea or in some other way; nor may they be preserved in mementos, jewellery and other objects.

**1176**

**CLSN 188/16, 22-26: Congregation for the Doctrine of the Faith: Instruction on Burial and Cremation.** (Document)

See preceding entries. Given here is the English text of the Instruction.

## BOOK IV, PART III: SACRED PLACES AND TIMES

**1244**

**Comm 48 (2016), 90-94: Congregatio de Cultu Divino et Disciplina Sacramentorum: Decretum quo celebratio Sanctae Mariae Magdalenae Calendario Romano generali inscribitur *festi loco memoriae*, sicut nunc habetur (una cum adnexo necnon versione italica decreti).** (Document)

The general calendar is revised so that the Memorial of St Mary Magdalen is raised to a feast. This is to honour her role as witness to the Resurrection. The texts are unchanged except for the addition of a proper Preface.

**1244**

**Comm 48 (2016), 132-134: A. Roche: Articulus explanans decretum, quo celebratio Sanctae Mariae Magdalenae in Calendario Romano generali gradu *festi loco memoriae* inscribitur, ab Exc.mo D. Arturo Roche conscriptus.** (Article)

The upgrading of the celebration of St Mary Magdalen was an express desire of Pope Francis to make clear her role as “apostle of the apostles” and as part of a deeper reflection on the dignity of women. R. mentions the difficulties of the Western tradition dating from Pope Gregory the Great identifying her with the penitent woman and with the sister of Martha and Lazarus. However, she was certainly part of the inner circle around Jesus and an important witness to the Resurrection. The expression “apostle of the apostles” is used by both Rabanus Maurus and Aquinas.

**1251-1253**

**Jesu Pudumai Doss (ed.): *Beati Misericordes. Questioni pastorali e giuridiche sulla misericordia.*** (Book)

See above, General Subjects (*Compilations*) (article by Benedetta Chinellato on fasting and abstinence in universal and particular law).

## **BOOK V: THE TEMPORAL GOODS OF THE CHURCH**

### **1254-1310**

#### **SC 50 (2016), 531-544: Szabolcs Anzelm Szuromi: An Historical Sketch of Principal Developments in the Canon Law on Temporal Goods. (Article)**

Ecclesiastical property can be defined as those secular goods – either corporeal or non-corporeal – which belong to the Church universal, the Apostolic See, or other juridical persons in the Church. According to St Augustine, the Church cannot attend to the care of the numerous poor people entrusted to her or provide for their legal defence and legal service without financial support. This disciplinary tradition is the one which up to this day – with some modifications because of changes in the Church’s social environment – determines the classification of ecclesiastical goods in the universal Church. The donations of the faithful are indispensable for divine worship, for the service of the clergy, and for the free exercise of the everyday activity and mission of the Church. Numerous normative sources from the different periods of Church history unequivocally underline that the purpose of ecclesiastical property is to secure the Church’s independent and sacred ministry for the salvation of souls.

### **1254-1310**

#### **SC 50 (2016), 519-530: John Anthony Renken: Acts of the Church in Relation to Temporal Goods: The Ordinary and the Extraordinary. (Article)**

The Code identifies four relationships of the Church to temporal goods: acquisition, retention, administration, and alienation. Each of these relationships implies a specific right, and each right is reflected in a specific power to act. Most acts (of acquisition, retention, administration, and alienation) are ordinary, but some are extraordinary. An act is extraordinary when the administrator cannot perform it without the involvement of others, whether as individuals or as members of a group. R. identifies specific acts as ordinary or extraordinary.

### **1254-1310**

#### **Stanisław Dubiel – Paweł Kaleta (eds.): The Temporal Goods of the Church. Selected Issues. (Book)**

The purpose of this publication is to assist those entrusted with the care of ecclesiastical goods to understand readily the importance of canonical norms relating to the administration of such goods. It includes contributions from John P. Beal on protecting the patrimony of the poor and securing civil recognition of

Church property in the United States; Nicolas P. Cafardi on the availability of diocesan patrimony for the wrongful actions of diocesan priests; John J. Coughlin on the theoretical foundations of property in canon law; Velasio De Paolis on offerings for Peter's Pence and canon 1271; Stanisław Dubiel on the principal criteria that should govern the administration of ecclesiastical goods; Stephan Haering on the financing of the Catholic Church in Germany; Paweł Kaleta on the sale of Church property and possible conflicts of law; Aidan McGrath on the Edmund Rice Schools Trust and the transfer of a network of schools operated by religious in Ireland to lay trusteeship; Francis G. Morrissey on Vatican guidelines for the administration of temporal goods of religious institutes; John A. Renken on the temporal goods of private juridical persons; and Peter Slack on the financing of the mission of the Catholic Church in Australia. (For bibliographical details see below, Books Received.)

### **1259-1272**

**AA XXII (2016), 327-342: Jorge Antonio di Nicco: Las normas que rigen la adquisición de los bienes eclesiásticos.** (Article)

This study focuses on canons 1259 to 1272 dealing with the norms governing the acquisition of Church property and the duty of the faithful to contribute to the needs of the Church in order that it might fulfil its proper aims. D. covers the following topics: fees, offerings, collections, the economic aspects of prescription, acquisition of sacred objects, assets, rights and actions pertaining to the Apostolic See. He comments briefly on those few remaining instances of existing benefices.

### **1284**

**QDE 29 (2016) 322-346: Adolfo Zambon: I criteri per l'amministrazione.** (Article)

Z. begins by examining the concept of administration, suggesting that it should be understood broadly. He then offers a series of criteria for good administration, looking first at the Italian bishops' requirements for healthy administration. His criteria begin with the need for each body to acknowledge its own independence and hence know who its legal representative is, in order that it can collaborate with others; in addition, each legal person needs to know what it owns (and what it does not); who can properly participate in administration; what legal requirements it has to observe; how to be transparent; how best to manage cash flow and other money matters; and what sobriety requires.

**1292**

**QDE 29 (2016) 347-378: Carlo Azzimonti: I beni culturali ecclesiali in Italia.** (Article)

A. looks at how the anthropological concept of cultural capital is replacing the older concept of cultural goods, but points out that the Church's property has a theological significance which goes beyond the cultural as the Church's goods are an expression of its faith and life. This can lead to conflict with the State when the Church is contemplating alterations which express its life. A. argues that the treatment of cultural goods in canon law rests on inadequate foundations, and such material as there is has to be found in a variety of places in the Code (e.g. canons 1171, 1189, 1283 and 1292 §2) and is not coordinated. He looks at the canons on sacred places and things, noting that among these few canons there is a treatment of restoration, of finding new uses for redundant churches while at the same time retaining a sense of their religious meaning, and of alienation. He then looks at the provisions of the 1985 Concordat between the Holy See and Italy, and at the provisions of Italian civil law.

## BOOK VI: SANCTIONS IN THE CHURCH

### 1311-1399

**Comm 48 (2016), 139-215: ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio IX).** (Documentation)

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

### 1311-1399

**EIC 56 (2016), 593-615: Juan Manuel Cabezas Cañavete: Una mirada histórico canónica al devenir del derecho penal canónico desde 1917 hasta nuestros días (II 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 pays 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. (See also *Canon Law Abstracts*, no. 117, p. 101.)

### 1312

**FThC IV (2016) Suppl., 183-190: György Lefkánits: Observations sur le canon 1312 §3, et le canon 1339 §§1-3 – Note Neuves –.** (Article)

L. looks first of all at the types of penal remedy available in the CIC/83, and the question of whether the list is exhaustive, or whether the Ordinary can devise and impose new types of penal remedy (his conclusion is that it is in all probability exhaustive). He then considers canonical warnings and corrections, and various issues concerning the application of penal remedies: who may impose a penal remedy, what are the conditions in which a penal remedy may be lawfully imposed, and in what form?

### 1321

**IC 56 (2016), 799-815: Maria D’Arienzo: Responsabilidad jurídica (principio de).** (Dictionary entry)

See above, canons 208-231.

**1339**

**FThC IV (2016) Suppl., 41-48: Péter Artner: Preventive Disciplinary Measures Before the Application of a Penalty. (Article)**

A. examines the disciplinary measures and pastoral possibilities that need to precede the imposition or declaration of a penalty or the commencement of a penal process, looking at the preliminary investigation before the penal process; canonical warnings; the natural rights of the offender; the possibility of a judicial or an administrative procedure; and a brief reference to cases involving the *delicta graviora*.

**1339**

**FThC IV (2016) Suppl., 183-190: György Lefkánits: Observations sur le canon 1312 §3, et le canon 1339 §§1-3 – Note Neuves –. (Article)**

See above, canon 1312.

**1341**

**FThC IV (2016) Suppl., 41-48: Péter Artner: Preventive Disciplinary Measures Before the Application of a Penalty. (Article)**

See above, canon 1339.

**1362**

**AA XXII (2016), 121-145: Ariel David Busso: La prescripción extintiva y la dispensa de la prescripción en el derecho penal canónico. (Article)**

A form of “statute of limitations” exists in canon law as in civil law. B. considers the past and present development of prescription in canonical penal law taking into account current norms, especially concerning the *graviora delicta*. In some final reflections he rejects the suggestion that some delicts should never be subject to prescription.

**1364**

**Comm 48 (2016), 137-138: Ex Actis Episcoporum: Communicatio Episcopi Soran-Cassinensis-Aquinatensis-Pontiscurvi de excommunicatione coetus sic dicti “Chiesa cristiana della nuova Gerusalemme [Ecclesia christiana universalis novae Hierosolymae]”.** (Document)

The bishop gives notice that, after investigation by the Congregation for the Doctrine of the Faith, a group styling themselves “the Universal Christian Church of New Jerusalem” have been excommunicated for disseminating false doctrine, distorting the teaching of the Scriptures, urging the faithful not to frequent the sacraments or their local parishes, and rejecting the teaching and authority of the Pope. Those who adhere to them are warned that they will automatically incur the excommunication provided for by canon 1364.

**1367**

**IE XXVIII (2016), 285-300: Andrea D’Auria: L’interpretazione autentica del can. 1367 e la problematica del dolo specifico.** (Article)

D’A. looks at the Pontifical Council for Legislative Text’s 1999 authentic interpretation of canon 1367 dealing with offences against the Eucharist, focusing in particular on the interpretation of the verb *abicere* (“to throw away”). D’A. analyses the problem of specific malicious intention in relation to the unlawful removal and retention of the Eucharist, and studies the questions of imputability, punishment, mitigating and exempting circumstances, and the problem of complicity.

**1389**

**CLSN 188/16, 14-19: Apostolic Letter *motu proprio As a Loving Mother*.** (Document and comment by Gordon Read)

See above, canon 193.

**1389**

**Comm 48 (2016), 34-36: Litterae Apostolicae *Come una madre amorevole a Summo Pontifice die 4 mensis iunii currentis anni motu proprio datae*.** (Document)

See above, canon 193.



**1389**

**EE 91 (2016), 843-860: José Luis Sánchez-Girón Renedo: El motu proprio «Como una madre amorosa» a la luz de la normativa codicial. (Article)**

See above, canon 193.

**1389**

**IE XXVIII (2016), 716-734: Papa Francesco: Lettera Apostolica in forma di Motu Proprio “Come una madre amorevole” (4 giugno 2016) (con commento di F. Puig). (Document and comment)**

See above, canon 193.

**1395**

**AA XXII (2016), 25-44: Damián G. Astigueta: El nuevo Colegio de Jueces de la Congregación de la Doctrina de la Fe y su Reglamento. (Article)**

A. considers the college of judges created for the Ordinary Session (*Feria IV*) of the Congregation for the Doctrine of the Faith with its remit in examining appeals concerning *delicta graviora*. He looks at the procedural norms governing its functioning, and highlights some of the difficulties inherent in the interpretation and application of canonical penal procedure. (See also the following entry.)

**1395**

**Per 105 (2016), 335-368: Damián G. Astigueta: Il nuovo Collegio all'interno della Congregazione per la Dottrina della Fede e il suo regolamento. (Article)**

On 12 November 2014, a rescript *ex audientia Sanctissimi* was published in *L'Osservatore Romano*, by virtue of which a college was established within the Congregation for the Doctrine of the Faith (CDF) to consider recourses presented in administrative penal processes. A. gives a brief history of the developments within the CDF that led to the setting up of this college, presents some information about the workings of the CDF in relation to the penal process, examines the nature and competence of the new college as found in the text of the rescript, and then offers some comments on the Regulations for its operation published on 12 May 2015. In two appendices, he attaches the text of the rescript and of the Regulations. (See also *Canon Law Abstracts*, no. 116, p. 99.)

**1395**

**Per 105 (2016), 369-394: Szanolcs Anzelm Szuromi: I delitti più gravi nella prospettiva della storia della Chiesa.** (Article)

S. offers some considerations on those offences that are now regarded as *graviora delicta*. He comments in turn on the offences relating to the Holy Eucharist, to the sacrament of Penance, to the attempted ordination of a woman, and to offences against morals which include sexual abuse of minors and child pornography.

**1398**

**Comm 48 (2016), 352-369: Litterae Apostolicae *Misericordia et misera* die 20 mensis novembris datae.** (Document)

Pope Francis reflects on the mercy of God spelled out in the Scriptures and experienced in the special jubilee Year of Mercy drawing to a close. The work of mercy does not come to an end with the close of this year or of the Holy Door. It is important to rediscover the value of the sacrament of reconciliation. For this reason in section 12 he renews the faculty to absolve from the sin of abortion granted to all priests at the beginning of the year and also the possibility of absolution from priests of the Society of St Pius X.

**1398**

**Comm 48 (2016), 459-462: M. Semeraro: Articulus explanans Litteras Apostolicas *Misericordia et misera* a Summo Pontifice die 20 mensis novembris 2016 datas ab Exc.mo Marcello Semeraro conscriptus.** (Article)

The faculty granted to all priests to absolve from the sin of abortion granted for the Holy Year of Mercy has been extended. However this was not always well understood in the media. It is important to distinguish between sin and penal sanction. The implication of canon 1398 is that the penal sanction must be lifted in order for the sin to be absolved. The effect of the letter is to give this jurisdiction to all priests in the act of confession. The change should not be overstated since the Code already made provision for situations where recourse was difficult. Equally it should not be seen as playing down the gravity of the sin of abortion. Rather it is part of Pope Francis's encouragement to accompany people on a journey of reconciliation.

**1398**

**FCan XI/2 (2016), 25-34: Nicolás Álvarez de las Asturias: Novedades en la remisión de la pena por delito del aborto: su interpretación a la luz de la tradición canónica.** (Article)

In his Apostolic Letter *Misericordia et misera*, Pope Francis declared that all priests with due ministerial faculties could henceforward forgive the sin of abortion, thereby enabling all priests of the Latin rite to remit in the sacramental forum the *latae sententiae* excommunication incurred by one who procures an abortion, and removing the reservation of absolution for this sin which hitherto existed in the law of the Eastern Churches. A. interprets the significance of this pontifical disposition in the light of canonical tradition.

**1398**

**KIP 5 (18) 2016, nr. 2, 127-165: Wiesław Wenz: Ochrona życia dziecka poczętego w prawie kanonicznym (*Protection in canon law of the life of a conceived child*).** (Article)

<http://dx.doi.org/10.18290/kip.2016.5.2-8>

From the very beginning of her existence, the Catholic Church has defended and protected the right of every human being to life. The right to life is the most fundamental right of every conceived human being. Both Church and State need to be part of building up the culture of life, rather than promoting the culture of death which causes every civilization to fall into ruin. The Catholic Church unequivocally defends the right to life of every unborn child, through her canonical discipline and through promoting laws that protect the right to life from the moment of conception up to the natural death of each human being.

**1399**

**FThC IV (2016) Suppl., 191-198: Péter Szabó: The Penal Legality and Guarantees of Self-Defense in Canon Law: CIC/CCEO.** (Article)

S. argues that while flexibility in the application of canon law can help the Church in protecting herself, the way envisaged in canon 1399 is not helpful: not simply because it is incompatible with the principle of *nullum crimen sine lege*, but principally because it is inefficient in itself and its aim can be fully achieved through the penal precept. Eastern canon law offers at least two other significant means of penal efficiency: fuller discretion to withhold the remission of medicinal penalties, and a remarkable supplementary responsibility on the part of the higher authorities to enforce the application of penal law.

## BOOK VII: PROCESSES

**1400**

**AC 56 (2014-2015), 19-31: Jean-Jacques Boyer: Le champ procédural canonique, son étendue, sa variété.** (Article)

B. provides a broad overview of the canonical procedural field, focusing on the process and the meaning which should be given to this term in canon law.

**1403**

**AA XXII (2016), 353-365: Ariel David Busso: La santidad canonizable.** (Article)

The process for canonization is governed by its own particular norms. Any canonization takes place not to enhance the glory or fame of the saint; rather it is an ecclesial social act for the benefit of the faithful to encourage and support them in their own pursuit of holiness in the world of today by the example set before them in the life of the saint. It is also a demonstration of Christian holiness as a sign of the vitality of the Church in all ages.

**1403**

**AA XXII (2016), 367-375: Ernesto R. Salvia: La investigación histórico-archivística en los procesos de canonización.** (Article)

In the diocesan process of canonization it is necessary to assemble a commission of historians and archivists who can dedicate themselves to collecting all relevant documentation and testimonies to produce a written report on the Servant of God. S. emphasizes the need for close teamwork, and provides details of the specific tasks to be undertaken in the archives, together with some basic steps for a proper presentation of the report.

**1403**

**Comm 48 (2016), 95-99: Congregatio de Causis Sanctorum: Rescriptum ex Audientia Sanctissimi quo novae normae, ei adnexae, de bonis Causarum beatificationis ac canonizationis administris approbantur.** (Document)

This rescript establishes new norms for the administration of goods in cases for canonization or beatification, replacing those established by Pope John Paul II on 20 August 1983. The person putting forward a case is bound to establish a fund to cover its expenses. This is governed by the general provisions on the

administration of ecclesiastical goods and the roles of vigilance to be exercised by the diocesan bishop, major superior and Holy See. The document also spells out the contributions to be made to the Holy See at the Roman stage of the process.

### 1403

**Comm 48 (2016), 122-124: M. Prattichizzo: Articulus explanans novas normas de administrandis bonis causarum beatificationis ac canonizationis, a Rev.mo D. Michaele Prattichizzo conscriptus.** (Article)

This article was published in *L'Osservatore Romano* on 20 April 2016. Experience over 30 years shows that most canonization cases are promoted by Church entities rather than private individuals or civil bodies. The 1969 reforms combined the role of advocate with that of postulator and this had created a degree of confusion at an administrative level. The revised norms are intended to provide greater transparency and the establishment of a “solidarity fund” to enable cases to be carried forward where there is little financial support.

### 1403

**Comm 48 (2016), 409-414: Congregatio de Causis Sanctorum: Normae “Regolamento della Consulta Medica”, respicientes Collegium Medicorum Congregationis de Causis Sanctorum, die 24 mensis augusti 2016, promulgatae.** (Document)

This document updates the regulations for the medical panel required to investigate miracles in canonization cases. The Norms set out how the panel is to be established and how it is to proceed.

### 1403

**Comm 48 (2016), 456-458: M. Bartolucci: Articulus explanans Novas Normas Medicorum Consilii Congregationis de Causis Sanctorum ab Exc.mo d. Marcello Bartolucci conscriptus.** (Article)

Miracles are not marginal events in the Gospels or in the lives of the saints. They have been part of the judgement made by the Church with regard to personal sanctity. Formal consideration of miracles began in the 12th and 13th centuries and the process was increasingly regulated from 1600 onwards, with the use of medical expertise in 1678. The first medical panel was established by Benedict XIV in 1743. This was incorporated in the CIC/17 and there were further developments in 1948, 1959 and 1983. The new regulations were

initiated in September 2015 and the text adopted owes much to that approved by Pope Paul VI on 23 April 1976.

### 1403

#### **Ius VII 1/16, 113-137: Cherian Thunduparampil: Recognition of Miracles: Its Process in Rome and Lourdes. Part I: Process in Lourdes. (Article)**

Miracles are a sign of God's presence in the world and his mighty deeds. From the beginning the Church has publicly honoured the saints and has treated miracles as a prerequisite sign of intercession in the canonization process. This evaluation takes place in Rome. Following the apparition of the Blessed Virgin Mary at Lourdes a similar process of evaluation was established to consider the many miracles that were alleged to have occurred. T. presents and compares the process at Lourdes with that followed by the Congregation for the Causes of Saints in Rome. This first part examines the history and unfolding of the process in Lourdes.

### 1403

#### **Per 105 (2016), 457-474: Giovanni Parise: Il *casus exceptus*. Storia e valore canonistico della confermazione pontificia di un culto prestato *ab immemorabili* ad un beato. (Article)**

P. examines the so-called *casus exceptus*, i.e. the confirmation of public devotion to a person "from time immemorial". In accordance with the rules laid down by Pope Urban VIII, such an exceptional case required sustained devotion on the part of the faithful for more than 100 years. P. considers the meaning of various technical terms (beatification, canonization, and confirmation of cult) before passing on to a presentation of the procedure to be used in the papal confirmation of such a devotion, and the value of such an act.

### 1423

#### **Comm 48 (2016), 26-27: Litterae de laboris tabula quam ita vocant instituenda ad Secretarium Conferentiae Episcoporum Italiae a Papa Francisco missae, ut definiantur quaedam quaestiones de motu proprio *Mitis Iudex Dominus Iesus* interpretando necnon applicando. (Document)**

Pope Francis encourages the Italian Conference of Bishops to prepare a comparative table of the work carried out by the various diocesan and interdiocesan tribunals to define the main areas to be explored in the light of *Mitis Iudex*.

**1443-1444**

**Ap LXXXVIII (2015), 659-685: Ivano Sassanelli: II Tribunale della Rota Romana nell'odierno sistema processuale canonico. (Article)**

Pope Francis's reform of the law on matrimonial nullity cases has focused attention on the role of the diocesan bishop (as judge) and of the metropolitan tribunal of appeal. In view of this new procedural approach and the introduction of the *processus brevior*, S. looks at the role of the Roman Rota in marriage nullity declarations and in the search for substantive and procedural truth. He refers to the origins of this Apostolic Tribunal and analyses the present and future perspectives which place the Roman Rota at the service of the pastoral mission of the Church.

**1445**

**AC 56 (2014-2015), 309-318: Dominique le Tourneau: La réparation des dommages dans les recours contentieux administratifs (le canon 128 du Code de droit canonique). (Article)**

The *Sectio Altera* of the Apostolic Signatura is competent to deal with recourses against singular administrative acts placed or approved by dicasteries of the Roman Curia. It can also deal with other administrative controversies referred to it by the Pope or by the Roman dicasteries, as well as conflicts of competence between the dicasteries themselves. The procedure before the *Sectio Altera* is regulated by Title IV of the Signatura's *Lex propria*. Le T. looks at the parties who may intervene in the recourse and what may be requested. With regard to administrative acts the Signatura may only examine whether or not they are lawfully placed, as well as the question (which is the main focus of this article) of compensation for harm caused by such acts.

**1445**

**Ap LXXXVIII (2015), 405-438: Supremum Signaturae Apostolicae Tribunal: Decreta; Cristian Begus: Adnotationes in Decreta. (Documents and comment)**

The Latin texts and Italian translations are given of four decrees of the Apostolic Signatura. Two of these relate to recourses against contracts entered into, and were rejected as being outside the Signatura's competence. Commenting on the decrees, B. points out that the activity of the executive authority is not always exercised through administrative acts: its aims can also be pursued by acts of a contractual nature. Nevertheless the subject of an administrative-contentious recourse can only be a singular administrative act placed by the competent executive authority in the exercise of its power and administration, or placed or

approved by a dicastery of the Roman Curia, which contains a decision or at least a provision and which is not merely declaratory. The other two decrees involve recourses against removal from office (involving a diocesan chancellor and a military chaplain respectively). The Signatura commented that although a chancellor can be freely removed from office by the bishop, “freely” does not mean “arbitrarily”, since a just cause for the removal is required. In the case in question such a cause was present and the correct procedures were followed, and the recourse was rejected. Regarding the military chaplain, again there was a just cause for removal (loss of good reputation among the faithful) and the appropriate procedures (those for the removal of pastors, which provide ample safeguards of the right of defence) were followed: hence the recourse was rejected.

#### 1445

**IC 56 (2016), 739-768: Supremo Tribunal de la Signatura Apostólica: Decretos; Gerardo Núñez: Admisibilidad del recurso por el Secretario de la Signatura Apostólica *ex art. 76 de la Ley propia*. (Decrees and comment)**

Article 76 §1 of the *Lex propria* of the Apostolic Signatura allows the Secretary to conduct a preliminary examination of a recourse to the Signatura, and, after hearing the Promoter of Justice, to admit it or reject it *in limine* by decree if it undoubtedly and evidently lacks any foundation. N. comments on two pertinent decisions of the Apostolic Signatura. One decree, dated 17 May 2013, after determining the Signatura’s competence to deal with the recourse in question, examined whether there had been any violations of the law *in procedendo* or *in decidendo* in imposing disciplinary measures upon a female religious. The Secretary of the Signatura, after studying the opinions of the Promoter of Justice and the Substitute Promoter of Justice, rejected the recourse *in limine* as evidently lacking any foundation. No recourse was made against the rejection. The other decision involved three separate decrees: one of 8 November 2012 whereby the Secretary rejected *in limine* as evidently lacking any foundation a recourse by a religious against disciplinary measures imposed by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, following which a recourse against the Secretary’s rejection was made to the Congress under article 76 §3 of the *Lex propria*; a second decree of 25 November 2013 by which the Congress accepted and admitted the recourse to examination before the Signatura; and a third decree of 6 February by which the Secretary declared that the case was to be treated as concluded since the Congregation for Institutes of Consecrated Life had in the meantime modified its original decision.



**1445**

**IE XXVIII (2016), 589-600: Giovanni Parise: L'esecuzione delle sentenze emesse dal Supremo Tribunale della Segnatura Apostolica: una criticità dell'attuale sistema canonico della giustizia amministrativa? (Article)**

P. looks at a topic which is fundamental for the proper functioning of the canonical contentious-administrative system, namely that of ensuring the correct execution of the sentences issued by the Apostolic Signatura. Without the possibility of an objective judgement as to the observance of the Signatura's decisions, there is the risk that the entire canonical contentious-administrative institution – introduced to guarantee a true protection of the rights of the faithful whose rights are infringed by an unlawful singular administrative act – could be rendered worthless. P. sets out the details of a case which arose in Chicago (see *Canon Law Abstracts*, nos. 78, pp. 34-35 [J LV 2/95, 875-896]; 82, pp. 30 and 62 [IE 1/98, 111-148]; 82, p. 24 [Per LXXXVII 1/98, 39-79]; and 75, p. 7 [J LIV 1/94, 22-39]) and offers some reflections on it; he also analyses the new dispositions contained in articles 92-94 of the *Lex propria* of the Signatura and considers that these may at last offer a possible solution to the problem.

**1445**

**IE XXVIII (2016), 636-660: Supremo Tribunale della Segnatura Apostolica: Sentenza definitiva del 24 novembre 1973, Prot. n. 2973/72 CA, Rev.do X – S. Congregazione per i Religiosi e gli Istituti Secolari, Panormitana, di sospensione a divinis, di privazione della voce attiva e passiva, di allontanamento, Staffa ponente (con nota di J. Canosa, *La conoscenza del contenzioso amministrativo presso la Segnatura Apostolica*). (Sentence and comment)**

Published here is an early decision of the Apostolic Signatura, with a comment from C. on various matters concerning the publication of the Signatura's decisions, the development of canonical administrative law since 1967 when the Signatura was given its additional role as an administrative tribunal, and the lessons that can be learned from a re-reading of a sentence dating from the early 1970s.

**1445**

**IE XXVIII (2016), 735-741: Supremo Tribunale della Segnatura Apostolica: Lettera circolare circa la concessione del decreto di esecutività in vista della delibazione in ambito civile della prima sentenza affermativa divenuta esecutiva, Prot. N. 51324/16 VAR, 30 gennaio 2016 (con commento di M. del Pozzo).** (Document and comment)

For the purposes of obtaining civil recognition of executive sentences of Italian ecclesiastical tribunals the Signatura sets out the amended requirements concerning the documentation to be submitted following the changes introduced by *Mitis Iudex*.

**1453**

**Ius Comm IV (2016), 183-201: Dominique Mamberti: “Quam primum, salva iustitia” (c. 1453). Celeridad y justicia en el proceso de nulidad matrimonial renovado.** (Article)

M., Prefect of the Apostolic Signatura, states that in causes of nullity of marriage, the speed of the process is not an absolute value, but is relative or subordinate. The first priority is to achieve a just decision; the second is to achieve a rapid decision. Justice is a limitation on speed, but speed should never be a limitation on justice. Speed at all costs may endanger justice, and in the case of declaratory judgments, such as those concerning the nullity of marriage, it may endanger the truth: the truth of the marriage bond and the truth of the sacrament of marriage. Canon law has always required that cases be dealt with *quam primum*, that is, in the shortest time possible, and this approach permeates all the recent reform of Pope Francis with its two fundamental innovations: the abolition of the requirement of a double conforming sentence of nullity, and the creation of the new briefer process.

**1491**

**Per 105 (2016), 107-134: Davide Salvatori: Le eccezioni dilatorie e il confine tra uso e abuso del diritto di difesa? Alcune note all'interno del processo di nullità matrimoniale.** (Article)

S. offers some reflections on the nature of the marriage nullity process. As a starting point, he cites Pope Benedict XVI's discourse to the Roman Rota of 2006, in which it was declared that the process “is instituted in the name of justice and peace”. For that reason, the right to actions and dilatory exceptions which mark an ordinary contentious process (cf. canon 1491) cannot be transferred *sic et simpliciter* into the marriage nullity process. The rights at the heart of this process are neither purely personal nor real. Rather what lies at the

core of the process is a juridical fact to be declared. S. notes that the Instruction *Dignitas Connubii* introduced some clarification on this point.

### 1577-1579

**AnC 12 (2016), 27-44: Mariusz Czajkowski: Kryteria oceny ekspertyzy psychologiczno-psychiatrycznej w kanonicznym procesie małżeńskim z tytułu niezdolności psychicznej (*Criteria for evaluation of the expert opinion in ecclesiastical cases for declaring the nullity of marriage based on psychological incapacity*).** (Article)

<http://dx.doi.org/10.15633/acan.1818>

In the context of ecclesiastical marriage nullity cases, psychological and psychiatric evidence is extremely important, since only a serious psychological anomaly in the individual at the time of entering into marriage has a potentially destructive impact on the validity of consent, making the person unable to express such consent. Expertise is not a judgment on the case and will not in itself determine whether the marriage is to be declared null. The critical evaluation and determination of the value of evidence lies with the judge. The expert's role is to assist the judge in reaching the truth in the process, and the judge reaches a conclusion, assessing all the evidence including the opinion given by the expert. The principle of free interpretation on the part of the judge remains fundamental, as it gives him the dominant role in the assessment of the value to be attributed to the expert opinion in reaching the moral certainty necessary for a fair judgment. Although the judge does not have to be guided by the expert's conclusions, it would be inadvisable not to, provided the expert's opinion has an adequate factual and argumentative basis and does not contradict the Christian vision of the individual and of marriage.

### 1609

**KIP 5 (18) 2016, nr. 2, 107-126: Ryszard Pankiewicz: *Votum separatum* w prawie kanonicznym i prawie polskim (*The "votum separatum" in canon law and Polish law*).** (Article)

<http://dx.doi.org/10.18290/kip.2016.5.2-7>

P. examines the concept of the *votum separatum*, or dissenting opinion, of a judge on a tribunal who disagrees with the majority verdict, and how this is treated in canon law and Polish law. One principal difference is that in canon law the parties are not informed of the dissenting opinion, which forms part of the process of arriving at the collegiate decision of the tribunal.

## 1620 7º

**Ius Comm IV (2016), 295-321: Acta Tribunalium Sanctae Sedis Rotae Tribunal: Decreto coram Salvatori, 19 febrero 2015. Nulidad de matrimonio. Cuestión incidental: nulidad de sentencia; Juan José García Faílde: Comentario al Decreto coram Salvatori, 19 febrero 2015. (Decree and comment)**

The central issue dealt with in this (pre-*Mitis Iudex*) Rotal Decree was whether the sentence issued at second instance was null because 1. the parties were deprived of the possibility of presenting proofs or pleadings; and 2. the tribunal failed to issue a formal decree determining the terms of the controversy. On the latter point the Rota considered that the parties were in fact made aware, albeit informally, of the terms of the controversy and that the second instance tribunal's omission in this regard did not invalidate the sentence. But the failure to allow the parties to present proofs or pleadings did render the sentence invalid. In his comment G.F. draws attention to a number of unsatisfactory or unclear elements in the Rotal Decree itself.

## 1641-1645

**ADC 5 supl. (octubre 2016), 53-95: Joaquín Llobell Tuset: Cuestiones acerca de la apelación y la cosa juzgada en el nuevo proceso de nulidad del matrimonio. (Conference presentation)**

See below, canons 1671-1691.

## 1671-1673

**RMDC 21/1 (2015), 297-305: Gerardo Ángeles Pérez: Del fuero competente y de los Tribunales eclesiásticos. Nuevos cánones 1671 al 1673. (Article)**

A.P. examines the new canons 1671, 1672 and 1673, dealing respectively with the competence of the ecclesiastical judge, the simplified titles of competence of ecclesiastical tribunals, and the diocesan bishop and the first and second instance tribunals.

## 1671-1691

**AC 56 (2014-2015), 89-127: Philippe Toxé: La réforme des procès en nullité de mariage selon le Motu proprio *Mitis Iudex Dominus Iesus*. (Article)**

T. examines the reforms introduced by *Mitis Iudex* to make the marriage nullity process more accessible and streamlined, looking at the provisions on the value of proofs, the suppression of the requirement of a double confirming sentence,

and the *processus brevior* (the role of the judicial vicar, the conditions for its use, and the steps to be followed). He ends with a series of misgivings concerning the new provisions.

### **1671-1691**

**AC 56 (2014-2015), 129-156: Jean-Jacques Boyer: Quelques considérations autour de l'appel dans la procédure ordinaire du procès en déclaration de nullité du mariage après le motu proprio *Mitis Iudex*. (Article)**

B. comments on the new canons 1671-1691, paying particular attention to the appeal, when applicable, and the manner in which it is pursued. He attempts to identify to what extent the settled jurisprudence in the matter of matrimonial processes is compatible with the new regulations.

### **1671-1691**

**AC 56 (2014-2015), 189-211: Sabine Claeysens – François Escaffre: Quarante ans de causes de nullité de mariage. Étude statistique sur l'activité des officialités d'Île-de-France jusqu'à la veille de la réforme de septembre 2015. (Conference presentation)**

The authors present a statistical survey of marriage cases examined by the tribunal of Versailles in the 40-year period up to *Mitis Iudex* (number of cases; general circumstances of the parties – sex, age, duration of marriage, number of children, etc.; grounds of nullity; other circumstances relative to those involved in the procedure; general conclusions).

### **1671-1691**

**ADC 5 supl. (octubre 2016), 39-52: Francisco José Regordán Barbero: La investigación preliminar en las nuevas normas procesales del M. P. *Mitis Iudex Dominus Iesus*. (Conference presentation)**

R.B. looks at the pre-judicial or pastoral enquiry in *Mitis Iudex*. He first sets out the context of the Synod on which the motu proprio is based, and then offers a definition of the pre-judicial enquiry (which does not form part of the matrimonial process), highlighting the particularities which distinguish it from the preliminary investigation in penal cases. He looks at who is able to request and to carry out the investigation, and how it should be done. He ends with some reflections on the guarantees applicable in such cases, and some brief final considerations.

**1671-1691**

**ADC 5 supl. (octubre 2016), 53-95: Joaquín Llobell Tuset: Cuestiones acerca de la apelación y la cosa juzgada en el nuevo proceso de nulidad del matrimonio.** (Conference presentation)

After a brief historical presentation of the key moments in the reform of the marriage nullity process, L.T. looks at the various norms utilized by the “working group” for defining the principal questions of interpretation and application concerning the reform of the matrimonial process; the “realist” approach of Pope Francis to the question of abrogating the obligation of the double conforming sentence and the importance of applying moral certainty to the “*quaestio iuris*” and the “*quaestio facti*”; and the re-evaluation of the right of appeal. He then examines more deeply the right to a possible “double conforming sentence”, and the application of the process in canon 1679 of *Mitis Iudex* to certain decisions on marriage nullity for which canon 1682 §2 of the CIC/83 prohibited an briefer process.

**1671-1691**

**ADC 5 supl. (octubre 2016), 123-164: Carlos López Segovia: La confirmación de la sentencia en el M. P. *Mitis Iudex Dominus Iesus*. Elementos de continuidad.** (Conference presentation)

The question of the speed of marriage nullity processes is not a new one. The double conforming sentence *pro nullitate* has been a problem considered by canonical doctrine since the promulgation of the CIC/17, and was the object of concern before, during and after the Second Vatican Council, in the 1967 Synod of Bishops, in the first phase of the reform of the CIC, and in the Procedural Norms of 28 April 1970. As a consequence the *motu proprio Causas matrimoniales* of 1971 introduced the *processus breviar* contained in the CIC/83 (cf. canon 1682 and the Instruction *Dignitas Connubii*, articles 264-266). This *processus breviar* remains partially in force under *Mitis Iudex* (cf. the new canons 1679-1680), alongside the new briefer process of *Mitis Iudex* itself (the new canons 1683-1687). (L.S. points out that it might have been slightly less confusing to call the new briefer process by another name, such as “extraordinary process before the bishop”.)

**1671-1691**

**ADC 5 supl. (octubre 2016), 165-191: Manuel Jesús Arroba Conde: La experiencia sinodal y la reciente reforma procesal en el Motu proprio *Mitis Iudex Dominus Iesus*.** (Conference presentation)

A.C. considers the two Synods of Bishops in 2014 and 2015 to be the necessary context (cf. canon 17) for the reform of the marriage nullity process. Hence he focuses on the criteria which provide the key to a correct “synodal” hermeneutic of the implementation of the new legislation and which will favour its correct and effective reception. He begins with a brief reference to the synodal reflections and the pastoral challenges to which these give rise, before setting out the general aims of the reform of the marriage nullity process. He then suggests some lines of interpretation of the motu proprio.

**1671-1691**

**Ap LXXXVIII (2015), 553-570: Manuel Jesús Arroba Conde: Le “*Litterae motu proprio datae*” sulla riforma dei Processi di nullità matrimoniale: prima analisi. Alcuni aspetti delle nuove Norme sulle Cause di nullità del Matrimonio.** (Article)

Analysing the new norms on matrimonial processes, A.C. first presents a general assessment of the choices made by the Legislator, which he judges to be positive since the judicial format guarantees fidelity to the *quaestio iuris* and moral certainty as to the *quaestio facti*. He then analyses in greater detail the preparation of the cause and the briefer process.

**1671-1691**

**CLSN 187/16, 42-53: Mary Pierre Jean Wilson: Apostolic Letter *Mitis Iudex Dominus Iesus* and the 1983 Code of Canon Law.** (Article)

W. examines the differences between the provisions of the CIC/83 and the motu proprio *Mitis Iudex* in relation to the procedures to be followed in marriage nullity cases, and sets out a table aimed at benefiting tribunal personnel.

**1671-1691**

**CLSN 188/16, 46-58: Pius Collins: *Mutatis Mutandis*: The Franciscan Reforms of Special Matrimonial Process Law.** (Article)

C. examines the new canons 1671-1691, briefly discussing the context in which *Mitis Iudex* was promulgated and the principles of the reform, before evaluating two aspects of the new legislation in particular: the briefer process, and the

single executive sentence declaring nullity, and offering some concluding observations and comments. In seeking to evaluate several aspects of *Mitis Iudex* he makes use of recently published articles and commentaries on the Apostolic Letter.

### 1671-1691

**Comm 48 (2016), 370-372: Allocutio ad eos qui, diebus 17-19 novembris 2016, Cursui formationis Episcoporum de processu matrimoniali a Romana Rota promoti, interfuerunt, a Summo Pontifice prolata.** (Address)

Pope Francis encourages bishops attending a course on the marriage process provided by the Roman Rota. Tribunals should be seen as being at the service of the salvation of souls. Care for this is part of their pastoral responsibility as bishops.

### 1671-1691

**EIC 56 (2016), 383-403: Benedict Ndubueze Ejeh: «Mitis Iudex Dominus Iesus»: obbiettivi, novità e alcune questioni.** (Article)

E. studies the aims of *Mitis Iudex*, and looks at how the new legislation has been received. He also highlights a number of problems inherent in the new laws and their application. While the revised norms do lend themselves in certain respects to abuse, E. concludes that in issuing *Mitis Iudex*, Pope Francis presupposes that those involved in applying the laws, and the parties themselves who request a judgment on their marriage, will be inspired and motivated by the Gospel spirit of justice founded on truth and divine mercy, which will prevent them from making use of the reform to pursue ends that are not compatible with the truth of marriage.

### 1671-1691

**EIC 56 (2016), 521-548: Luigi Lacroce: Il riconoscimento in Italia delle sentenze ecclesiastiche di nullità matrimoniale dopo la riforma del processo matrimoniale canonico introdotto con il M. P. «Mitis Iudex Dominus Iesus».** (Article)

L. analyses the impact which the reforms introduced by *Mitis Iudex* might have on the existing system of civil recognition of ecclesiastical sentences of nullity of marriage.



**1671-1691**

**FCan XI/2 (2016), 35-75: Mário Rui de Oliveira: A reforma do processo matrimonial à luz dos princípios gerais do processo canónico.** (Article)

After describing the canonical process and analysing the procedural principles that inspire the ecclesial juridical order, O. presents some thoughts on the current debate concerning the reforms brought about by *Mitis Iudex*. He sees *aequitas* as being a central point in this debate, drawing a distinction between the Roman concept of perfect justice, the patristic idea of mercy, and the Aristotelian definition of *epikeia*. *Aequitas* is an authentic principle that defines the nature of canon law. As well as tempering the rigour of legislation with mercy, canon law should help individuals to avoid sin and ensure the sovereignty of the spiritual elements.

**1671-1691**

**FCan XI/2 (2016), 77-78: Papa Francisco: Um serviço de justiça e de caridade às famílias.** (Address)

Portuguese text of the Pope's address to participants in a course promoted by the Roman Rota on 12 May 2016, in which he stresses that the objective of the reform of the matrimonial process is to make the process swifter, while respecting justice and charity. At the same time he acknowledges the pastoral importance of married persons who remain faithful to their matrimonial commitment, even in difficult conditions.

**1671-1691**

**IE XXVIII (2016), 457-477: Massimo del Pozzo: I titoli di competenza e la “concorrenza materiale” alla luce del m.p. *Mitis Iudex Dominus Iesus*.** (Article)

Del P. examines the innovations enacted by *Mitis Iudex* regarding titles of competence in marriage nullity cases and the division of roles between the diocesan judicial vicar and the interdiocesan or “nearby” judicial vicar in the briefer process. The introduction of the case is made simpler by the elimination of the precautionary restrictions for the forum of the petitioner and the forum of the proofs, by the inclusion of the petitioner's quasi-domicile as one of the criteria for competence, and by favouring speedy and direct access to the judgment of the bishop through the judicial vicar or equivalent. The procedural reform has brought about a significant change of perspective: from the priority of protecting the respondent, to the preponderance of the petitioner's freedom of choice: and from the exclusivity of jurisdiction *ratione materiae*, to the possible competition of involvement between the two judicial vicars as a result of the

procedure followed. Apart from the conceptual and systematic problems that arise, there are the practical questions of how to integrate a streamlining of the process with respect for the principle of proximity, and how to foster coordination and functionality as regards the possible “conversion” of the case from the ordinary process to the briefer one or vice versa.

**1671-1691**

**IE XXVIII (2016), 479-503: Costatino-M. Fabris: Indagine pregiudiziale o indagine pastorale nel Motu proprio *Mitis Iudex Dominus Iesus*. Novità normative e profili problematici.** (Article)

F. examines the specific norms introduced by Pope Francis concerning the pre-judicial or pastoral inquiry in the wider context of the reform of the procedures for matrimonial nullity cases. He also highlights the role of the ecclesiastical lawyer in this inquiry, setting out certain problematic aspects that arise in respect of the judgment of the case itself and also concerning the broader pastoral horizon of the reform.

**1671-1691**

**IE XXVIII (2016), 505-526: Javier Ferrer Ortiz: La reforma de los procesos matrimoniales canónicos y su incidencia en el derecho español.** (Article)

F.O. analyses the impact of the reform of matrimonial nullity procedures on the recognition by Spanish courts of the civil effects of ecclesiastical declarations of nullity.

**1671-1691**

**Ius Comm IV (2016), 183-201: Dominique Mamberti: “Quam primum, salva iustitia” (c. 1453). Celeridad y justicia en el proceso de nulidad matrimonial renovado.** (Article)

See above, canon 1453.

**1671-1691**

**Ius Comm IV (2016), 203-235: Péter Erdő: Observaciones sobre la nueva regulación del proceso matrimonial.** (Article)

The ultimate purpose of the motu proprio *Mitis Iudex* and the reforms it introduces is the salvation of souls (canon 1752). The need to streamline matrimonial processes has led to the adoption of a number of measures

including the abolition of the need for a double conforming sentence, the entrusting of marriage nullity processes to a sole judge, the simplification of tribunal competence, the personal judicial activity of the bishop, and the briefer process, as well as the process being offered free of charge, as a manifestation of “the gratuitous love of Christ by which we have all been saved”.

### **1671-1691**

**Ius Comm IV (2016), 257-291: José Luis López Zubillaga: El nuevo proceso ordinario de declaración de nulidad del matrimonio.** (Article)

The reforms of *Mitis Iudex* seek to streamline the processes and make them more accessible. However this simplification cannot go against the truth, the supreme objective of the process. Pope Francis talks of the need to protect the truth of the sacred bond to the highest degree, and the surest way of achieving this is through the judicial process, taking into account also the firm principle of the indissolubility of the marriage bond. These intentions are reflected in six fundamental criteria which have guided the reform: the effectiveness of a single sentence of nullity; the possibility of having a sole judge; the bishop himself acting as judge; a briefer process; appeal preferentially to the metropolitan see; appeal to the Apostolic See.

### **1671-1691**

**Per 105 (2016), 417-434: Adolfo Zambon: Il Motu Proprio *Mitis Iudex*. Punto di vista di un giudice.** (Presentation)

In his presentation at the study day of 15 December 2015 at the Pontifical Gregorian University, Z. offers some reflections on *Mitis Iudex* from the perspective of an ecclesiastical judge. His text focuses in particular on the titles for competence and on the instruction that is required in cases where the briefer process is used.

### **1671-1691**

**RMDC 21/1 (2015), 233-260: Luis de Jesús Hernández M.: Los desafíos canónico-pastorales de los Tribunales eclesiásticos.** (Article)

The canonical and pastoral challenges facing ecclesiastical tribunals following the reform of the marriage nullity process should be the concern of the whole diocese, and cannot simply be reduced to remedying irregular matrimonial situations and speeding up declarations of nullity. What is called for is a transformation of the structures of the particular Church and the creation of mechanisms which help bring into being in a coordinated fashion a solidly-

based family and marriage pastoral programme, in which the tribunal will also be called to play a part.

### 1671-1691

**RMDC 21/1 (2015), 261-296: Marco Antonio Hernández H.: Los criterios que han guiado la reforma del proceso declarativo de nulidad matrimonial. (Article)**

H. studies the fundamental criteria which have guided the reform of the marriage nullity process, which he identifies as the following: 1. a single sentence in favour of nullity is effective; 2. a sole judge, under the responsibility of the bishop; 3. the bishop himself as judge; 4. the briefer process; 5. appeal to the metropolitan see; 6. the proper function of the episcopal conferences; 7. appeal to the Apostolic See; 8. provisions in relation to the Eastern Catholic Churches.

### 1671-1691

**RMDC 21/1 (2015), 307-337: Rogelio Ayala Partida: El derecho de impugnar el matrimonio. Introducción e Instrucción de la causa. (Article)**

In reforming the processes for the nullity of marriage Pope Francis has wished to make it easier for the faithful to have their cases resolved, and thus direct the efforts of the tribunals more effectively to achieving the *salus animarum*. He leaves intact a good deal of the current legislation concerning such matters as the right to have the case examined, the right of defence, the use of experts, the probative value of witnesses, and the provisions concerning a dispensation *super rato* when a very probable doubt arises as to the non-consummation of the marriage.

### 1671-1691

**RMDC 21/1 (2015), 411-456: PP. Franciscus: Litterae Apostolicae motu proprio datae *Mitis Iudex Dominus Iesus*; PP. Francisco: Carta Apostólica en forma de motu proprio *Mitis Iudex Dominus Iesus*; PP. Francesco: rescritto sul compimento e l'osservanza della nuova legge del processo matrimoniale; PP. Francisco: Rescripto sobre el cumplimiento y la observancia de la nueva ley del proceso matrimonial; Mons. P. Vito Pinto, Decano del Tribunal de la Rota Romana: Explicación del Rescripto del Santo Padre. (Documents)**

Given here are the Latin and Spanish texts of *Mitis Iudex*; the Italian and Spanish texts of the *rescriptum ex audientia* of 7 December 2015 on the fulfilment and

observance of the new law on matrimonial procedures; and the Spanish text of the explanation of the rescript by the Dean of the Rota, Mgr. Pio Vito Pinto. (See *Canon Law Abstracts*, no. 117, p. 119.)

### **1671-1691**

**Jesu Pudumai Doss – Giuseppe Duc Dung Do (eds.): *Schola Humanitatis: Famiglia e matrimonio nella legislazione ecclesiale. Miscellanea in occasione del 75° della Facoltà di Diritto Canonico dell'UPS.*** (Book)

See above, canons 1055-1165 (articles by Antonio Inguscio and Pierluigi Paoletti).

### **1671-1707**

**CLSN 188/16, 71-75: Peter Kravos: *British and Irish Tribunal Statistics 2015.*** (Statistics)

Tables showing the numbers of 1. ordinary trials in first instance (with comparative figures from 1995); 2. documentary trials in first instance; 3. ordinary trials in second instance; 4. “separation of spouses”, “ratified and non-consummated” and “presumed death of spouse” cases; in tribunals in Britain and Ireland in 2015.

### **1672**

**KIP 5 (18) 2016, nr. 2, 91-106: Igor Kilanowski: *Właściwość sądu w sprawach o nieważność małżeństwa (The competent tribunal in cases for declaring the nullity of marriage).*** (Article)

<http://dx.doi.org/10.18290/kip.2016.5.2-6>

K. sets out the criteria for determining competence in marriage nullity cases, showing how the norms have evolved over time.

### **1678**

**EIC 56 (2016), 449-486: Miguel Ángel Ortiz: *La valutazione delle dichiarazioni delle parti nelle cause di nullità del matrimonio.*** (Article)

*Mitis Iudex* touches upon a fundamental aspect of the matrimonial nullity process: the value of the declarations of the parties as a means of proof. O. examines the new legislation, highlighting some of its critical aspects.

### 1679-1682

**EIC 56 (2016), 405-448: Joaquín Llobell: Questioni circa l'appello e il giudicato nel nuovo processo matrimoniale. (Con brevi considerazioni sul "Tavolo di lavoro" per l'Italia).** (Article)

Among the reforms introduced by *Mitis Iudex*, those regarding appeals and the value of adjudged matter are certainly very important. L. analyses the reform, taking into account recent guidance issued by the Italian Bishops' Conference.

### 1679-1682

**RMDC 21/1 (2015), 349-383: Mario Medina Balam: La sentencia, sus impugnaciones y su ejecución (Art. 4 *Mitis Iudex*; cc. 1679-1682).** (Article)

M.B. looks at the final phases of the marriage nullity process: the decision, and the ways in which that decision may be challenged. In relation to the sentence itself M.B. examines moral certainty, the substantial elements of the definitive sentence, the external structure of the sentence, and publication. Regarding challenges of the sentence he looks at the plaint of nullity, the appeal, and the new proposition of the case. He goes on to look at the procedure for execution of the sentence, as well as the general norms contained in the new canon 1691.

### 1678

**Ius VI 2/15, 145-164: B. Tharakunnel: Forensic Psychiatry and the Role of Experts in Canon Law.** (Article)

See above, CCEO canon 1364.

### 1680

**SC 50 (2016), 383-452: William Daniel: The *Appellatio Mere Dilatoria* in Causes of Nullity of Marriage. A Contribution to the General Theory of the Appeal against a Definitive Sentence.** (Article)

One of the novelties introduced in Pope Francis's 2015 reform of the marriage nullity process is the legislative classification of some appeals against a definitive sentence as "merely dilatory". Given judicial experience, many commentators and practitioners initially took the expression "merely dilatory appeal" to mean an appeal that is made by the appellant with the intent to cause delays in the cause. When an appeal is made as a delaying tactic, therefore, the new law would seem to allow the appellate judge simply to confirm the decision immediately. This view, however, is seen to be overly simplistic, since it may frequently happen that a delay-motivated appeal is made against an otherwise

unjust sentence, whose injustice in reality should impede its simple confirmation. D. accordingly demonstrates that, apart from the motives of the appellant, an appeal is merely dilatory when it would certainly cause a delay in the execution of a clearly just definitive sentence. The discussion is situated within an investigation of the foundational elements of the institute of the appeal, namely, its nature, the notion of a grievance (*gravamen*), and the motives of an appeal. D. also examines the institute of the rejection of an appeal (cf. canon 1631), given the seeming resemblance between the immediate confirmation of an appealed sentence prior to an appellate process and the rejection of an appeal *in limine*.

### 1683

**Per 105 (2016), 395-415: G. Paolo Montini: L'accordo dei coniugi quale presupposto del *processus matrimonialis brevior*.** (Presentation)

On 15 December 2015, in a study day at the Pontifical Gregorian University in Rome dedicated to reflecting on the new matrimonial process, M. offered a presentation that focused on the necessity to have the agreement of the parties before having recourse to the *processus brevior*. He tries to tease out what is meant by “consent” of the parties in such circumstances as well as some of the implications both theoretical and practical of the briefer process.

### 1683-1687

**AA XXII (2016), 169-230: Luis de Ruschi: El *processus brevior* del motu proprio *Mitis Iudex Dominus Jesus*.** (Article)

R. offers a detailed study of the *processus brevior*, providing a doctrinal interpretation of the new procedures and demonstrating that it has its roots in genuine canonical tradition.

### 1683-1687

**ADC 5 supl. (octubre 2016), 97-122: Felipe Heredia Esteban: El proceso más breve ante el Obispo.** (Conference presentation)

H.E. focuses on the briefer process before the diocesan bishop for cases of evident nullity of marriage where proofs can be easily collected so that a more detailed instruction of the case is not needed. An indispensable requirement for the briefer process is that both parties should be in agreement as to the content of the facts at issue and on the use of the simplified process. Another of the most notable innovations is the direct exercise of judicial power on the part of the bishop: the bishop is the judge and therefore the only one who needs to reach the

required moral certainty to pronounce a sentence, which will always be affirmative, since there is no room for a negative sentence (instead, the bishop will determine that the case should be referred to the ordinary process before the ecclesiastical tribunal). The instruction of the briefer process is to be carried out by the judicial vicar or another competent person; the instruction should if possible be completed in a single session. The defender of the bond should prepare his observations and the parties can present their written pleadings, at which point the discussion phase begins. In order to make his decision the bishop should consult with two advisers, one of whom will be the instructor, while the second can be an expert in juridical or human sciences. An appeal against the sentence can be made to the metropolitan or to the Roman Rota, which, if it admits the appeal, remits the case to ordinary examination at second instance.

### **1683-1687**

**CLSN 188/16, 59-70; also Ius VI 2/15, 165-178: Leszek Adamowicz: The Circumstances of Things and Persons that can allow a Case for Nullity of Marriage (*Mitis Iudex* – “The way of proceeding...,” Art. 14).** (Article)

A. discusses issues concerning the new provisions for the briefer process under *Mitis Iudex*. This process assumes certain prerequisites: compatible arguments of the parties, “strong” evidence for nullity provided in the initial stage, and a description of the circumstances that led to the decision to end the marriage. A. critically analyses article 14 §1 of “The way of proceeding in cases regarding the declaration of the nullity of a marriage”. The criteria referred to relate to suspected defects of consent, such as simulation, fraud, lack of use of reason, grave lack of due discretion concerning the essential rights and obligations of marriage, and a psychological incapacity to assume these obligations. It can thus be concluded that almost every title of nullity can be examined by means of the briefer process. Doctrine and jurisprudence will need to develop a deeper understanding of the content of these new provisions and the possible addition of other circumstances of things and persons that will permit the use of the briefer process before the bishop.

### **1683-1687**

**FCan XI/2 (2016), 7-24: Manuel Arroba Conde: O processo mais breve diante do bispo.** (Article)

A.C. presents an interpretation of the profound reform of the matrimonial process brought about by *Mitis Iudex*, article 5 on the briefer process before the bishop. He also looks at pre-existing norms outside the Code which anticipated



certain elements of this reform, and analyses the conditions which enable the briefer process to be utilized.

### **1683-1687**

**RMDC 21/1 (2015), 339-348: Guillermo Rodríguez R.: Del proceso de nulidad matrimonial más breve ante el Obispo. Elementos estructurales.** (Article)

The *processus brevior* is a very agile and rapid procedure. However, it is not a “summary” or “administrative” process, but a true judicial process, in which the bishop is judge and makes use of the services – in order to know the facts – of an instructor and an assessor, with whom he has a prior discussion concerning the moral certainty of the matrimonial nullity based on the facts proved. If he attains such moral certainty he pronounces his decision; if not, he refers the case to the ordinary process. R. looks in detail at the provisions of the new canons 1683-1687.

### **1687**

**SC 50 (2016), 383-452: William Daniel: The *Appellatio Mere Dilatoria* in Causes of Nullity of Marriage. A Contribution to the General Theory of the Appeal against a Definitive Sentence.** (Article)

See above, canon 1680.

### **1688-1690**

**RMDC 21/1 (2015), 385-407: Ana Isabel Romero Ugalde: El proceso documental (Art. 6 *Mitis Iudex*; cc. 1688-1690).** (Article)

*Mitis Iudex* retains the documentary process, which remains unchanged from the provisions of the CIC/83 except that it is now not only the judicial vicar or a judge but primarily the diocesan bishop who can declare the nullity of a marriage by this process. R.U. looks at the historical antecedents of the documentary process, its nature, the scope of its application, the role of the document itself in the process, the parties (judge and spouses) and the procedural aspects (decision phase and second instance).

**1697-1706**

**Elias Frank: The Dissolution of Marriage Bond in the Discipline of the Church and Its Application.** (Book)

See above, canons 1141-1150.

**1717-1719**

**FThC IV (2016) Suppl., 41-48: Péter Artner: Preventive Disciplinary Measures Before the Application of a Penalty.** (Article)

See above, canon 1339.

**1717-1719**

**Vid 80 7/16, 524-537: Sebastian S. Karambai: Delict of Sexual Abuse by Clerics: The Complaint and Preliminary Investigation.** (Article)

K. considers the procedure to be followed in India whenever a complaint has been made that a cleric has committed sexual abuse of a minor. He refers to the CIC/83, the CCEO, *Sacramentorum Sanctitatis Tutela*, the revised norms approved in 2010 by Pope Benedict XVI, and the letter of the Congregation for the Doctrine of the Faith (CDF) to assist episcopal conferences in developing guidelines for use in their territories. In particular, he refers to the guidelines developed by the Catholic Bishops' Conference of India and approved by the CDF, promulgated in 2015. He reviews the terminology used, the formalities required for a complaint to be made to a superior that a cleric has offended in this manner, actions which the superior should take as a consequence, and the preliminary investigation in particular. He concludes with a summary of the way in which a complaint may be dealt with after the conclusion of the preliminary investigation.

**1717-1731**

**Comm 48 (2016), 139-215: ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali” (Sessio IX).** (Documentation)

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

**1718**

**AC 56 (2014-2015), 9-17: Bruno Gonçalves: L'intelligence procédurale au service de l'efficience canonique.** (Discourse)

G. looks at canon 1718 from the point of view of “procedural efficiency”, asking whether there might be some other more efficient means than the penal process, or – if there must be a process – what form it should take with regard to the preliminary investigation.

**1732-1739**

**AC 56 (2014-2015), 229-248: Philippe Toxé: Quel principe de légalité en droit canonique?** (Article)

See above, canon 135.

**1734**

**Per 105 (2016), 435-455: Matthias Ambros: Il vicario generale nel sistema dei ricorsi gerarchici. L'interpretazione del can. 1734 §3 1°.** (Article)

In this presentation to the 50th Colloquium of the Canon Law Faculty of the Pontifical Gregorian University held in Brescia, A. considers the figure of the vicar general of a diocese within the framework of hierarchical recourses. The focus of the study is to determine whether or not the vicar general is to be considered one of the authorities subject to the diocesan bishop within the meaning of canon 1734 §3 1°. Having reviewed the interpretations of some leading commentators, analysed the canon in text and context, and considered the question in the light of the practice and jurisprudence of the Holy See, A. concludes that the vicar general is not to be seen as an authority subject to the diocesan bishop since any decision he makes is made in the name of the same bishop.

**1739**

**Per 105 (2016), 135-154: Johannes Fürnkranz: Die entscheidungsfindung nach can. 1739. Einige prozessrechtliche anmerkungen.** (Article)

F. examines the jurisprudence of the Apostolic Signatura concerning the need for a special administrative procedure when the hierarchical superior has to deal with a recourse in accordance with canon 1739.

**1740-1747**

**Ap LXXXVIII (2015), 405-438: Supremum Signaturae Apostolicae Tribunal: Decreta; Cristian Begus: Adnotationes in Decreta.** (Documents and comment)

See above, canon 1445.

**1740-1747**

**Ius VII 1/16, 63-95: Johnson Kovoorthenpurayil: The Right of Defence in the Administrative Process of the Removal of a Parish Priest. Part I: Canonical Causes and Procedures.** (Article)

See above, CCEO canons 1389-1396.

**1752**

**FCan XI/2 (2016), 35-75: Mário Rui de Oliveira: A reforma do processo matrimonial à luz dos princípios gerais do processo canónico.** (Article)

See above, canons 1671-1691.

## 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

|                |  |
|----------------|--|
| AA             | Anuario Argentino de Derecho Canónico, Buenos Aires – V. Rev. John McGee, Girvan, Ayrshire.  |
| AC             | L'Année Canonique, Paris – Editor.   |
| ADC            | Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.   |
| AkK            | Archiv für katholisches Kirchenrecht, Paderborn – Abstracts supplied by publisher.   |
| AnC            | Annales Canonici, Krakow – Abstracts supplied by publisher.  |
| Ap             | Apollinaris, Rome – Abstracts supplied by publisher.   |
| CLSN           | Canon Law Society Newsletter, London – Editor.   |
| Comm           | Communicationes, Rome – Rev. Mgr. Gordon Read, Colchester, Essex.  |
| EE             | Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.  |
| EIC            | Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.  |
| FCan           | Forum Canonicum, Lisbon – Abstracts supplied by publisher.   |
| FThC           | Folia Theologica et Canonica, Budapest – Editor.   |
| Hist. Research | Historical Research, Institute of Historical Research, University of London – Abstract 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 – Abstracts supplied by publisher.  |
| Ius Comm       | Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.   |
| IusM           | Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.   |
| KIP            | Kościół i Prawo, Lublin – Abstracts supplied by publisher.   |
| LJ             | Law and Justice, Worcester – Abstracts supplied by publisher.  |
| NRT            | Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.  |
| PCH            | The Person and the Challenges, Krakow – Abstracts supplied by publisher.   |
| Per            | Periodica, Rome – Fr Aidan McGrath OFM, Rome.  |
| QDE            | Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.   |
| RCDCP          | Kritische Zeitschrift für überkonfessionelles Kirchenrecht / Revista Crítica de Derecho Canónico Pluriconfesional (electronic and paper publication: Servicios Académicos Internacionales, Gunzenhausen) – Editor. |
| RDC            | Revue de Droit Canonique, Strasbourg – Editor.   |
| REDC           | Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.   |
| RMDC           | Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Editor.  |
| SC             | Studia Canonica, Ottawa – Rev. Mgr. John Renken, Ottawa.   |
| Verg           | Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.   |
| Vid            | Vidyajyoti, Delhi – Rev. Mgr. John Hadley, Leicester.  |

## ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- John A. ALESANDRO: *Indissolubility and the Synod of Bishops – Reflections of a Canon Lawyer*, Paulist Press, Mahwah New Jersey, 2015, ix + 71pp., ISBN 978-0-8091-4958-2 (reviewed by Tony Kerin, SC 50 [2016], 596-598-596)
- William L DANIEL: *The Art of Good Governance. A Guide to the Administrative Procedure for Just Decision-Making in the Catholic Church*, Wilson & Lafleur (Gratianus series), Montreal, 2015, xxv + 275pp., ISBN 978-2-89689-302-7 (reviewed by Javier Canosa, IE XXVIII [2016], 681-684; see also Canon Law Abstracts, no. 116, p. 34)
- David L. D'AVRAY: *Papacy, Monarchy and Marriage, 860-1600*, Cambridge University Press, Cambridge, 2015, 355pp., ISBN 978-1-107-06253-5 (reviewed by Nicolás Álvarez de las Asturias, IC 56 [2016], 836-840)
- Charles GALLAGHER – David I. KERTZER – Alberto MELLONI (eds.): *Pius XI and America*, Proceedings of the Brown University Conference (Providence, October 2010), Christianity and History; Series of the John XXIII Foundation for Religious Studies in Bologna, vol. 11, Zurich, Lit Verlag, 2012, 448pp., ISBN 978-3-643-90146-0 (reviewed by Pierre Bellemare, SC 50 [2016], 594-595)
- Montserrat GAS AIXENDRI – Rita CAVALLOTTI: *Family and Sustainable Development*, Thomson Reuters Aranzadi, Cizur Menor, 2015, 394pp., ISBN 978-84-9098-572-4 (reviewed by M. Pilar Lacorte Tierz, IE XXVIII [2016], 686-689)
- Francis LYALL: *Church and State in Scotland: Developing law*, Routledge/Taylor & Francis Group, Oxford, 2016, 254pp., ISBN 978-1409450641 (reviewed by Frank Cranmer, LJ 177 [2016], 200-203)
- 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 978-2-89689-070-5 (reviewed by Dominique le Tourneau, IC 56 [2016], 858-861; see also Canon Law Abstracts, nos. 113, pp. 28-29; 117, p. 125)
- Boby Sebastian THARAKUNNEL: *Personality Disorders and Nullity of Marriage* (originally a doctoral dissertation entitled *Personality Disorders and Nullity of Marriage According to Can. 1095, 2°-3°/CIC and Can. 818, 2°-3°/CCEO with a Special Reference to Roman Rotal Decisions*), Dharmaram Canonical Studies 15, Bengaluru: Dharmaram Publications, 2016, xxxvii + 706pp. (reviewed by Sebastian Payyappilly, Ius VII 1/16, 163-166)
- Justin M. WACHS: *Obsequium in the Church: Sacred Tradition, Second Vatican Council, 1983 Code, and Sacred Liturgy*, Wilson & Lafleur (Gratianus series), Montreal, 2014, xxiv + 256pp., ISBN 978-2-89689-161-0 (reviewed by John M. Huels, SC 50 [2016], 595-596, and by Dominique le Tourneau, IC 56 [2016], 864-866; see also Canon Law Abstracts, no. 117, pp. 68-69)

## BOOKS RECEIVED

- Stanisław DUBIEL – Paweł KALETA (eds.): *The Temporal Goods of the Church. Selected Issues*, Catholic University of Lublin, 2016, 248pp., ISBN 978-83-946990-0-0 [see above, canons 1254-1310]
- Jan DOHNALIK: *Il precetto pasquale. La normativa sulla Comunione e la confessione annuale (cann. 920 e 989) alla luce della tradizione canonica*, Pontificia Università Gregoriana, Rome, 2015, 474pp., ISBN 978-88-7839-301-1 [see above, canon 920]
- José FERNÁNDEZ SAN ROMÁN: *La admisión al matrimonio de los que notoriamente abandonaron la fe y de los censurados. Estudio histórico-canónico del iter redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II*, Pontificia Università Gregoriana, Rome, 2016, 226pp. (extract from doctoral dissertation) [see above, Historical Subjects (1917 Code)]
- Sahayadas FERNANDO – Jesu PUDUMAI DOSS (eds.): *Works of Mercy and Education of the Young*, Don Bosco Youth Animation – South Asia, New Delhi, 2015, 239pp., ISBN 978-81-929640-4-1
- Elias FRANK: *The Dissolution of Marriage Bond in the Discipline of the Church and Its Application*, Urbaniana University Press, Rome, 2017, 153pp., ISBN 978-88-401-7062-6 [see above, canons 1141-1150]
- Stanisław KAWA – Agnieszka ROMANKO – Mirosław SITARZ – Anna SŁOWINKOWSKA (eds.): *The Enrollment to the Catholic Church*, Libreria Editrice Vaticana, Rome, 2017, 165pp., ISBN 978-88-209-9993-3 [see above, CCEO canons 27-35]
- Jesu PUDUMAI DOSS (ed.): *“Beati Misericordes”. Questioni pastorali e giuridiche sulla misericordia*, Libreria Ateneo Salesiano, Rome, 2017, 295pp., ISBN 978-88-213-1277-9 [see above, General Subjects (Compilations)]
- Jesu PUDUMAI DOSS: *Child Protection Laws in India*, Don Bosco Youth Animation – South Asia, New Delhi, 2015, viii + 227pp., ISBN 978-81-929640-1-0 [see above, General Subjects (Social issues)]
- Jesu PUDUMAI DOSS – Giuseppe DUC DUNG DO (eds.): *“Schola Humanitatis”: Famiglia e matrimonio nella legislazione ecclesiale. Miscellanea in occasione del 75° della Facoltà di Diritto Canonico dell’UPS*, Libreria Ateneo Salesiano, Rome, 2016, 332pp., ISBN 978-88-213-1247-2 [see above, canons 1055-1165]