

Canon Law Abstracts
No. 120 (2018/2)

Covering periodicals appearing
July – December 2017



Under the patronage
of Saint Pius X

CANON LAW ABSTRACTS is published twice yearly. The January issue covers periodicals which appear during the period January to June of the previous year, the July issue those which appear between July and December of the previous year. Those periodicals which do not appear to time are abstracted as they appear.

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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Canon Law Abstracts costs £9.00 per copy.
The annual subscription is £18.00 payable in advance.
Cheques may be made payable to CANON LAW SOCIETY.

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ISSN 0008-5650

Contents

<i>General Subjects</i>	2
<i>Historical Subjects</i>	21
<i>Code of Canons of the Eastern Churches</i>	36
<i>Code of Canon Law: Book I: General Norms</i>	40
<i>Book II, Part I: Christ's Faithful</i>	43
<i>Book II, Part II: The Hierarchical Constitution of the Church</i>	46
<i>Book II, Part III: Institutes of Consecrated Life & Societies of Ap. Life</i>	59
<i>Book III: The Teaching Office of the Church</i>	66
<i>Book IV: The Sanctifying Office of the Church</i>	70
<i>Book IV, Part I, Title I: Baptism</i>	72
<i>Book IV, Part I, Title II: The Sacrament of Confirmation</i>	73
<i>Book IV, Part I, Title III: The Blessed Eucharist</i>	74
<i>Book IV, Part I, Title IV: The Sacrament of Penance</i>	75
<i>Book IV, Part I, Title V: The Sacrament of Anointing of the Sick</i>	76
<i>Book IV, Part I, Title VI: Orders</i>	77
<i>Book IV, Part I, Title VII: Marriage</i>	78
<i>Book IV, Part II: The Other Acts of Divine Worship</i>	89
<i>Book IV, Part III: Sacred Places and Times</i>	90
<i>Book V: The Temporal Goods of the Church</i>	92
<i>Book VI: Sanctions in the Church</i>	97
<i>Book VII: Processes</i>	102
<i>Exchange Periodicals</i>	122
<i>Abbreviations, Periodicals and Abstractors for this Issue</i>	123
<i>English-Language Books Reviewed in the Above Periodicals</i>	125
<i>Books Received</i>	126

GENERAL SUBJECTS

Comparative law

AC 57 (2016), 135-157: Cristian Crisan: Divorce, dissolution du lien et deuxième mariage dans les Églises orientales. (Article)

C. deals with certain misunderstandings concerning second marriages in the Eastern Churches, examining the notion of ecclesiastical “economy”, the status of remarried Eastern Christians, marriage and “second nuptials” in the Council of Trent, and the exception to the indissolubility of marriage in the discipline of the Romanian Greek Catholic Church.

AC 57 (2016), 213-273: Autour du motu proprio *De Concordia inter Codices*. (Articles)

Given here are four articles dealing with various aspects of *De concordia inter Codices*, by Bruno Gonçalves on the question of adscription to a Church *sui iuris*, Astrid Kaptijn on the place of the ordained Latin or Eastern minister in relation to marriages of Eastern Catholics, Cristian Crisan on whether the CCEO is the first interpreter of the Latin Code, and Job de Telmessos on *De concordia inter Codices* and ecumenical dialogue.

EIC 57 (2017), 473-505: Thierry Sol: La sistematica del Codice del 1917 comparata con quella delle codificazioni “civili” del tempo. (Article)

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

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al m.p. «*De concordia inter Codices*». (Comment)

The motu proprio *De concordia inter Codices* makes certain formal and substantial modifications to the CIC/83. Beginning with the reasons and criteria that informed the legislator’s decision to seek to harmonize the two Codes, S. indicates the principal areas of reform, which concern adscription to a *sui iuris* Church, and the necessary intervention of a priest for the validity of the canonical form of marriage. Having defined the concept of *sui iuris* Church, he examines the adscription of a child when only one of

the parents is Catholic, the declaration of a change of rite to another *sui iuris* Church and its notation, and the lawfulness of the baptism and adscription of a minor whose parents are non-Catholics. He goes on to examine the innovations in the areas of the canonical form of marriage, especially the assistance of a priest when at least one of the parties is Eastern-rite (whether Catholic or non-Catholic), and the value of the blessing given by a Catholic priest in a marriage of Eastern-rite Catholics.

ELJ 19 (2017), 193-211: Charlotte L. Wright: The English Canon Law Relating to Suicide Victims. (Article)

Society has historically viewed suicide with hostility and fear. For centuries this hostility was reflected in the English civil law, which condemned suicide as homicide, and in the Church's position towards suicide victims, which historically considered suicide to be a mortal sin. Under the current Anglican canon law, set out in canon B 38, it is the duty of the minister to bury all parishioners, those who die in the parish, or those entered on the electoral roll of the parish according to the rites of the Church of England, except for (among others) those who "being of sound mind have laid violent hands upon themselves". This canon has come under increasing scrutiny in recent years as society's attitudes towards suicide have become more tolerant. As a result, General Synod recently voted that this canon should be amended. W. explores the development of the law relating to suicide victims in order to understand the Church of England's current position. She then considers the shortcomings of the current canon law and reviews the position adopted by the Roman Catholic and Methodist Churches. Finally, she examines the proposals for changing canon B 38.

ELJ 19 (2017), 212-223: Stephen Coleman: The Process of Appointment of Bishops in the Church of England: A Historical and Legal Critique. (Article)

As with most matters of Church of England ecclesiology and polity, the process of the appointment of bishops is firmly rooted within the reforms of the 16th century, but has origins which stretch back to the medieval Church. C. focuses on the appointment of diocesan bishops in the Church of England.

ELJ 19 (2017), 342-356: David Pocklington – Frank Cranmer: Banns of Marriage: Their Development and (Possible) Future. (Article)

A marriage in the Church of England or the Church in Wales may take place following the publication of banns of marriage (preferably during morning service) on three Sundays, by special licence of the Archbishop of Canterbury, by common licence or on the authority of a certificate issued by a superintendent registrar. In 2014, the Church of England conducted almost 50,000 weddings, while the Church in Wales conducted just over 3,000.

Ius VIII 1/17, 3-13: Cherian Thunduparampil: Pope Francis and the Ecclesial Symphony: Harmonization of Law and Life. (Editorial)

T. looks at the *motu proprio De concordia inter Codices* in the light of a General Audience of 9 October 2013 in which the Pope gave pastoral and practical recommendations for harmonizing life and law.

SC 51 (2017), 323-355: Jobe Abbass: *De concordia inter Codices: vers une harmonisation entre le code latin et le code oriental.* (Article)

In his Apostolic Letter *De concordia inter Codices* Pope Francis made changes to a number of Latin norms thereby effecting a greater harmony between the Latin and Eastern Codes. Despite the Pope's concern for an appropriate degree of harmony between the Codes, he also acknowledged that the Codes have their own peculiarities which make them mutually independent. As a result, while *De concordia inter Codices* harmonizes a number of parallel norms of the Codes, others remain disharmonious as the *motu proprio* took into consideration the different traditions behind the two separate and distinct Codes of the universal Church. With specific reference to the articles of *De concordia inter Codices*, A. examines the harmony achieved between parallel norms of the Latin and Eastern Codes, before considering several unresolved questions raised as a result of the publication of the *motu proprio*. As these issues remain, continuing harmonization of the Codes may be required to provide greater clarity and authoritative answers to these matters.

Ius VIII 1/17, 15-48: Jobe Abbass: *De concordia inter Codices: Towards a Harmonization of the Eastern and Latin Codes.* (Article)

See preceding entry.

Ius VIII 1/17, 91-96: Francesco Coccopalmerio: The Work of the Pontifical Council for Legislative Texts to Harmonize Some Provisions of the *CIC* and the *CCEO*. (Article)

C. presents the efforts of the Pontifical Council for Legislative Texts (PCLT) to effect legislative harmony among the various Churches *sui iuris* by amending the *CIC/83*. The Study Commission set up by the PCLT identified 13 issues in need of attention, relating to the sacraments of baptism and marriage, the passage to another Church *sui iuris*, the relevance of canon 1 of the *CCEO* for the Latin Church, and the designation of Eastern Catholic parish priests in the USA. However, not all of these suggestions were included in *De concordia inter Codices*.

LJ 179 (2017), 117-134: Richard Helmholz: Approaches to Law: Catholic and Protestant. (Article)

Martin Luther's harsh words about the place of law and lawyers in the Christian life and in the Christian Church have had a lasting effect on the modern understanding of the differences between Catholic and Protestant views of the subject. A closer look at evidence from the two centuries after 1517 shows that Luther's attitude was not in fact characteristic of most Protestant thought about law's place in Christian society. H. examines three specific topics relevant to this subject: 1. the place of natural law in religious thought about law; 2. the role of discipline and legal sanctions in a Christian society; and 3. the use of legal authorities in shaping the Church's law. All three demonstrate the existence of a common attitude towards law and legal practice, one which was shared by both Catholics and Protestants.

Compilations

IC 57 (2017), 883-952: José Ignacio Rubio López: Crónica Judicial de Derecho Eclesiástico en los Estados Unidos de Norteamérica (2015-2017). (Report)

R.L. provides details of the 2015-2016 and 2016-2017 United States judicial years in respect of cases involving healthcare, marriage, education, the Religious Land Use and Institutionalized Persons Act, legislative prayers, freedom of religious expression, religious symbols, work issues, the military, immigration and security, internal Church controversies, the priest-penitent relationship, and other ecclesiastical law issues. He then examines

the prospects for religious freedom under the presidency of Donald Trump, and following the death of Justice Antonin Scalia.

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

Ecclesiology

AC 57 (2016), 379-396: Emmanuel de Valicourt: La *Société parfaite*: Un nouveau regard? (Article)

De V. argues that the notion of the Church as a perfect society is still relevant today, and that the category of perfect society is a necessary and essential milestone in the quest to find the most suitable theological and juridical expression of the reality of the Church.

BV 76 (2016), 635-648: Rafko Valenčič: Kakšno podobo in prihodnost Cerkve odpira papež Frančišek (*The image and future of the Church envisioned by Pope Francis*). (Article)

Pope Francis has attracted much attention both within and outside the Catholic Church. V. analyses his personality traits as well as the emphasis he gives to the Papacy and pastoral activity. His conversations with people show the priority he gives to the human being and to each person's needs and expectations. There are many indications of his always having been close to the poor and marginalized. His two Apostolic Letters exhort the Church to proclaim convincingly the "joy of the Gospel" and the "joy of love". The Church needs to strive for pastoral conversion and seek new ways of serving mankind. She has been given the missionary calling to proclaim the evangelical joy brought by the word of God, to serve the poor through poverty in spirit, to receive the men and women of today and accompany them on their way to God, and to reform pastoral structures and find new paths to the human person.

Canonist 8/2 (2017), 235-261: Myriam Wijlens: Reforming the Church by Hitting the Reset Button: Reconfiguring Collegiality within Synodality because of *sensus fidei fidelium*. (Article)

W. notes an expanded understanding of the notion and practice of synodality under Pope Francis. Synodality no longer expresses exclusively the doctrine of collegiality of the bishops with the Pope, but allows for and requires the participation of all the faithful in discernment, and thus in decision-making processes. This new configuration is directed ultimately to the higher purpose of the Church and its internal ordering, namely the faithful and effective proclamation of faith in Jesus Christ to the people of today in their specific circumstances of life.

IC 57 (2017), 741-759: Giuseppe Dalla Torre: El declive del Estado moderno y la metamorfosis del *Ius Publicum Ecclesiasticum*. (Article)

Dalla T. analyses the process by which the modern State emerged and developed, based primarily on the concept of sovereignty. The Church addressed this phenomenon through the development of the *ius publicum ecclesiasticum externum*. Among other factors, globalization and the eclipse of the concept of sovereignty are expected to lead to the decline of the modern State. These circumstances favour the transformation of the *ius publicum*, which tends to offer a universal vision that favours the protection of human rights, and views the Church as a People of God, opening a greater space in which lay people may foster the Christian spirit in the temporal order.

Ius Comm V (2017), 185-208: Antonio Rouco Varela: El trasfondo eclesiológico de los Códigos de 1917 y de 1983. (Article)

R.V. studies the political, juridical and ecclesial contexts of the Codes of 1917 and 1983 and the fundamental ecclesiological characteristics of each. Such a study is useful for an understanding and pastoral evaluation of the canonical order, especially at a time of new evangelization, starting out from the hermeneutic primacy of the ecclesiological category of *communio*.

QDE 30 (2017), 188-208: Carlo Redaelli: Il Codice e la Chiesa: attualità e futuro di una relazione. (Article)

R. examines the relationship between the CIC/83 and the Magisterium, theologians and the faithful in general. *Sacrae Disciplinae Leges* highlights the way in which the Code translates the teaching of Vatican II into legal terms and offers a common discipline for the Church. In examining ecclesiology, R. notes that the teaching of Vatican II does not offer a full basis for canon law, and much ecclesiology neglects this challenge. He looks at some attempts to bridge the gap between ecclesiology and canon law, and suggests that more work needs to be done in this area. Looking at canon law in the life of the Church, he notes a general tendency, perhaps in reaction to authoritarianism and legal rigidity in the past, to seek a pastoral approach which avoids law: he argues that this is often based on a false understanding of the present law of the Church. Reflecting further on antinomian attitudes, R. sees these as a rejection of the principle of authority, and argues that a more participative way of exercising authority has to be found. He also suggests that inculturation may allow more local expressions of canon law within the context of a *lex fundamentalis*.

Ecumenism and interreligious dialogue

AnC 13 (2017), 109-138: Piotr Majer: Chrzestni, świadkowie bierzmowania i świadkowie zawarcia małżeństwa. Perspektywa ekumeniczna (Godparents, sponsors for confirmation and witnesses for marriage. Ecumenical perspective). (Article)

See below, canons 892-893.

ELJ 19 (2017), 138-155: Mark Hill – Norman Doe: Principles of Christian Law. (Article)

A panel of experts meeting in Rome in October 2015 produced a Statement of Principles of Christian Law, drawn from an examination of their internal regulatory instruments. These principles are offered here for further examination by comparative scholars of Church law, as an expression of shared ecclesiology, and in furtherance of the ecumenical endeavour.

REDC 74 (2017), 339-367: José María Acuyo Verdejo: El hecho religioso ¿factor de paz o de conflicto? (Article)

A.V. explores whether religion is a factor of peace or of conflict. He highlights a number of elements which have contributed to the decline or rejection of religion in Western society, and have resulted in restrictions on interreligious and cultural dialogue in the resolution of conflicts through the construction of peaceful areas and mutual knowledge among communities and peoples.

Family issues

BV 76 (2016), 345-359: Ivan Janez Štuhec: »Nepravilni primeri« partnerskih zvez in načelo postopnosti, »gradualnosti« (*“Irregular examples” of partnerships and the principle of “gradualness”*). (Article)

Pope Francis’s post-synodal Apostolic Exhortation *Amoris Laetitia* has opened up topics of moral theology that have occupied theologians and the Magisterium of the Church for several decades. A key concept in this context is the natural moral law, our understanding of it and its role as the foundation for moral norms. Š. analyses the document in terms of its hermeneutical key, which facilitates or even encourages discussion in the field of moral theology. He then deals with the “gradualness” of the understanding of the natural moral law in some Church documents and theological writings. The concept of *epikeia* reflects a moral theological tradition that enables resolution of so-called “irregular situations”. Š. suggests the use of the principle of gradualness not only in relation to the personal growth and development of the moral subject but also in relation to knowledge of the natural moral law and the content of moral norms.

BV 77 (2017), 325-336: Stanislav Slatinek: Pastoralna skrb papeža Frančiška za družinski dialog (*Pastoral concern of Pope Francis for dialogue in the family*). (Article)

In *Amoris Laetitia* Pope Francis listed the basic criteria for genuine family dialogue (listening carefully, moments of silence, acknowledging the value of others and their opinions, etc.) that enable the family to persevere and not get tired of conversation. To these criteria he adds some special ones that can greatly enrich family life and communication: for example, the role of the mother in the family, the education of children for dialogue, and the importance of faith in the family. All these criteria are important for families

to remain open to dialogue. At the same time, the Pope's criteria for genuine dialogue are useful in fostering dialogue and peace in the modern world.

IE XXIX (2017), 553-573: Carlos José Errázuriz M.: La problemática jurídico-canonica sul matrimonio e sulla famiglia nell'orizzonte della giustizia e della misericordia. Aspetti fondamentali. (Article)

E. focuses on the juridical-canonical problem of marriage and family, not from the perspective of norms and procedures, but rather from that of the dimension of justice inherent in marriage and family as ecclesial juridical goods, in the service of which the juridical system operates. At the same time he shows the harmony between mercy and justice, the importance of mercy for the recognition and protection of rights in the Church, and the need always to take into account divine law in applying canon law to individual cases.

REDC 74 (2017), 499-504: Carta Apostólica en forma de motu proprio del Sumo Pontífice Francisco «Summa Familiae Cura» con la que se instituye el Pontificio Instituto Teológico Juan Pablo II para las ciencias del matrimonio y de la familia, 08.09.2017. Texto. Comentario (José María Rodríguez-Veleiro). (Document and comment)

By this motu proprio Pope Francis instituted the Pontifical John Paul II Theological Institute for Matrimonial and Family Science, replacing the Pontifical John Paul II Institute for Studies on the Marriage and Family.

Human rights

BV 76 (2016), 621-634: Jernej Letnar Čerňič: Uresničevanje verske svobode v praksi Evropskega sodišča za človekove pravice (*Protection of the freedom of religion in the judicial practice of the European Court of Human Rights*). (Article)

The right to freedom of religion is one of the cornerstones of a free, pluralistic, tolerant and broadminded democratic society. However, it is not absolute but is protected within the context of other values. Č. discusses and analyses several European Court of Human Rights decisions in this area, concluding that it is individuals who are responsible for creating the tolerant, pluralistic and free exercise of religion in the public space in their respective European societies.

LJ 179 (2017), 135-158: David McIlroy: Catholic and Protestant Approaches to Human Rights. (Article)

Both the Catholic Church and the major Protestant Churches endorse the idea of human rights. There are, however, significant Catholic and Protestant thinkers who argue that it is a mistake to regard human rights as a fundamental feature of the moral order. John Finnis has argued, from a Catholic perspective, that human rights are nonetheless a part of a Christian understanding of the common good, while Nicholas Wolterstorff has defended, from a Reformed perspective, the primacy of human rights as a means of giving voice to the victims of injustice. It is philosophical, rather than theological, differences that animate the current debate among Western Christian theorists.

LJ 179 (2017), 218-251: Frank Cranmer – David Pocklington: Casebook. (Compilation)

Notes are given for various cases on a range of human rights issues decided in 2017 by the European and United Kingdom courts, and by the Irish Supreme Court (see below, canon 1055).

Law reform

QDE 30 (2017), 178-187: Mauro Rivella: Basta un Codice alla Chiesa? Interpretazioni, integrazioni e sviluppi dopo il 1983. (Article)

R. begins by looking at attitudes to the CIC/83 since its promulgation. He then discerns three types of legal action to develop the law. Chronologically the first was the series of authentic interpretations: most of these were in the few years immediately after 1983. He then surveys pontifical modifications of the Code, and finally pontifical and curial legislation on related topics. He concludes by asking whether it is time for a revision (he thinks not, though there are points on which development could take place).

SC 51 (2017), 357-389: John A. Alesandro: One Hundred Years since the 1917 Code of Canon Law. (Conference presentation)

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

Legal theory

AnC 13 (2017), 139-154: Przemysław Michowicz: Concetto di responsabilità oggettiva nell'ordinamento canonico. (Article)

M. examines whether the concept of strict or objective liability as found in many civil legal systems, whereby a person who is not personally at fault through malice or culpability may nevertheless be held responsible in view of his or her legal relationship to the party who is at fault, has any application within the legal system of the Latin Catholic Church. He concludes that it is highly probable that certain negative consequences (and true responsibility) could arise for ecclesial superiors even without their fault.

Canonist 8/2 (2017), 190-213: David D. Price: Law at the Service of Truth and Justice: an Analysis of Pope John Paul II's Rotal Allocutions. (Article)

This issue of *The Canonist* honours Mgr David D. Price (1940-2017) for his outstanding service to the Canon Law Society of Australia and New Zealand. Reproduced here is an article of his which initially appeared in *The Jurist* 53 (1993), pp. 155-185 (see *Canon Law Abstracts*, no. 73, p. 7), and which analyses the first 14 addresses of Pope John Paul II to the Roman Rota, focusing on such issues as the revision of the Code, the responsibilities of the ecclesiastical judge, the service of the Roman Rota, experts, the defender of the bond, and the right of defence. A recurring theme in the addresses is the relationship between truth and justice. Canon law is at the service of the truth, and it is only when the truth has been attained that justice can be achieved.

FCan XII/1 (2017), 47-56: Miguel Falcão: Relatividade e Relativismo no Direito. (Article)

F. looks at the problem of acknowledging the relative nature of law (given the variability of time and space) without falling into the trap of relativism. He analyses certain contemporary approaches to this problem and identifies those he considers more important, deriving from Protestantism and existentialism.

FThC VI (2017), 63-76: Péter Erdő: Criteri di discernimento nell'attività normativa e di governo della Chiesa. (Conference)

In his Apostolic Exhortation *Evangelii Gaudium*, no. 33, Pope Francis spoke of the need for reliance on one another as brothers and sisters “especially under the leadership of the bishops, in a wise and realistic pastoral discernment”. E. examines the notion of discernment, before identifying the criteria for discernment in legislative, judicial and administrative activity. Discernment in governance is very different from arbitrariness, and is a way of helping deepen in awareness of the theological and social complexity of ecclesial governance, and of simplifying and making more organic the mechanism of its exercise in the Church as communion and sacrament of salvation.

Ius VIII 1/17, 49-76: George Nedungatt: Law in the Scripture: Part II – The New Testament. (Article)

In Part I of this article N. dealt with the various aspects of law in the Old Testament (see *Canon Law Abstracts*, no. 119, p. 15). Here he considers law and its theology in the New Testament, the Apostles and the Church Order, the New Covenant and the New Law, the New Testament theology of the New Law, and Covenant Law in Christian Tradition.

IusM XI/2017, 67-97: Yawovi Jean Attila: Le droit particulier et son inculturation au service de la mission. (Article)

In the exercise of her mission the Church, which has the duty to expound and preach faithfully the deposit of faith to the ends of the earth, encounters diverse peoples, of varied cultures. To this end the Church makes use of her own set of laws, promulgated by the Roman Pontiff (the Code of Canon Law and other universal laws). Such common laws, however, defer in a number of instances to particular laws. After explaining the nature and highlighting the importance of the norms given by a bishop for his diocese, A. stresses that such laws, because they take into consideration the anthropological and socio-cultural reality of the place, make the common norms part of a particular culture and are of fundamental importance.

IusM XI/2017, 185-245: Andrea D’Auria: Il diritto canonico e le culture secolari. (Article)

After a brief consideration of the anthropological, philosophical and theological foundations of canon law, D’A. expounds the possible contribution of juridical-canonical reflection to the evangelization of cultures, providing a few examples such as the debate on the notion of code, canonical custom, and the principle of legality. He then studies how canon law can help bring about a reappraisal of fundamental rights, the influence of natural law in positive juridical systems, the educative value of the *munus regendi*, the personalist conception of guilt, and the theory of the separation of powers. In the last part of the article he looks at the vast topic of the inculturation of canon law and how this can be an instrument of harmonizing the universal and the particular.

KIP 6 (19) 2017, nr. 2, 23-32: Tadeusz Guz: The Relevancy of Natural Law. (Article)

In the face of legal positivism and the relativization of the truth, it is worth recalling the existence of *ius naturae* to consider it anew. To detach the legal-natural order from the eternal, unchangeable and absolutely perfect God inevitably leads to a relativization of natural law and its attributes (universality, objectivity and the invariability of its most important principles), which for the human person means not only losing the true Creator from the horizon of existence and thoughts, but also losing “the absolute point of reference” (J. Ratzinger) as regards morality and legality. A recovery of the classical view of natural law seems an especially urgent matter for Europe.

Verg 5 (2017), 81-111: Paolo Gherri: Teología y derecho canónico: Aclaraciones iniciales sobre el fundamento de la “ley”. (Article)

G. asks whether there is continuity between the Law of the Old Testament (the Torah) and canon law, approaching the topic from the perspective of the theology of canon law.

Relations between Church and State

AC 57 (2016), 419-431: Józef Krukowski: La Pologne et le Saint-Siège. Contribution à la Justice et à la Paix. Présentation de la loi concordataire de 1997. (Article)

K. looks at the relationship between Poland and the Holy See, as subjects of public international law, and their contribution to justice and peace among nations. He then turns his attention to the implementation of the concordat signed in 1993 and ratified in 1998.

AnC 13 (2017), 91-107: Piotr Kroczek: Kilka uwag do znowelizowanych Wytocznych Konferencji Episkopatu Polski w kontekście zasad techniki legislacyjnej oraz znowelizowanego art. 240 § 1 kodeksu karnego (*Some comments on the revised Guidelines of the Polish Bishops' Conference in the context of the principles of legislative technique and the amended art. 240 § 1 of the Polish Penal Code*). (Article)

The law amending art. 240 of the Penal Code has obliged the Polish Bishops' Conference to amend their guidelines for the preliminary canonical investigation in cases of acts against the sixth commandment with a minor under the age of eighteen. K. offers a critical assessment of the new guidelines.

AnC 13 (2017), 155-181: Bartłomiej Pieron: Równe czy identyczne traktowanie osób duchownych w prawie polskim? (*Equal or identical treatment of clerics in Polish law?*). (Article)

P. examines the manner in which Polish law deals with Catholic clerics and ministers of smaller religious communities, in the light of the constitutional principle of equality of rights.

CLSN 191/17, 4-34: Supreme Court of Ireland: HAH v SAA & Ors [2017] IESC 40. (Judgment)

See below, canon 1055.

General Subjects (Relations between Church and State)

CLSN 191/17, 35-48: Thomas J. Paprocki: Marriage, Same-Sex Relationships and the Catholic Church. (Article and documents)

See below, canon 1055.

CLSN 191/17, 77-83: Paul Burke – Ed Morgan: A School of the Lord’s Service? Faith Education post Brexit. (Article)

See below, canon 799.

Comm 49 (2017), 5-25: Conventio de iuridico statu Ecclesiae Catholicae in Republica Democratica Timoriae Orientalis inter Sanctam Sedem et Rempubicam Democraticam Orientalis inita. (Document)

Parallel Italian and Portuguese texts of an accord between the Holy See and the Democratic Republic of East Timor dated 14 August 2015. This covers the status of the Catholic Church in East Timor and various aspects of the relationship between Church and State including education, State subsidies for Church activities, and exclusive jurisdiction over Catholic marriages with regard to nullity.

Comm 49 (2017), 26-30: Conventio de rationibus adhibendis in bilateralibus consultationibus inter Sanctam Sedem et Statum Cuvaitem “Kuwait” inita. (Document)

This memorandum of understanding covers bilateral consultations between the Holy See and the Government of Kuwait. The text is given in English and Arabic. It is dated 10 September 2015

Comm 49 (2017), 31-40: Conventio de mutua exemptio documentorum liberi commeatus pro detinentibus diplomaticum vel speciale diploma liberi commeatus inter Sanctam Sedem et Statum Emiratum Arabicorum Coniunctorum inita. (Document)

This memorandum of understanding between the Holy See and the Government of the United Arab Emirates covers the mutual exemption from entry visas for holders of diplomatic and other official passports. The text is given in English and Arabic and is dated 15 September 2016.

EE 92 (2017), 509-539: Pablo Martín de Santa Olalla Saludes: La Iglesia y su nuevo *status* en la Constitución de 1978. La mención expresa del término “Iglesia Católica”. (Article)

M. analyses the parliamentary debate concerning the status of the Catholic Church within the Spanish constitutional order created during the democratic transition.

EE 92 (2017), 703-747: Lourdes Ruano Espina: Régimen jurídico de las confesiones religiosas en España. (Lecture)

The Spanish Constitution, while professing State aconfessionality, recognizes religious faiths as having full rights to religious freedom, under conditions of equality. However, differences in the juridical nature, organizational structure and sociological aspects of the various religious denominations have, in practice, meant that the legislation applicable to each of them also varies, without thereby compromising equality and non-discrimination. R.E. analyses the manner in which the different Churches, faiths and religious communities are treated under Spanish law.

EIC 57 (2017), 567-588: Bruno Fabio Pighin: Per un accordo tra Santa Sede e Governo cinese sulla nomina dei Vescovi nella terra di Confucio. (Article)

P. examines the situation of the dialogue between the Holy See and the People’s Republic of China especially in the matter of the appointment of bishops. All the Chinese bishops are validly ordained but not all of them are recognized by the Church as legitimate. P. suggests ways of normalizing the present confused situation.

ELJ 19 (2017), 14-34: Neil Foster: The *Bathurst Diocese Decision* in Australia and its Implications for the Civil Liability of Churches. (Article)

In the New South Wales Supreme Court decision of *Anglican Development Fund Diocese of Bathurst v Palmer* in December 2015, a single judge of the court held that a large amount of money which had been lent to institutions in the Anglican Diocese of Bathurst, and guaranteed by a letter of comfort issued by the then bishop of the diocese, had to be repaid by the bishop-in-council, including (should it be necessary) levying the necessary funds from

the parishes. The judgment contains a number of comments on the legal personality of Church entities and may have long-term implications (and not merely in Australia) for unincorporated, mainstream denominations and their contractual and tortious liability to meet orders for payment of damages.

FThC VI (2017), 105-117: Szabolcs Anzelm Szuromi: An overview on the international relations of the Holy See since the ‘Roman question’ until 1967, correlated with the first codification (1917). (Article)

S. focuses on the specific duties of the section of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, from the CIC/17 up to Paul VI’s reform of the Roman Curia in 1967. The relevance and role of the Secretariat of State and its international activities can be understood in the light of the more significant negotiations, accords and concordats, but it is also necessary to examine the particular international background and the changes in the juridical status of Rome in order to form a clear picture of the international activity of the Holy See.

KIP 6 (19) 2017, nr. 2, 229-240: Jiří Dvořáček: Finanziamento delle Chiese nella Repubblica Ceca con speciale riguardo alla Chiesa greco-cattolica. (Article)

D. describes the system of financing Churches and religious societies in the Czech Republic. He deals with the history of Church funding in Czechoslovakia since 1918, emphasizing the elimination of the Greek Catholic Church after 1948 under the Communist regime. At present the State recognizes the Roman Catholic and the Greek Catholic Church as separate legal entities, but D. argues that the Greek Catholic Church is at a disadvantage because the Czech Bishops’ Conference protects only the financial interests of the Roman Catholic Church.

KIP 6 (19) 2017, nr. 2, 251-262: Mieczysław Różański: Status materiałów archiwalnych przechowywanych w historycznych archiwach kościelnych (*Status of the archival material stored in the Church’s historical archives*). (Article)

The national archive material in Poland is classified as “State” or “non-State”, the latter category including that of Churches and religious associations. R. looks at the applicable law.

LJ 179 (2017), 159-170: John Hicks: *Preston*: another lap of the circuit or a signpost? (Article)

H. traces the course taken by the 2013 case of *Preston v. President of the Methodist Conference* (see *Canon Law Abstracts*, no. 112, p. 10) and describes the action being taken by the Methodist Church in its aftermath, in order to illustrate the suggestion that Churches that wish to maintain the position that their clergy are not employees should consider taking advantage of the fact that in law an essential element of the formation of a contract is the intention to create legal relations, and that in the absence of an unravelling factor such as fraud or mistake the courts cannot go behind a clear expression of the contrary intention.

LJ 179 (2017), 187-198: Frank Cranmer: Reasonable Accommodation for Religion in Employment and Provision of Services? (Article)

C. reviews the present law on discrimination in employment and, in particular, the extent to which there should be a concept of reasonable accommodation of religious belief on the same lines as for disability discrimination. He concludes that the concept of indirect discrimination is sufficiently nuanced to deal with this issue but that in fact the matter is by no means settled.

Religious freedom

EE 92 (2017), 749-767: Javier Martínez-Torrón: *Hate speech*, libertad de expresión y sentimientos religiosos. (Article)

M.-T. compares European and US law on hate speech, offences against religion, and religious statements that may be classified as hate speech.

ELJ 19 (2017), 35-41: Caroline K. Roberts: Is There a Right to Be ‘Free from’ Religion or Belief at Strasbourg? (Article)

The theme of the Ecclesiastical Law Society’s 2016 Day Conference, “Freedom of/from religion”, reflects the growing interest in the idea that, in addition to a right to freedom of religion, there is a right to “freedom from” religion. In recent years, there has been a trend towards increased use of the language of freedom from religion in academic literature and in material

produced by practitioners, organizations and activists in discussions of the right to freedom of thought, conscience and religion.

ELJ 19 (2017), 41-49: David O'Mahony: Religious Freedom: The Catholic Approach. (Article)

O'M. studies the key documents and some of the key interventions by the Church on the topic of religious freedom over the last 50 years, making use of a collection of the Church's statements on religious freedom published by the *Caritas in Veritate* Foundation in Geneva. This foundation is concerned with the social doctrine of the Church and seeks to support the work of the Holy See and other Roman Catholic bodies at the United Nations.

ELJ 19 (2017), 292-306: Andrea Pin: Balancing Dignity, Equality and Religious Freedom: A Transnational Topic. (Article)

The concept of dignity has made its way into contemporary discourse on rights after having taken a winding road which intersected secular thinking with religious thinking. Its pervasive utilization by courts shows its richness as well as its amorphousness. An enquiry into comparative law suggests that the concept of dignity, especially when it is associated with the idea of equality, creates tensions with claims to religious freedom. Such clashes cannot be reconciled on theoretical grounds, but only on practical ones, depending on context and according to proportionality scrutiny.

Social issues

REDC 74 (2017), 425-446: José María Martí Sánchez: El discurso religioso, ante el derecho: su aportación a la convivencia. (Article)

Tensions and challenges, pervaded by violence, touch the foundations of society. The religious discourse can help strengthen those foundations. Specifically, Christian social teaching offers a sense of life and responsible freedom. Law can open up channels for a fruitful and creative pluralism, while preserving general respect and personal development.

HISTORICAL SUBJECTS

1st millennium

AnC 13 (2017), 295-334: Andrzej Sosnowski: *Impedimentum clandestinitatis*. Kształtowanie się kanonicznej formy zawarcia małżeństwa (*Impedimentum clandestinitatis. Formation of the canonical form of contracting marriage*). (Article)

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

EIC 57 (2017), 661-695: Stefano Violi: *Dalla fides romana alla fede cristiana. Rilettura del consenso matrimoniale alla luce della fede*. (Article)

V. examines the anthropological and juridical dimensions of natural faith with particular reference to the *fides romana*, its assimilation by the new faith which arose with the proclamation of the Gospel, and the resulting Roman-canonical faith, which is at the basis of the medieval *societas christiana* and the canonical concept of marriage. Describing the process of secularization as a gradual *discessio a fide*, V. contrasts the anthropology arising from secularization and the essential elements of marriage in the context of the Roman-canonical faith. He concludes with some proposals concerning possible new interpretations of the relevance of faith in forming valid matrimonial consent.

KIP 6 (19) 2017, nr. 2, 9-21: Andre Cyrille Awoa: *Audientia episcopalis comme forme d'exercice du gouvernement dans l'Église antique. Une relecture de l'expérience d'Augustin*. (Article)

A. analyses two laws which led to legal recognition of the Christian practice of *audientia episcopalis*. Using an already existing practice in the Church, Constantine issued a law whereby the bishop was made, not an arbitrator, but a judge with full power. The two laws seem to diminish the authority of the imperial *iudex*, but a closer reading reveals that the *iudex* remains the one responsible for ensuring that the bishop's decisions are respected. Augustine's experience as a judge allows us to see that the bishop-judge is first and foremost a pastor, upon whom this duty is laid as a burden.

RDC 67/2 (2017), 309-323: Marcel Metzger: Communautés locales, ministères et églises aux premiers siècles. (Article)

The documentation still available to us allows us to reconstruct the formation of the pastoral institutions within cities such as Rome or Constantinople, and also throughout the countryside, albeit with less precision. Local communities implemented collegial institutions for the ministries, and communion institutions for the assemblies. Pastoral evolutions as well as the complex history of those communities during the first seven centuries account for the diverse customs and the influence of local situations.

Verg 5 (2017), 31-51: Javier Belda Iniesta: Del *monasterium clericorum* a los *studia generalia*. La educación católica en el *ius antiquum*. (Article)

The need to examine in depth the Mystery of salvation and to fulfil faithfully the mission of spreading the Good News encouraged the Church, from its very beginnings, to take special care of the formation of those holding important positions in the exercise of the *munus docendi*. B.I. looks at the measures adopted over the centuries to respond to this need, from the first conciliar legislation up to the creation of the *studia generalia* – the precursors of the modern universities – whose purpose was to safeguard the stability of knowledge which is necessary for its fruitful development.

Verg 5 (2017), 133-170: Paolo Giuseppe Maria Lobiati: Giustizia, pena e misericordia nell’istituto del matrimonio nel diritto romano. (Article)

L. looks at justice and punishment in the resolution of conflicts between spouses in ancient Roman law; the development of the institute of *divortium* as a response to the *ius vitae ac necis* of the husband over the wife; and how this came to be modified by virtue of the importance given to indissolubility by Patristic doctrine, resulting in the institute of separation as a “merciful punishment”.

Classical period

AnC 13 (2017), 295-334: Andrzej Sosnowski: *Impedimentum clandestinitatis*. Kształtowanie się kanonicznej formy zawarcia

malżeństwa (*Impedimentum clandestinitatis. Formation of the canonical form of contracting marriage*). (Article)

The introduction of the canonical form of marriage as obligatory for the validity of matrimonial unions is one of the milestones in the development of the Church's matrimonial discipline. The Council of Trent recognized that the Church is competent to introduce matrimonial impediments and to require a defined public form of contracting marriage, while at the same time defending the principle that *consensus facit nuptias* and that the spouses remain the ministers of the sacrament. S. presents the way in which the requirement of observing the canonical form when contracting marriage developed from the first centuries of Christianity until the Council of Trent.

Verg 5 (2017), 31-51: Javier Belda Iniesta: Del *monasterium clericorum* a los *studia generalia*. La educación católica en el *ius antiquum*. (Article)

See above (*Ist millennium*).

Verg 5 (2017), 61-79: Ruggero Maceratini: *Misericordia e diritto in Algero di Liegi e Graziano*. (Article)

M. begins by looking at the relationship between mercy and justice in recent pontifical documents and how this is reflected in canon law. He examines the thought of Giuseppe Capograssi on the relationship between equity (seen as an expression of mercy) and justice in the law of the Church, and then provides a brief description of the influence of Cluny at time of Alger of Liège, whose *De misericordia et iustitia* he compares with the *Decretum* of Gratian, pointing out mutual concordances and discordances.

Verg 5 (2017), 113-129: Lorenzo Cavalaglio: *Is (also) Magna Carta an ecclesiastical document? The preeminent role of the Church in the development of English legal system*. (Article)

Recent studies suggest that Magna Carta could have been published mainly by the Church, which had a specific interest in spreading copies of the charter, as well as the technical ability to write, distribute and preserve them. This research confirms the special influence of the Church on the formation of the English legal system: through the decisions of the ecclesiastical courts, which had a wider jurisdiction than other ecclesiastical courts in Europe; through the cultural background, based on canon law, of the holders

of administrative and judicial offices in the kingdom; and through the specific content of the rules transmitted to the system of equity, and to English law in general. The influence of ecclesiastical jurisdiction was decisive regarding marriage, rights and interests in estates, and the development of contracts; but it was paramount even in the concrete shaping of rules and institutions nowadays surrounded by an “aura of Englishness”, such as wills and trusts. The role of the Church in the history of the common law tradition is so evident that it cannot be overlooked in any account of the development of English law.

Verg 5 (2017), 185-219: Raffaella Bianchi Riva: Il giudice e la misericordia. Riflessioni sull’amministrazione della giustizia nel diritto canonico classico. (Article)

In reflecting on the subject of mercy, medieval canonists focused on the concept of scandal and on how social reactions could affect sentencing, with particular regard to the effects of a display of mercy. The need to prevent dissent or protest led canonists to believe that the judge could mitigate the rigour of the law at times – even going so far as to forgive an offender – in order to satisfy public demands. Civil law jurists developed similar solutions which worked the other way round: drawing on canonical principles, they admitted the possibility of condemning an innocent person in order to prevent scandals from erupting within society.

16th–19th centuries

ACR XCIV 1/17, 65-80: John Thornhill: Trent and Modernity. (Article)

Examining the work of the Council of Trent in condemning false doctrine and reforming the Church, T. considers, *inter alia*, the manner in which the Council dealt with residence and care of souls. He also considers the practice of Catholicism subsequent to the Council, including “Tridentinism”, namely the subsequent developments in the life of the Church, as distinguished from the enactments of Trent.

EIC 57 (2017), 525-565: Lorenzo Sinisi: Prima del *Codex piobenedettino*. Il diritto della Chiesa tridentina fra chiusura ed integrazione del *Corpus iuris canonici*. (Article)

In the 16th century various collections of canon law, inherited from the medieval period, established themselves as the essential basis of the Church's law under the name of *Corpus Iuris Canonici*. In the same period the decrees of the Council of Trent became a primary reference for the juridical life of the Church. S. examines the attempts made to complete and update the complex of these collections in accordance with the Tridentine *ius novissimum*, which constituted an important step towards the modern codification of canon law.

EIC 57 (2017), 633-660: John Witte Jr.: Dal Vangelo alla Legge: la Riforma luterana e il suo impatto sulla cultura giuridica. (Article)

On the fifth centenary of Luther's reform, W. reflects on the changes introduced by Luther which had a significant effect on several aspects of public life at that time. He places special emphasis on issues concerning marriage and education. He offers a view of what may be considered the heritage of the Protestant Reformation today. (See also the following entry.)

ELJ 19 (2017), 271-291: John Witte Jr.: From Gospel to Law: The Lutheran Reformation and Its Impact on Legal Culture. (Article)

The Lutheran Reformation transformed not only theology and the Church but also law and the State. Despite his early rebuke of law in favour of the Gospel, Martin Luther eventually joined up with various jurists and political leaders to craft ambitious legal reforms of Church, State and society on the strength of his new theology, particularly his new "two kingdoms" theory. These legal reforms were defined and defended in hundreds of monographs, pamphlets and sermons published by Lutheran writers from the 1520s onwards. They were refined and routinized in equally large numbers of new Reformation ordinances that brought fundamental changes to theology and law, Church and State, marriage and family, criminal law and procedure, and education and charity. Critics have long treated this legal phase of the Reformation as a corruption of Luther's original message of Christian freedom from the strictures of all human laws and traditions. But Luther ultimately realized that he needed the law to stabilize and enforce the new Protestant teachings. Radical theological reforms had made possible fundamental legal reforms, which, in turn, would make those theological

reforms palpable. In the course of the 1530s and thereafter, the Lutheran Reformation became in its essence both a theological and a legal reform movement, which, W. argues, struck new balances between law and Gospel, rule and equity, order and faith, and structure and spirit. (See also *Canon Law Abstracts*, no. 119, p. 28.)

ELJ 19 (2017), 156-168: Nicholas Schofield: A Church Without Bishops: Governance of the English Catholic Mission, 1594–1685. (Article)

The Catholic community in early modern England was not only a persecuted minority but was also full of factions, each playing off the others, expressing themselves in a war of words, and even, on occasion, canvassing for support in the very Establishment that was trying to eliminate them. To a large extent, these tensions were focused around the vexed question of what sort of ecclesiastical government should fill the vacuum left by the Reformation and the extinction of the Marian hierarchy. Various canonical solutions were tried: rule by archpriest, vicar apostolic and chapter of secular clergy. Each of these resulted in ongoing disagreements between secular and regular clergy, between those who viewed the English Catholic community as being in continuity with the pre-Reformation Church and those who thought circumstances required something new and creative. Added to this was a complex web of canonical jurisdictions, often without clear definition, and Rome's reluctance to act decisively and offend the Elizabethan or Stuart regime. S.'s article, originally delivered as the Lyndwood Lecture, outlines the key personalities and events and examines the central issues that were at stake in this "church without bishops". (See also *Canon Law Abstracts*, no. 119, pp. 27-28.)

FThC VI (2017), 119-147: José Miguel Viejo-Ximénez: Raymond of Penyafort decretalist. (Article)

V.-X. provides biographical information on St Raymond of Penyafort (*ca.* 1175-1275) and his contribution to canon law. The article is an extended version of an essay appearing in the volume *Great Christian Jurists in Spanish History* (Cambridge University Press, 2018, ISBN 9781108624732).

IusM XI/2017, 247-256: Pier Virginio Aimone: Annotazioni su alcuni canoni della *Summa Aimonis*, concernenti la vita comune del clero. (Article)

In the Middle Ages one cannot yet speak of missionary law, which developed from the 15th and 16th centuries onwards, initially thanks to the regular clergy. The secular clergy became involved in the mission *ad gentes* especially after the founding of Propaganda Fide in the 17th century, which extended the missionary mandate to secular and indigenous clergy. The medieval canons which A. studies here support the validity of common life not only for regular clergy (as was already the case) but also for secular clergy. In mission territories (and elsewhere) the common life of secular clergy could be of great advantage for their own spiritual life, for witnessing in the service of mission, and for announcing the Gospel more effectively.

RDC 67/2 (2017), 325-343: Bruno Restif: L'Âge d'or des paroisses, 15^e-18^e siècles. Analyse historique des diversités géographiques et sociologiques, et réflexions pour le présent. (Article)

The period from the 15th to the 18th century undoubtedly marks the peak of the parochial structure and civilization in France. However, its apparent uniformity should not hide the great geographical and sociological diversity that is revealed notably through parochial archives. Such diversity stems from the diversity of the rural communities as well as from the various pastoral choices made to meet this very diversity. In the West, the policy was a success, more so than elsewhere. It is opportune to reflect in our own time on the meaning of community, local Church, effective pastoral care and the sharing of responsibilities between lay people and clergy.

Verg 5 (2017), 53-60: Matteo Nacci: La aportación de la Teología en la estructuración del *ius publicum ecclesiasticum*: reflexiones histórico-jurídicas. (Article)

N., a legal historian, highlights the contribution that, at a specific moment in history, Theology rendered to the birth and development of the *ius publicum ecclesiasticum*.

Verg 5 (2017), 221-239: Marta Tigano: La giustizia ecclesiastica nel Cinquecento. (Article)

T. analyses the historical evolution of the Inquisition in Italy, examining its organizational structure, and comparing it with the Spanish and Portuguese Inquisitions and with the modern criminal trial. She shows how the system of relations between the prosecutor, the defendant and the judge was aimed not so much at imposing a penalty on the guilty, but at ensuring the victory of good over evil.

Verg 5 (2017), 241-260: Stefania T. Salvi: *Clericus recidivans ad concubinatum divinae misericordiae dicitur irrisor*. Brief remarks on the ‘relapse’ into ecclesiastical concubinage leading up to the Council of Trent. (Article)

In the austere times of the Counter-Reformation, the French jurist Bermond Choveron tackled the specific topic of “*recidivatio clerici concubinarii*” in his treatise on public concubinage, in which he summarized the seven inherent *pericula* that clerics would face should they “relapse” into this grave sin. Starting out from his reference to the concept of *miser cordia*, S. analyses some aspects of the canonical doctrine that developed around this issue over the centuries, focusing specifically on divine mercy and forgiveness. Choveron argued that a recidivist concubinary cleric who had already been admonished several times deserved neither mercy nor forgiveness.

Verg 5 (2017), 261-299: José Miguel Piquer Marí: La justicia en la Edad Media: la pervivencia de los principios inquisitivos y de libre aportación de prueba. (Article)

P.M. studies the survival of the principles that govern the *onus probandi* in classical and post-classical Roman law and in Spanish law: in particular, the inquisitorial principle in Visigoth law, and the principle of the free presentation of evidence in medieval Valencian law.

1917 Code

EIC 57 (2017), 421-433: Giuliano Brugnotto: Il processo di formazione della prima codificazione canonica: questioni di sistematica e tecnica legislativa. (Article)

On the occasion of the first centenary of the promulgation of the CIC/17, B. re-examines the “codification” phenomenon in the Church. Pope Pius X’s decision to reform the laws of the Church could be seen in the light of modern codification traditions, especially the Napoleonic Code. Both cases reflect the intention to maintain continuity with a long juridical tradition as well as involving a break from the past, represented by the instrument of the “Code”. A radical break from the past would, however, pose serious problems for the life of the Church. B. shows how earlier commentators on the CIC/17 were faithful to the tradition, while those of the subsequent decades seem to have blurred it somewhat.

EIC 57 (2017), 435-472: Chiara Minelli: Il *Codex Iuris canonici* e le risorse del sistema: il richiamo dell’«*aequitas canonica*». (Article)

M. examines the most difficult problem facing the codifier of laws: that of the *lacunae* in the system. She does so with particular reference to the process of formation of canon 20 of the CIC/17, and asks whether it is the Code that has changed canon law, or canon law that has changed the Code.

EIC 57 (2017), 473-505: Thierry Sol: La sistematica del Codice del 1917 comparata con quella delle codificazioni “civili” del tempo. (Article)

S. analyses the systematization adopted in the codification of the CIC/17, comparing it with that of the civil codifications of the 20th century. He examines the possibility of such a comparison between canonical and civil codifications, given the peculiar traits of the Pio-Benedictine Code, and offers a panoramic view of the criteria guiding the canonical codification, highlighting the aspects that distinguished it from national legislations.

EIC 57 (2017), 507-523: Carlo Roberto Maria Redaelli: La canonistica e il *Codex Iuris Canonici* promulgato da Benedetto XV. (Article)

R. studies the influence of the first canonical codification in 1917 on canonical studies, highlighting some of the interpretative and systematic

Historical Subjects (1917 Code)

criteria followed by canonists, and offering some reflections on pre-codification canonical studies.

IE XXIX (2017), 531-552: Jaime Abascal Martínez: La disolución del matrimonio no sacramental desde el código de 1917 hasta la norma actual. Magisterio, praxis y normativa. (Article)

See below, canon 1141.

IE XXIX (2017), 575-590: Héctor Franceschi: Natura e cultura nel matrimonio. Riflessioni sulla crisi attuale del matrimonio. (Article)

See below, canon 1055.

Ius Comm V (2017), 209-224: Carlo Fantappiè: El Código de derecho canónico de 1917 y su repercusión en la vida de la Iglesia. (Article)

Pope St Pius X took three important decisions: to set in motion the reform of canon law requested by Vatican I; to choose the form of a Code to reform the Church's legislation; and to determine the plan and working method of the work of codification, including the intervention of the episcopate. The 1917 Code led to a revival of the study of canon law and the establishment of important canon law schools even outside the ecclesiastical sphere; and the practice developed of concordats between the Holy See and States. The Code also indirectly influenced the study and teaching of theology.

QDE 30 (2017), 151-167: Giuliano Brugnotta: Il Codex del 1917: la scelta della codificazione per la riforma della Chiesa. (Article)

B. looks at the context of the decision to codify, drawing attention to the Code's place in Pope St Pius X's programme of pastoral reform and to Cardinal Gasparri's translation of this into legal terms. He then relates the Code to the centralizing forces at work in the Pian reform movement and notes how it helped stimulate the study of canon law. B. then considers the cultural presuppositions of a Code, drawn from the Enlightenment and the French Revolution, and identifies these as an abstract vision of law, and an exclusive attitude such that the Code is the only source of law; he notes how these were modified in practice, and points out that the greatest weakness which remained was the separation that resulted between the law and the *ratio legis*.

S 79 (2017), 695-715: Roman Ceglarek – Michal Borda: Katechetisches Wirken der Kirche im Lichte des Codex des Kanonischen Rechtes von 1917. (Article)

The various canonical norms in force at the start of the 20th century were incorporated in the canons of the Code of Canon Law promulgated by Benedict XV in 1917. This introduced the obligatory catechetical law which defined the tasks linked to education and religious formation. The Code set out those who were to be involved in catechesis: parents, catechists, priests, religious and bishops. Thanks to their efforts the task of religious education and instruction was carried out in the different catechetical environments: the school, the family, and the parish. Thus catechetical education embraced all the faithful in the various stages of their life. The Code also dealt with other questions concerning Christian education and instruction in the faith, and so became a point of reference for all those responsible for the work of catechizing in the Church.

SC 51 (2017), 357-389: John A. Alesandro: One Hundred Years since the 1917 Code of Canon Law. (Conference presentation)

A. situates the promulgation of the CIC/17 and its revision in 1983 within the context of the development of canon law through its three principal epochs: prior to the *Decretum Gratiani*, from Gratian to Trent, and from Trent to 1917. The first codification was a remarkable feat brought about by the herculean efforts of Pope Pius X and Cardinal Pietro Gasparri. For the first time in the Church's history, it presented a streamlined, exclusive and authoritative presentation of the Church's laws modelled on the Napoleonic Codes. Its revision in 1983 was no less significant insofar as it sought to implement in canonical terms the reform brought about by the Second Vatican Council. Nor has canon law stood still since then. With many changes of the law already promulgated and more to come, there is a need constantly to update the Code and, at some point, it will surely be necessary to reorganize the canons and start out once again, perhaps with an even more unique style of law.

TyV LVIII (2017), 301-337: Carlos Salinas-Araneda: Los obispos de Chile y la codificación canónica de 1917. (Article)

By decision of Pope Pius X, work on the drafting of the first Code of Canon Law began in 1904. All the bishops were asked to suggest the reforms that

could be introduced into the existing canon law. S.-A. describes and assesses the suggestions sent by the Chilean bishops.

20th century

FThC VI (2017), 105-117: Szabolcs Anzelm Szuromi: An overview on the international relations of the Holy See since the ‘Roman question’ until 1967, correlated with the first codification (1917). (Article)

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

IC 57 (2017), 495-568: Valentín Gómez-Iglesias C.: De la centralidad de la ley al primado de la persona en el Derecho de la Iglesia. Historia y perspectivas canónicas en el centenario del Código de 1917. (Lecture)

In this inaugural lecture to mark the start of the 2017-2018 academic year at the University of Navarre, G.-I. shows how the first Code of Canon Law, now one hundred years old, is a milestone in the two-thousand year juridical history of the Church. The CIC/17 marked a shift from a “jurisprudential” to a “legislative” mode of law: the authority of the Code no longer comes from its juridical content as such, but from its promulgation by the legislator. Thus, the law and the legislator are assigned central roles in canon law. However, in a more comprehensive understanding of the doctrine and ecclesial Magisterium in this regard, the centrality of the law as such has begun to give way to the primacy of the person: the dignity, freedom, fundamental rights and duties of the person, which continue to be the focus of contemporary canon law.

IC 57 (2017), 799-820: Pilar Solá Granell: La libertad religiosa en los orígenes del Derecho eclesiástico italiano: Francesco Ruffini (1863-1934). (Article)

Francesco Ruffini, founder of Italian ecclesiastical law together with Francesco Scaduto, defended the centrality of the religious freedom of citizens in State laws that concern ecclesiastical matters. His proposal had a significant impact on the construction of this freedom in European law. A study of the main lines of his thinking reveals similar considerations to those found in the Second Vatican Council’s Declaration *Dignitatis Humanae*.

IE XXIX (2017), 591-609: Jürgen Jamin: *Civile veto sive exclusivam omnino reprobamus* – La Costituzione *Commissum nobis* di Pio X alla vigilia della prima codificazione. (Article)

Shortly after his election, Pope Pius X established a commission of Cardinals to study the question of the so-called Veto or right of exclusion, i.e. the alleged competence of the more important Catholic countries to indicate those members of the Sacred College who were *personae minus gratae* and not to be elected. The Constitution *Commissum Nobis* reprobated once and for all this and any other interferences by the secular powers in the papal election. J. offers an analysis of the Constitution as an important step towards regaining full *libertas Ecclesiae* in the context of the first codification of canon law.

Second Vatican Council and revision of the CIC and CCEO

AnC 13 (2017), 183-228: Chiara Minelli: *Rationabilitas e revisione del Codice piobenedettino. Un confronto con il pensiero di Eugenio Corecco.* (Article)

M. looks at the role of Eugenio Corecco in the revision of the Code. He was appointed in 1982 to the Commission established to assist John Paul II in his review of the *schema novissimum* of the revised Code. An examination of his views can help achieve a better understanding of the context of the formulation – or non-formulation – of the distinctive note of canon law which is its *rationabilitas*.

Comm 49 (2017), 92-98: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: *Votum Consultoris Nicolai Mörsdorf quoad excommunicationem.* (Votum)

The Commission for the Revision of the Code of Canon Law has the original German text in its archive but here publishes an Italian translation. In M.'s view the original proposals for the reform of penal law did not sufficiently address the theological basis of excommunication in the New Testament and the implications for the relationship between excommunication and the sacrament of penance. M. also raises the question of excommunication *latae sententiae* in the case of heresy or schism. Draft canon 16 §1 would allow someone excommunicated to receive the sacrament of penance without the prior lifting of the penalty, ignoring the

ecclesiological link. He argues that this contradicts the teaching of Vatican II and the directives given for the reform of the Code. Draft canon 48 required a warning before the incurring of excommunication even for heresy or schism, but this breaking of communion arises from the essence of the Church – a warning has a place only in establishing pertinacity.

Comm 49 (2017), 99: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Animadversio Consultoris Caroli Colombo quoad votum Consultoris Mörsdorf. (Comment)

In response to Mörsdorf, C. accepts there is some basis for his critique and suggests a distinction between those guilty of formal heresy or schism and those born into this situation with no personal fault.

Comm 49 (2017), 100-112: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Commmercium epistolarum inter Congregationem pro Doctrina Fidei, Secretariam Status et Pontificiam Commissionem CIC recognoscendo quoad absolutionem a censura excommunicationis post absoluta peccata. (Documents)

This exchange of letters between the Revision Commission, the CDF and the Secretariat of State discusses the doctrinal question raised in responses to the draft canons on penal law with regard to excommunication and sacramental absolution. This arose from the desire to keep separate the internal and external fora. The consultor at the CDF accepts Mörsdorf’s criticisms and agrees that what is proposed is incoherent and contradicts the traditional understanding of excommunication, in effect limiting it to external aspects of life in the Church. He argues that either excommunication should be dropped or else it should be maintained in its current form with the lifting of the penalty preceding sacramental absolution. The Commission replied by noting the criticisms but expressing perplexity as to whether the reply from the CDF was a statement of theological principle or of inexpediency, and pondering how the desire to keep the two fora separate can be fulfilled.

Comm 49 (2017), 112-137: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”:

Series Altera – Adunationes I-IX (diebus 21 mensis ianuarii–20 mensis maii 1976 habitae). (Report)

This report presents the discussion on the drafts of canons 1-17 of penal law that took place early in 1976.

Comm 49 (2017), 138-143: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Canones in Adunationibus I-IX, diebus 21 mensis ianuarii–20 mensis maii 1976, emendati. (Draft canons)

This document presents the revised text of canons 1-17 on penal law, which comprise statements of the general principles involved.

Comm 49 (2017), 144-228: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de Magisterio Ecclesiastico” (Sessio IV, diebus 8–19 novembris 1976 habita). (Report)

This session of the Commission for the Reform of the Oriental Code treated of the following areas: 1. completion of the section on the obligations of clerics; 2. fresh examination requested by the central *coetus* of a particular question, *viz.* the status of minor clerics; 3. further study of questions left open from the previous session; 4. recommendation made to this study group by the study group for Rites; 5. discussion and incorporation or not of the sections on the rights and privileges of clerics and their obligations in a single section on “obligations and rights of clerics”; 6. ordering and division of the canons; 7. rights of clerics; 8. adscription of clerics; 9. loss of the clerical state; 10. as far as possible, seminaries.

PCH 7 (2017), Number 2, 187-195: Robert Kantor: The Synods of the Diocese of Tarnów as a tool for the renewal of the particular Church. (Article)

See below, canons 460-468.

SC 51 (2017), 357-389: John A. Alesandro: One Hundred Years since the 1917 Code of Canon Law. (Conference presentation)

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

CODE OF CANONS OF THE EASTERN CHURCHES

General

IE XXIX (2017), 635-658: Péter Szabó: Tradizione orientali e codificazione orientale. (Article)

S. explores the possibility of reconciling Eastern legal traditions with the idea of a “modern Code”. The adaptability of the technique of codification to Oriental discipline depends on several factors, including the philosophical-juridical assumptions that are implied in codification, and its elasticity. In addition, S. ponders how to reconcile the idea of a “single Code” for all Eastern Churches with the variety that characterizes the disciplinary heritage of the East. He goes on to provide a critical evaluation of the Eastern canonical specificity of the CCEO.

Per 106 (2017), 233-268: Teodor Martynyuk: Il contributo del CCEO allo sviluppo del monachesimo: problemi e prospettive. (Article)

Monastic life has always been an important feature of the Eastern Churches. Yet, with the influence of the Latin Church spreading to many parts of the world, the Eastern Churches had almost lost the genuine monasticism of earlier centuries. Under the Latin influence, monasteries tended to be organized into Orders and Congregations. M. examines the influence of the CCEO in helping to restore monasticism to its proper place within the life of these Churches. He notes that, with its emphasis on monasticism as the first form of consecrated life identified in the canons, the CCEO has helped to invigorate monastic life. The promulgation of the CCEO coincided with the re-emergence from persecution of the Ukrainian Greek Catholic Church which has experienced a real resurgence in monasticism.

CCEO 27

Ius VIII 1/17, 77-90: Sebastian Vaniyapurackal: The Coinage History of the Term “Ecclesia Particularis seu Ritus” in *Orientalium Ecclesiarum* Leading to *Ecclesia Sui Iuris* in CCEO. (Article)

V. analyses various texts that are used to refer to the Oriental Churches and explains how the CCEO finally resolved the issue by preferring an expression currently in force. He shows how before Vatican II and even in

some of the Council documents the Eastern Churches were referred to in a confusing manner. The CCEO removes this confusion and clarifies what the Oriental Church is and what are its salient characteristic features.

CCEO 27-37

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices». (Comment)

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

CCEO 29-38

AnC 13 (2017), 249-294: Piotr Skonieczny: Przynależność do Kościoła łacińskiego. Komentarz prawnoprównawczy do kan. 111 i kan. 112 CIC, zmienionych przez *motu proprio* papieża Franciszka *De concordia inter Codices* z 2016 roku (*Belonging to the Latin Church: a comparative legal comment on can. 111 and can. 112 CIC, as modified by Pope Francis's motu proprio De concordia inter Codices of 2016*). (Comment)

See below CIC, canons 111-112.

CCEO 177

Comm 49 (2017), 41: Pope Francis: Constitutio Apostolica quo in Magna Britannia nova conditur Eparchia Magnae Britanniae Syro-Malabarensium. (Document)

This Apostolic Constitution dated 16 July 2016 establishes an eparchy for the Syro-Malabar Catholics of England, Wales and Scotland, with its see in Preston.

CCEO 323-398

Comm 49 (2017), 144-228: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de Magisterio Ecclesiastico” (Sessio IV, diebus 8–19 novembris 1976 habita). (Report)

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

CCEO 570

Cuad Doct 26 (2014-2015), 209-258: Christina M. Hip-Flores: Consecrated Widows: an Analysis of Canon 570 of the *Codex Canonum Ecclesiarum Orientalium*. (Article)

In this extract from her doctoral thesis H.-F. outlines the juridical expressions of widowed spirituality in the CIC/17 and its commentators, in the teachings of the Second Vatican Council, and most specifically in canon 570 of the CCEO and its sources. Finally, she offers a comparison of CCEO canon 570 with its closest Latin analogue, canon 604 of the CIC/83.

CCEO 573-583

FThC VI (2017), 149-170: Kinga Vadász: La normativa vigente sobre las asociaciones privadas, públicas y civiles. (Article)

See below, CIC canons 298-329.

CCEO 584-594

ETJ 21 (2017), 69-77: Jerome Puthukulangara: Mission as Concern of the Church in the Code of Canons of the Eastern Churches. (Article)

P. explores the mission of the Church as seen by the CCEO, which conceives evangelization as a concern of the Church and the duty of all the faithful. Each *sui iuris* Church has to carry out this responsibility, which is a participation in the missionary obligation of the universal Church.

CCEO 588

IusM XI/2017, 31-46: Lorenzo Lorusso: I catecumeni e l'ascrizione ad una Chiesa *sui iuris* a norma del can. 588 del CCEO. (Article)

After presenting CCEO canon 588 in the context of the Title on Evangelization of Nations, L. analyses and comments on its *iter*. Because canon 588 makes reference to CCEO canon 30 on enrolment in a *sui iuris* Church, he briefly examines the concept of *sui iuris* Church and rite in Vatican II and in the CCEO.

CCEO 593

ETJ 21 (2017), 51-67: Sajan George Thengumpally: Migration as a Tool of Evangelization. (Article)

In the light of a recent papal decision to establish two more dioceses for the Syro-Malabar Church in India – its jurisdictional structures now covering the whole area of India – T. discusses how far migration can function as a tool of evangelization. In his consideration he makes use of relevant conciliar and papal documents. (An earlier version of this article appeared in *Iustitia* 3 (2012), 83-98: see *Canon Law Abstracts*, no. 109, p. 37.)

CCEO 1357-1377

Ius VIII 1/17, 97-109: Andrea Ripa: Il diritto come strumento della carità pastorale dei parroci. (Article)

The recent reform of matrimonial procedural law desired by Pope Francis, without detracting from its legal rigour, is above all pastoral, because it aims to bring the process closer to the life of the People of God, with a greater involvement on the part of pastors. In this new perspective, law is seen as an instrument of the pastoral charity of parish priests, aimed at further empowering pastors with regard to the faithful who wish to ascertain the possible nullity of their marriage.

CCEO 1473

REDC 74 (2017), 369-423: Francisco José Campos Martínez: Derechos fundamentales del investigado y aplicación de medidas cautelares. Un estudio a partir del art. 19 de las «normas sobre los delitos más graves». (Article)

See below, CIC canon 1722.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

17

QDE 30 (2017), 168-177: G. Paolo Montini: La ragione del Codice. (Article)

M. seeks to confront attacks made on the Code not simply by examining the reasons why a Code was promulgated in 1917, but rather by looking at the rationality of the Code. He examines a particular instance of this by suggesting that the interpretative principle of canon 17 (“text and context”) offers a double security for the Code: not merely are individual canons rational, but they are reinforced by the context of the Code.

19

IE XXIX (2017), 659-663: Supremo Tribunale della Segnatura Apostolica: 19 settembre 2016, Prot. n. 51354/16 CA, Decreto. Rev.da Sr x – Congregazione per gli Istituti di vita consacrata e le Società di vita apostolica, *Nullità di professione perpetua* (con un commento di José Antonio Araña). (Decree and comment)

See below, canon 1445.

35

Per 106 (2017), 359-403: Ulrich Rhode: Attività amministrativa svolta senza esercizio di potestà di governo. (Article)

According to canon 35, a singular administrative act can be issued by one who possesses executive power. R. considers the question of administrative activity carried out by superiors and other office-holders who do not have power of governance in the strict sense. He examines in a particular way the procedures to be observed by those who carry out such acts, the manner in which they are to be interpreted, and the process to be followed in each case by those seeking to have redress against them.

111-112

AnC 13 (2017), 249-294: Piotr Skonieczny: Przynależność do Kościoła łacińskiego. Komentarz prawnoprównawczy do kan. 111 i kan. 112

CIC, zmienionych przez motu proprio papieża Franciszka *De concordia inter Codices* z 2016 roku (*Belonging to the Latin Church: a comparative legal comment on can. 111 and can. 112 CIC, as modified by Pope Francis's motu proprio De concordia inter Codices of 2016*). (Comment)

S. comments on the modifications to canons 111 and 112 of the CIC/83 brought about by Pope Francis's motu proprio *De concordia inter Codices* of 31 May 2016. He refers to the provisions of the CCEO and other norms outside the Code. He studies the terms involved, the scope of the provisions, and the role of the internal will in the new discipline. He then analyses what it means to join the Latin Church through the reception of baptism and through transfer. He points out many imperfections in the new legislation, but considers it to be necessary, especially at a time of extensive migration on the part of the Christian faithful.

111-112

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices». (Comment)

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

128

AnC 13 (2017), 139-154: Przemysław Michowicz: Concetto di responsabilità oggettiva nell'ordinamento canonico. (Article)

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

128

Per 106 (2017), 681-712: Giovanni Parise: Per una giustizia più piena nella Chiesa: la questione del risarcimento dei danni come segno di uno sviluppo. (Article)

P. examines the provisions of art. 123 §2 of *Pastor Bonus* and the *Lex propria* of the Apostolic Signatura, which see the possibility of that tribunal adjudicating not only the unlawfulness of the juridical act impugned before it but also the question of compensation for damages suffered as a result of the illegal act. He views this as a development towards greater justice within the Church.

129

Per 106 (2017), 537-631: Gianfranco Ghirlanda: L'origine e l'esercizio della potestà di governo dei vescovi. Una questione di 2000 anni. (Lecture)

See below, canon 381.

145

RDC 67/2 (2017), 439-445: Laurent Villemin: L'office à la lumière des reconfigurations paroissiales. (Article)

See below, canon 517.

149

IC 57 (2017), 761-797: Fernando Puig Sanahuja: Anotaciones acerca de la provisión de oficios capitales como acto jurídico y como acto de gobierno. (Article)

See below, canons 377-378.

BOOK II, PART I: CHRIST'S FAITHFUL

204

AnC 13 (2017), 57-71: Jan Dyduch: Dykasteria ds. Laikatu, Rodziny i Życia Geneza, zadania i struktura (*The Dicastery for the Laity, the Family and Life: origin, tasks and structure*). (Article)

The Second Vatican Council emphasized that the lay faithful are part of the Church which is the community of the People of God, and that they participate in the triple mission of Christ: the grace of the common priesthood is granted to them and they have their own proper vocation. On the basis of this teaching, Pope John Paul II established the Pontifical Council for the Laity and the Pontifical Council for the Family, which Pope Francis has transformed into the Dicastery for the Laity, the Family and Life, to direct the contemporary apostolate of the laity and families in the Church (see below, canon 360).

204

Per 105 (2016), 509-574: Gianfranco Ghirlanda: Si possono pensare nuovi ministeri istituiti da conferire ai laici? (Article)

Pope Paul VI's *motu proprio Ministeria Quaedam* of 15 August 1972 formally instituted two lay ministries in the Church: those of lector and acolyte. It also mentioned the possibility of other ministries being instituted. Exploring this possibility, G., carefully distinguishing the priesthood of all the baptized from the ministerial priesthood, examines 50 years of the Magisterium and arrives at some concrete proposals. He goes on to analyse the concepts of "ministry", "office", and "service". In his view, "ministry" is a stable task conferred on the subject liturgically. Among the possible future ministries to be instituted, G. includes: catechist; the role of parents as catechists and educators of their children; those responsible for leading prayer, and those who are commentators in the liturgy; the psalmist and the one responsible for music in the liturgy; sacristan; and the one entrusted with the pastoral care of an isolated Christian community in accordance with canon 517 §2. He notes that many of these functions are already being carried out on a voluntary basis but often without adequate preparation. Before concluding his study, G. states that he sees the need for and the possibility of instituting a stable form of ministry for women within the Church, but as something totally distinct from the diaconate.

222

KIP 6 (19) 2017, nr. 2, 123-141: Anna Słowikowska: Podstawy prawne odpowiedzialności wiernych za materialne potrzeby Kościoła (*The legal basis of the responsibility of the Christian faithful for the material needs of the Church*). (Article)

See below, canon 1260.

225

KIP 6 (19) 2017, nr. 2, 143-161: Dawid Lipiński: Udział wiernych świeckich w misjach *ad gentes* według Kodeksu Prawa Kanonicznego z 1983 roku (*The participation of the lay faithful in missions "ad gentes" according to the 1983 Code of Canon Law*). (Article)

See below, canons 781-792.

225

Q 12/1 (2017), 5-48: Mark R. Saludes: *Renewing Parishes in the New Evangelization through Parish Renewal Experience*. (Article)

Since Vatican II, one way for the laity to live their Christian life and participate in the apostolates of the Church has been provided by the ecclesial movements. S. explores the Parish Renewal Experience or PREX Movement – an innovative way for the laity to respond to the demands of the New Evangelization for Church renewal. This movement begins as a small-scale renewal through parish communities. From within the parish the movement applies its strategic evangelization through formation programmes for its parishioners.

267-272

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

290

AC 57 (2016), 331-355: Philippe Toxé: *L'iter processualis de la dispense des obligations de l'état clérical.* (Article)

Examining the administrative procedure for the granting of a dispensation from the obligations of the clerical state, T. looks at those who take part in the procedure, the elements which should be contained in the dossier to be submitted to the Holy See, the content of the rescript granting the dispensation, notification of the rescript, and other duties of the Ordinary. He provides a sample wording of a rescript.

298-329

FThC VI (2017), 149-170: Kinga Vadász: *La normativa vigente sobre las asociaciones privadas, públicas y civiles.* (Article)

V. examines the norms relating to the purposes of associations of the faithful, the juridical personality of associations, the establishment and suppression of associations, the peculiarities of the regulation of associations in the CCEO, and ecclesial associations in the civil sphere. He highlights the marked differences in the way public and private associations are treated, but stresses that associations and the ecclesiastical authority are ultimately striving for the same end and should operate in an attitude of mutual respect and trust.

302

EE 92 (2017), 657-681: José Antonio Hernández Vázquez: *De Sociedad de Vida Apostólica a Asociación de Fieles Pública Clerical: un camino a transitar.* (Article)

See below, canons 731-746.

325

AC 57 (2016), 357-378: Dominique Le Tourneau: *Quelques remarques sur la notion de «biens ecclésiastiques».* (Article)

See below, canon 1257.

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

342

EE 92 (2017), 683-701: Antonio Viana: Sinodalidad y Derecho Canónico. Un seminario organizado por la Secretaría General del Sínodo de los Obispos. (Article)

The theological principle of synodality resonates strongly in the contemporary Church and has received an impulse under Pope Francis's pontificate. Synodality has a structural relevance not only in terms of the episcopal organisms, but also concerning the participation of the faithful in collegial ecclesiastical bodies. V. studies some of the consequences of synodality in canon law, based on discussions during a recent seminar organized by the General Secretariat of the Synod of Bishops in Rome.

360

Comm 49 (2017), 47-50: Pope Francis: Litterae Apostolicae *Sanctuarium in Ecclesia*, a Summo Pontifice die 11 mensis februarrii currentis anni motu proprio datae. (Document)

See below, canons 1232-1233.

360

Comm 49 (2017), 62-63: Secretaria Status: Rescriptum "ex audientia Ss.mi" de nonnullis immutationibus Statutorum Comitatus pro nummaria Securitate. (Document)

This rescript modifies the membership of the Committee for Financial Security and makes provision for those attending meetings to be accompanied by experts or to appoint substitutes if unable to attend.

360

Comm 49 (2017), 64-69: Secretaria Status: Normae respicientes Commissionem pro disciplina Romanae Curiae. (Document)

This document sets out the norms governing the disciplinary committee set up to investigate allegations of disciplinary breaches within the Roman

Curia, covering both the structure and the way in which this administrative process is to be conducted. It is dated 30 April 2016.

360

Comm 49 (2017), 70-76: Secretaria Status: Rescriptum “ex audientia Ss.mi” quo art. 9, 11-16 et 21 Statuti Officii Laboris Sedis Apostolicae mutantur (die 14 mensis iunii 2016). (Document)

This rescript of 14 June 2016 modifies the statutes of the Labour Office of the Apostolic See so as to allow for an attempt at conciliation, with recourse to the College or Tribunal if this does not bring about agreement. The 21 articles set out the procedure in detail.

360

Comm 49 (2017), 77: Secretaria Status: Rescriptum “ex audientia Ss.mi” quo art. 6 Statuti Officii Laboris Sedis Apostolicae mutantur (die 28 mensis novembri 2016). (Document)

This rescript of 28 November 2016 adds a representative of the Administration of the Patrimony of the Apostolic See to the membership of the Labour Office of the Apostolic See.

360

Comm 49 (2017), 78: Secretaria Status: Enuntiatus de Summi Pontificis publicae imaginis tutela (die 22 mensis februarii 2017). (Announcement)

The Secretariat of State issues a reminder that images of the Pope and of the coat of arms of the Apostolic See are copyright and subject to its supervision and monitoring. The notice is dated 22 February 2017.

360

IC 57 (2017), 849-863: Sumo Pontifice Francisco: Carta apostólica en forma de Motu proprio *Sedula Mater*, por la que se instituye el Dicastrio para los Laicos, la Familia y la Vida (15 de agosto de 2016). (Document and comment)

The Spanish text is given of the Apostolic Letter *Sedula Mater* by which the new Dicastery for the Laity, the Family and Life is instituted, and of the

statutes of the new dicastery (see *Canon Law Abstracts*, nos. 118, pp. 49, 51-53; 119, pp. 50-51). These are accompanied by a comment from Dominique Le Tourneau, who looks at the constitution and competences of the new dicastery and at its three sections.

360

IC 57 (2017), 865-880: Sumo Pontífice Francisco: Carta apostólica en forma de Motu proprio *Humanam progressionem*, con la que se instituye el Dicasterio para el Servicio del Desarrollo Humano Integral (31 de agosto de 2016). (Document and comment)

The Spanish text is given of the motu proprio by which the new Dicastery for Integral Human Progress is instituted, and of the statutes of the new dicastery (see *Canon Law Abstracts*, nos. 118, p. 51; 119, pp. 50-51). These are accompanied by a comment from Dominique Le Tourneau who looks at the purpose and responsibilities of the new dicastery and at some of the challenges that await it.

360

IE XXIX (2017), 611-633: Alessio Sarais: L'ufficio del lavoro della sede apostolica, alla luce delle recenti modifiche statutarie e del processo di riforma della Curia Romana. (Article)

The Labour Office of the Apostolic See was established by Pope John Paul II in 1989, with statutes granted *ad experimentum* for a period of five years. The definitive text of the statutes was approved in 1994. In 2009 Pope Benedict XVI approved new statutes that came into force on 1 January 2010 (see *Canon Law Abstracts*, nos. 104, p. 65; 105, p. 55). More recently further adjustments have been made: the composition of the Council of the Labour Office has been adapted to the reforms in the Roman Curia, and the Labour Office's competences have been increased with the introduction of the obligation to attempt conciliation in all labour disputes (see above, and *Canon Law Abstracts*, no. 118, pp. 12, 50).

360

IE XXIX (2017), 715-724: Lettera Apostolica in forma di *Motu Proprio* del sommo Pontefice Francesco, *I beni temporali*, circa alcune competenze in materia economica-finanziaria (4 luglio 2016) (con commento di Mauro Rivella, “*Summa divisio*” delle competenze come

prima regola dell'amministrazione dei beni della Santa Sede). (Document and comment)

R. comments on the Pope's motu proprio of 4 July 2016 regarding competences in economic-financial matters and the respective responsibilities of the Secretariat for the Economy and the Administration of the Patrimony of the Apostolic See (see *Canon Law Abstracts*, no. 118, pp. 50, 52).

360

ITQ 82 (2017), 185-196: Gerald O'Collins: Collaborators of the Apostles and the Reform of the Roman Curia. (Article)

In the context of the search for early traditions that could be retrieved and supply a theological and moral vision for reforming the Roman Curia, the collaborators of the Bishop of Rome, O'C. finds in the letters of St Paul such apostolic collaborators functioning with Paul on his mission, and doing so in a variety of ways that prefigure the tasks of the modern Curia. The diocese of Rome is founded on the martyrdom of Paul as well as Peter. The Christian men and women who collaborated with Paul supply, not so much markers for some administrative changes, but rather an inspiring vision for a biblically based reform of the Roman Curia.

360

KIP 6 (19) 2017, nr. 2, 107-122: Mirosław Sitarz: Kształtowanie się Kongregacji Edukacji Katolickiej (*The formation of the Congregation for Catholic Education*). (Article)

The founder of the Church entrusted to her the teaching function. In 1588 Pope Sixtus V erected the *Congregatio pro universitate studii romani* to supervise studies at the University of Rome and other notable universities of the time. Later Roman Pontiffs created the *Congregatio studiorum*, *Congregatio de Seminariis et Studiorum Universitatibus*, *Sacra Congregatio pro institutione Catholica*, and in 1988 the Congregation for Catholic Education (in Seminaries and Institutes of Study). In 2013 Pope Benedict XVI changed the name of the dicastery to that of Congregation for Catholic Education (for Educational Institutions).

360

REDC 74 (2017), 461-485: Presentación de las felicitaciones navideñas de la Curia Romana. Discurso del Santo Padre Francisco: Sala Clementina, 22.12.2016. Texto. Comentario: La Curia romana: reforma, criterios y actuaciones (Raúl Román Sánchez). (Address and comment)

In his Christmas address to the Roman Curia on 22 December 2016 Pope Francis set out the guiding principles of the reform of the Curia: individual responsibility (personal conversion), pastoral concern (pastoral conversion), missionary spirit (Christocentrism), organizational clarity, improved functioning, modernization (updating), sobriety, subsidiarity, synodality, catholicity, professionalism, and gradualism (discernment). R.S offers a comment on some of these principles.

377-378

IC 57 (2017), 761-797: Fernando Puig Sanahuja: Anotaciones acerca de la provisión de oficios capitales como acto jurídico y como acto de gobierno. (Article)

The appointment of diocesan bishops and equivalent office-holders entails important sacramental implications, a number of juridical-formal elements, and significant prudential, pastoral and even political features. All these aspects are involved in the right of the ecclesial community to good governance. P.S. analyses the norms and their application in relation to three aspects of the act of provision of office: the juridical-sacramental aspect; the requirement of hierarchical communion on the part of the one receiving the office; and other aspects to be taken into account in determining the suitability of the person and the requirements of good governance.

381

KIP 6 (19) 2017, nr. 2, 83-91: Joanna Przybyławska: Władza biskupa diecezjalnego w Kodeksie Prawa Kanonicznego z 1983 roku (*The power of the diocesan bishop in the 1983 Code of Canon Law*). (Article)

According to canon 381 §1, in the diocese entrusted to him “the diocesan bishop has all the ordinary, proper, and immediate power required for the exercise of his pastoral office, except for those matters which the law or a decree of the Supreme Pontiff reserves to the supreme or to some other ecclesiastical authority”. Canon 391 §1 states that the bishop “governs the

particular Church entrusted to him with legislative, executive, and judicial power, in accordance with the law". P. analyses the nature and sources of episcopal authority.

381

Per 106 (2017), 537-631: Gianfranco Ghirlanda: L'origine e l'esercizio della potestà di governo dei vescovi. Una questione di 2000 anni.
(Lecture)

On 30 May 2017, G. gave a *lectio magistralis* in the Aula Magna of the Pontifical Gregorian University in Rome to mark the end of his teaching at the university. This is the text of that lecture. In it, G. returns to a theme he first encountered during his research for his doctoral thesis: the origin and exercise of the power of governance of bishops. He tackles three questions which remained open at the time of his thesis: an apparent conflict between the formula found in the *Nota Explicativa Praevia* and that found in *Lumen Gentium*, no. 25a; a misinterpretation of a text of St Thomas Aquinas concerning the sacramental origin of the power of governance of bishops; and the assertion that the distinction between the power of orders and the power of jurisdiction is a second millennium effect of Roman centralization, a distinction that was totally absent from the first millennium. Relying on his own reflections on the theme and on more recent research, he resolves all three questions.

386

EE 92 (2017), 643-656: María José Roca: Vigilancia peculiar del obispo diocesano sobre un monasterio autónomo de derecho pontificio.
(Article)

R. studies how the obligation of the diocesan bishop to defend the integrity and unity of the faith, as provided in canon 386 §2, is to be harmonized with due respect for the autonomy of *sui iuris* monasteries. The bishop's duties regarding the custody of the faith and of contemplative charisms in his diocese, and his special duty to protect an autonomous monastery (canon 615), allow him to adopt prudent measures (including disciplinary measures) in the case of statements contrary to the faith made by a religious of a *sui iuris* monastery. The particular law of the monastery must be respected, if it contains any provisions that give specific form to the general provisions of the CIC. The bishop must also hear the person concerned and

communicate his decision in writing, giving the reasons for it. In this way the right of appeal to a superior authority is preserved.

391

KIP 6 (19) 2017, nr. 2, 83-91: Joanna Przybyśławska: Władza biskupa diecezjalnego w Kodeksie Prawa Kanonicznego z 1983 roku (*The power of the diocesan bishop in the 1983 Code of Canon Law*). (Article)

See above, canon 381.

392

QDE 30 (2017), 35-50: Gianluca Marchetti: Norme per procedere nel discernimento di presunte apparizioni e rivelazioni. (Article)

See below, canon 753.

392

QDE 30 (2017), 51-67: Marco Alba: Linee per un possibile discernimento pastorale a partire da un caso concreto. (Article)

See below, canon 753.

402

SC 51 (2017), 611-620: W. Becket Soule: The Canonical Status of an Ordinary Emeritus. (Article)

The retirement of Mgr Jeffrey Steenson in November 2015 presents the first instance of an ordinary emeritus of a personal Ordinariate. While the canonical status of an ordinary emeritus for the most part parallels that of a bishop emeritus, in certain respects there are notable differences grounded in sacramental character. Of particular significance is the ordinary emeritus' continued incardination in his previous (arch)diocese, and his ongoing membership and participation in episcopal conferences(s). A consistent praxis has not yet emerged, as a survey of recent correspondence shows.

460-468

KIP 6 (19) 2017, nr. 2, 67-82: Sebastian Margiewicz: Synod diecezjalny odnową Kościoła partykularnego na przykładzie I Synodu Diecezji Elckiej (*The diocesan synod as the renewal of the particular Church: the example of the first synod of the diocese of Elk*). (Article)

The diocesan synod is to be convened when it is deemed necessary by the diocesan bishop. In the Polish diocese of Elk, erected in 1992, a synod was announced on 18 May 1997, and the first session of the synod was held on 25 March 1998. M. analyses the importance of the diocesan synod in the process of organization of the particular Church. He then looks at the statutes of the diocesan synod of Elk, the process of preparation of the synod, how it is conducted, and its competences.

460-468

PCH 7 (2017), Number 2, 187-195: Robert Kantor: The Synods of the Diocese of Tarnów as a tool for the renewal of the particular Church. (Article)

K. analyses the last four synods of the diocese of Tarnów in Poland, highlighting their structure and course. Diocesan synods grow out of the needs of the particular Church; they shape the ecclesial reality most clearly through their disciplinary, pastoral and spiritual proposals, reaching out to all ecclesiastical and social environments. Each synod has its specific meaning in the history of the diocese, and its impact is certainly not limited to the proposals formulated. A diocesan synod has a very important function in the process of formation of the particular Church. The synods of the diocese of Tarnów were the place of meeting and dialogue between the bishop, the clergy and the laity of the Church in Tarnów.

460-514

AnC 13 (2017), 73-90: Stanisław Iwańczak: Rady, które wspierają biskupa diecezjalnego (*The councils which support the diocesan bishop*). (Article)

Regarding the internal ordering of particular Churches, the current Code of Canon Law mentions a few collegial bodies which assist in the running of the diocese (canons 460-514). From among these various bodies I. focuses on the councils which support the diocesan bishop: the finance council, the episcopal council, the council of priests, the mission council and college of

consultors, and the pastoral council. All of these support the bishop, both in pastoral service and in the management of the spiritual and temporal goods of the diocese. Apart from these “canonical” councils, the diocesan bishop can also institute other councils which are not mentioned in the Code: the council of deans, the council of religious, the council for young people, the council for catechesis, etc. All of these serve as consultative organs of the bishop. Their opinions, advice or proposals should support the diocesan bishop and assist him in the proper running of the diocese.

478

AC 57 (2016), 9-36: Alphonse Borras: Le vicaire général, docteur ou licencié en droit canonique ou en théologie (can. 478). Les entrelacs d’une tranche de vie. (Lecture)

Canon 478 establishes that the vicar general should have a doctorate or licentiate in canon law or theology. B., vicar general of the archdiocese of Liège in Belgium, sets out the basic features of the office of vicar general, before describing how his personal canonical expertise has helped him to become more sensitive to and aware of different aspects of ecclesial reality, pastoral life and Church governance, and also how the governance of a diocese has in some way influenced his canonical research or at least coloured his doctrinal reflection from a juridical and theological perspective.

482-485

KIP 6 (19) 2017, nr. 2, 33-51: Dominik Dryja: Kompetencje kreacyjne biskupa diecezjalnego w wykonywaniu władzy sądowniczej (Creative competences of the diocesan bishop in the exercise of judicial power). (Article)

See below, canons 1420-1423.

508

Per 106 (2017), 633-680: José Luis Sánchez-Girón Renedo: La facultad de absolver ‘pecados reservados’ concedida por el Papa Francisco con ocasión del año de la misericordia. (Article)

See below, canon 1357.

515

RDC 67/2 (2017), 325-343 : Bruno Restif: L'Âge d'or des paroisses, 15^e-18^e siècles. Analyse historique des diversités géographiques et sociologiques, et réflexions pour le présent. (Article)

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

515

RDC 67/2 (2017), 345-362: Alphonse Ky-zerbo: L'enseignement du Pape François sur la Paroisse dans l'Exhortation apostolique *Evangelii Gaudium*. (Article)

25 years after Pope John Paul II's Apostolic Exhortation *Christifideles Laici*, Pope Francis, in his Apostolic Exhortation *Evangelii Gaudium*, teaches that the parish constitutes an ecclesiastical presence and community of communities whose first mission is evangelization. Its reform implies an *aggiornamento* of the institution but also requires the implementation of the functional structures envisaged by Vatican II and the CIC/83. Nevertheless, such implementation requires docility and missionary creativity on the part both of the pastor and of the community whose first and foremost priority remains the mission to evangelize.

515

RDC 67/2 (2017), 413-438: Elisabeth Abbal: Les reconfigurations paroissiales comme objet de recherche. (Article)

In the context of seeking the most effective reorganization of parishes, A. explores the possibility of moving away from a strictly territorial relationship of a parish with its surrounding area, and envisages a transition from the image of an enclosure to that of a hub around which ecclesiastical life is structured.

515

RDC 67/2 (2017), 447-464: Alphonse Borrás: La communauté des fidèles à l'épreuve des reconfigurations paroissiales. (Article)

Reshaping parishes creates some kind of true synodality, at least in an incipient fashion if not always in a formal structured way. This is very much in line with the thrust of the current Magisterium.

515

SC 51 (2017), 471-496: Brian Dunn: The Merger of Parishes and the Closure of Churches: Lessons Learned from a Bishop's Perspective. (Conference presentation)

See below, canon 1222.

517

RDC 67/2 (2017), 389-396: Jean-Paul Russell: Reconfigurer les paroisses, une œuvre de longue haleine. L'exemple du diocèse de Poitiers. (Article)

The reshaping of parishes in the diocese of Poitiers has been carried out according to a canonical framework provided by diocesan synods. R. reflects on the pastoral and theological implications of the process, and the need to go about the task with a missionary conscience. Simply establishing a new territorial map is not enough.

517

RDC 67/2 (2017), 397-401: Bernard Xibaut: Les restructurations paroissiales dans le diocèse de Strasbourg. Les «communautés de paroisses». (Article)

The diocese of Strasbourg grouped its 767 parishes into 170 “communities of parishes”. Although canon 517 §2 only allows a “pastoral animation team” where the parish is vacant, such teams have been provided to each community of parishes. The “pluralism of benefices” has been subtly re-established, since the priest who becomes the pastor of a community of parishes is canonically the pastor of all the parishes (which can vary in number from one to seventeen). X. asks whether it is still appropriate in such circumstances to talk of “benefices”.

517

RDC 67/2 (2017), 403-412: Francis Bestion: Approche diversifiée des reconfigurations paroissiales. L'exemple du diocèse de Tulle. (Article)

The diocese of Tulle in central France has introduced a new model for the pastoral care of existing parish communities, consisting of three main elements: priestly fraternities, pastoral animation teams, and local

missionary fraternities. This is a missionary process where time is more important than space, and where the idea of “territory” is gradually replaced by that of “community”.

517

RDC 67/2 (2017), 439-445: Laurent Villemin: L’office à la lumière des reconfigurations paroissiales. (Article)

V. examines the concept of office in canon law, before describing an initiative in the diocese of Nancy in France which involves the creation of the office of “parochial coordinator”.

532

Per 105 (2016), 575-591: Yuji Sugawara: Beni temporali della parrocchia e la loro gestione. (Article)

Beginning with a summary of what the CIC/83 has to say of a parish (canon 515) and the Church’s right to acquire, possess, administer and alienate temporal goods (canon 1254), S. examines the often difficult and delicate question of how the goods of a parish are to be administered. He considers some practical difficulties experienced by parish priests, especially concerning the intentions of the faithful who contribute to the parish and the contemporary requirements of civil law for transparency and professional competence. S. then examines the canonical responsibility of the parish priest in this domain, considering the distinction between ordinary and extraordinary administration, as well as the role of the parish finance committee (canon 537). He deals with two situations in particular: that of parishes entrusted to clerical religious institutes, and that of the closure or fusion of a parish. In these cases and all others, he notes that the norms of the Code and other subsequent legislation must be followed with care and attention.

535

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices». (Comment)

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

537

Per 105 (2016), 575-591: Yuji Sugawara: Beni temporali della parrocchia e la loro gestione. (Article)

See above, canon 532.

553

AnC 13 (2017), 9-37: Jerzy Adamczyk: Urząd dziekana w aspekcie prawnokanonicznym (*The office of the vicar forane in its legal and canonical aspects*). (Article)

A. examines the office of the dean or vicar forane, looking first at the office in general terms, before outlining the qualifications required of a candidate for the office. He then deals with the induction into office of the vicar forane, and the loss of office.

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

578

AC 57 (2016), 397-418: Voahanginirina Claire Ravaoarisoa: La «juste autonomie» des instituts de vie consacrée et des sociétés de vie apostolique. (Article)

R. looks at the relationship between 1. the true autonomy of institutes of consecrated life, seen as a fundamental right of such institutes, implying duties; 2. the proper patrimony of the institute as the foundation of their right to true autonomy, understood as a common ecclesial good; and 3. the apostolic works of their members as the place in which the true autonomy of institutes of consecrated life is manifested and exercised.

579

Amy Hereford: See I Am Making Something New: New Institutes, Diocesan Hermits and Consecrated Virgins and New Forms of Consecrated Life. (Book)

See below, canons 603-605.

586

AC 57 (2016), 397-418: Voahanginirina Claire Ravaoarisoa: La «juste autonomie» des instituts de vie consacrée et des sociétés de vie apostolique. (Article)

See above, canon 578.

603-604

Christina Hip-Flores: Hermits and Consecrated Virgins, Ancient Vocations in the Contemporary Catholic Church: A Canonical-Pastoral Study of Canons 603 and 604. (Book)

H.-F. focuses on hermits and consecrated virgins, describing the spiritual patrimony of these most ancient forms of consecrated life in the Catholic Church, highlighting the key charismatic elements of each vocation, recounting their historic evolution, and offering an exegetical analysis of the

two canons that establish these forms of consecrated life in the Latin Catholic Church, canons 603 and 604 respectively. She finishes by listing the questions most frequently posed by diocesan pastoral agents and candidates. (For bibliographical details see below, Books Received.)

603-605

Amy Hereford: See I Am Making Something New: New Institutes, Diocesan Hermits and Consecrated Virgins and New Forms of Consecrated Life. (Book)

H. explores the various ways in which the Life of the Spirit is stirring anew in the Church today in new religious institutes and societies, in diocesan hermits and consecrated virgins, in the new forms of consecrated life, and in the ecclesial movements that bring life and vitality to the Church today, and in fact, may give rise to new institutes. (For bibliographical details see below, Books Received.)

604

Cuad Doct 26 (2014-2015), 209-258: Christina M. Hip-Flores: Consecrated Widows: an Analysis of Canon 570 of the *Codex Canonum Ecclesiarum Orientalium*. (Article)

See above, CCEO canon 570.

605

RDC 67/2 (2017), 467-484: Benoît Malvaux: Vers de nouvelles formes de vie consacrée? (Article)

Canon 605 provides that the Holy See may approve new forms of consecrated life that could be added to the four already existing forms recognized by the CIC/83. The theory may be clear, but the implementation of this canon is more problematic. M. sets out the present situation, focusing notably on the figure of the ecclesial family of consecrated life proposed by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life as a way of respecting the specific characteristics of certain new communities without undermining the essential elements of a life consecrated through the profession of the evangelical counsels.

615

EE 92 (2017), 643-656: María José Roca: Vigilancia peculiar del obispo diocesano sobre un monasterio autónomo de derecho pontificio. (Article)

See above, canon 386.

617

SC 51 (2017), 581-609: Michael Francis Rosinski: Mercy and Due Process in Religious Institutes. (Article)

R. examines factors related to the establishment of procedures for addressing non-penal misconduct cases in religious institutes. An accusation of misconduct is considered non-penal when it violates divine law, canon law or proper law but is not also a delict according to ecclesiastical law. Since such cases fall under the discretionary authority of superiors to resolve, the question arises regarding the best way to structure the use of that discretionary authority so as to achieve the best possible result for everyone concerned without the superior exceeding his or her power and also respecting the rights of the accused. R. examines the issues of discretionary authority, canonical equity and mercy, canon law related to the administration of discipline in religious institutes, limits on the powers of superiors, the situations which call for such a procedure, and, when necessary, how to make decisions to protect people from future harm. He concludes with a summary of the key principles that should guide such procedures, and a sample set of procedures.

653

Per 106 (2017), 177-189: Yuji Sugawara: Separazione imposta ai membri dell'istituto religioso. (Conference presentation)

See below, canon 686.

659-661

SC 51 (2017), 391-439: Maureen Rose A. Awiti: Formation during the Period of Temporary Vows According to the 1983 Code and Subsequent Holy See Documents. (Article)

The Church recognizes that novitiate formation is insufficient to prepare religious to attain the maturity necessary for permanent commitment. Therefore the formation of religious should continue and be perfected after first profession (cf. canon 659 §1). Additionally, the Church requires that each institute draw up a *ratio* for post-novitiate formation which specifies its structure and duration in accordance with universal norms, while permitting adaptations of aspects that may require revision as a result of new needs and realities. Canons 659-661 on post-novitiate formation specify its aims, aspects and pedagogy, while subsequent documents provide further directives on the challenges facing formation in the postconciliar period. The updating of the *ratio* is therefore to take into account both the provisions of universal law and the directives found in related postconciliar documents. A. gives an analysis of the norms on formation during temporary vows as presented in the CIC/83 and the subsequent documents, explaining their deeper meaning with a view to offering a resource for religious institutes in need of updating their post-novitiate formation programme.

667

Ius Comm V (2017), 249-283: Juan Manuel Cabezas Cañavate: La constitución apostólica *Vultum Dei Quaerere*: anotaciones canónicas. (Article)

C. summarizes the main provisions of *Vultum Dei Quaerere* which regulates women's contemplative life in the Latin Catholic Church, explaining both innovations and continuity in essential matters, while clarifying which aspects of current canon law are repealed in part or in whole by the new law.

673-683

Ius Comm V (2017), 225-248: Agostino Montan: El apostolado de los Institutos de vida consagrada. (Article)

The true theology of apostolate of the Second Vatican Council teaches that the whole Church is apostolic because it is sent out to the whole world. All the members of the Church share in this mission in different ways. Apostolic

action belongs to the very nature of religious life and should be sustained by the religious spirit. Although religious institutes are not subject to the jurisdiction of the bishop as regards their internal ordering, they are subject to his jurisdiction as far as the apostolate is concerned. However, the insertion of the institute in the particular Church should not mean the loss of its charism. On the contrary, the institute is placed at the service of the particular Church, which it provides with its own genuine spiritual originality, its particular boldness, and its intelligent attention to the circumstances and signs of the times.

686

Per 106 (2017), 177-189: Yuji Sugawara: Separazione imposta ai membri dell'istituto religioso. (Conference presentation)

On 4 December 2015, the Faculty of Canon Law and the Institute of Psychology at the Pontifical Gregorian University held a study evening dedicated to the theme of imposed separation of religious from their institutes. In his contribution, S. identifies the principal types of enforced separation found in the Code of Canon Law: the dismissal of a novice (canon 653 §1); the imposed departure of a religious in temporary vows (canon 689); imposed exclaustation (canon 686 §3); and the three forms of dismissal (canons 694-700). S. provides information about what is required for each kind of separation, the procedure to be followed, and a broad indication of the authority competent to impose the separation. His concluding paragraph deals with the assistance to be given to those religious who have been dismissed or otherwise separated definitively from the institute (cf. canon 702).

686

Per 106 (2017), 190-216: Delfina Moral Carvajal: Esclaustazione imposta di un religioso. Applicazione pratica. (Conference presentation)

In her contribution to the study evening on the theme of the enforced separation of religious from their institutes held at the Pontifical Gregorian University on 4 December 2015, M. examines the concept and practice of imposed exclaustation as found in canon 686 §3. This particular form of exclaustation is characterized by the fact that it is the superior of the institute who requests it and not the religious involved. The petition is addressed to the Holy See in the case of religious institutes of pontifical right and to the diocesan bishop in the case of diocesan-right institutes. In all

cases of imposed exclaustation, the one separated from the institute remains a member, even if the exclaustation is granted for an indeterminate period. This means that the superiors and internal authorities of the religious institute have obligations to fulfil towards the member in this state.

686

Per 106 (2017), 217-231: Stanislaw Morgalla: Separare o sperare? Alcuni aspetti psicologici dell'esclaustazione utili per i superiori. (Conference presentation)

The separation of a religious from an institute is always a dramatic moment in the life of the individual and of the superior involved. In his contribution to the study evening on the theme of imposed separation of religious from their institute organized by the Pontifical Gregorian University, M. approaches the subject from the perspective of psychology. To help with his presentation, he offers three hypothetical cases in which the behaviour of the individual poses a serious challenge for the superior. The resolution of each case will depend on several factors, he notes, but all must be guided by the principle enunciated in the final canon of the Code, canon 1752: *suprema lex, salus animarum*.

689

Per 106 (2017), 177-189: Yuji Sugawara: Separazione imposta ai membri dell'istituto religioso. (Conference presentation)

See above, canon 686.

694-700

Per 106 (2017), 177-189: Yuji Sugawara: Separazione imposta ai membri dell'istituto religioso. (Conference presentation)

See above, canon 686.

694-704

IE XXIX (2017), 659-663: Supremo Tribunale della Segnatura Apostolica: 19 settembre 2016, Prot. n. 51354/16 CA, Decreto. Rev.da Sr x – Congregazione per gli Istituti di vita consacrata e le Società di

vita apostolica, *Nullità di professione perpetua* (con un commento di José Antonio Araña). (Decree and comment)

See below, canon 1445.

731-746

EE 92 (2017), 657-681: José Antonio Hernández Vázquez: De Sociedad de Vida Apostólica a Asociación de Fieles Pública Clerical: un camino a transitar. (Article)

There is currently scope for a deeper canonical study of societies of apostolic life. H.V. looks at ways in which, within the range of existing options, the juridical structure of societies of apostolic life can be better adjusted to their particular charisms, properly channelling the concerns of their founders and creating legal spaces in which they can better fulfil their purpose as they grow and develop. He concludes that some societies of apostolic life could transition into clerical public associations of the faithful.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

750

QDE 30 (2017), 13-34: Davide Salvatori: I criteri elaborati dalla Congregazione per la dottrina della fede per giudicare con probabilità certa *de veritate et supernaturalitate* circa presunte apparizioni o rivelazioni. (Article)

S. examines the theological basis of private revelations, drawing in particular on the thought of Cardinal Ratzinger, to establish that the fundamental criterion is whether a vision points to Christ. He then examines criteria for authenticity derived from psychology and spiritual theology, and considers the level of acceptance which has to be given to an ecclesiastical recognition. He looks at the 1978 criteria of the Congregation for the Doctrine of the Faith, which he analyses as both positive and negative. The most important positive criterion is moral certainty (or at least great probability) about the fact; other positive criteria concern the visionary, the content of the revelation and the fruit it brings. The negative criteria concern errors in the vision, and immorality and psychological problems in the visionary.

753

QDE 30 (2017), 35-50: Gianluca Marchetti: Norme per procedere nel discernimento di presunte apparizioni e rivelazioni. (Article)

M. reviews the application of the 1978 Norms of the Congregation for the Doctrine of the Faith on presumed apparitions and revelations. He analyses when ecclesiastical authority should intervene, and considers which authority should do so. This will usually be the local Ordinary. M. considers some of the possible difficulties in applying this rule, but argues that it is important that the local Ordinary be the one to act. He then sets out the steps the local Ordinary must take, notably gathering information and making a first judgment on the case. He considers the possibility of a negative judgment and of a delayed judgment (especially in the case where the events continue), and looks at the nature of a judgment about the truth and supernatural quality of a revelation.

753

QDE 30 (2017), 51-67: Marco Alba: Linee per un possibile discernimento pastorale a partire da un caso concreto. (Article)

A. offers guidelines for pastoral action based on a supposed revelation in his own diocese. He begins by distinguishing between revelations that have concluded and those that are still in progress, warning that even in the latter case action is still appropriate to prevent situations arising which could cause problems later. He then highlights three specific areas of concern: the regulation of public worship, the appointment of someone to be responsible for public worship and devotion, and the need to be ready to relate to the media and have an internet presence. He concludes with observations about the need to watch over the financial aspects of the situation, offering guidance about ways to do so.

779

KIP 6 (19) 2017, nr. 2, 177-189: Michał Skwierczyński: Prawnoautorskie aspekty szkolnej katechezy z wykorzystaniem utworów audiowizualnych (*Copyright aspects of school catechesis with the use of audiovisual works*). (Article)

In school religion lessons, audio-visual works may be presented as supplementary to the verbal communication of a catechist. According to Polish author rights, there is no need for any consent if this is done for educational purposes and to illustrate the content provided. This condition will certainly be fulfilled if the theme of the audio-visual works is in line with the religion curriculum approved by the Polish Bishops' Conference. The catechist may also make copies of audio-visual works for educational purposes and pass them to pupils for educational use.

781-792

KIP 6 (19) 2017, nr. 2, 143-161: Dawid Lipiński: Udział wiernych świeckich w misjach *ad gentes* według Kodeksu Prawa Kanonicznego z 1983 roku (*The participation of the lay faithful in missions "ad gentes" according to the 1983 Code of Canon Law*). (Article)

The participation of the lay faithful in missions *ad gentes* is connected with a new vision of the laity, largely developed by the Vatican II and the postconciliar Magisterium. L. discusses the fundamental rights and duties of the laity in the mission *ad gentes* in the CIC/83, and analyses the laity's

specific mission to apostolate and evangelization through their participation in the triple mission of Christ, Prophet, Priest and King.

783

IusM XI/2017, 47-65: Carlo Fabris: La Congregazione per l'Evangelizzazione dei Popoli e la vita consacrata nei territori di missione. (Article)

F. highlights the presence and role of institutes of consecrated life and societies of apostolic life in mission territories, within the context of the competence of the Congregation for the Evangelization of Peoples. In particular, he explains the contribution of institutes and societies in the *plantatio ecclesiae*, through a system known as *commissio*. He describes the tasks of Propaganda Fide in relation to institutes and societies in mission territories, and the erection of new institutes and societies of diocesan right in particular Churches dependent on the Congregation and in territories of “universal law” with specific missionary charisma. He also deals with the special faculties given from the very start to the Congregation by the Pontiffs, because of the particular circumstances of things and persons in which it has to operate. He focuses particular attention on the faculties given by Pope Benedict XVI, reconfirmed by Pope Francis, which extend the competence of the Congregation in dealing with moral and disciplinary cases regarding diocesan clergy.

796

BV 77 (2017), 357-368: Roman Globokar in Tadej Rifel: Medverski dialog pri religijskem pouku v Sloveniji (*Interreligious dialogue in religious education in Slovenia*). (Article)

In 2003 Catholic secondary schools in Slovenia developed a unified syllabus for a course entitled “Faith and Culture”, aimed at promoting dialogue and interreligious cooperation. A thorough survey on the quality of the classes and fulfilment of the course’s objectives was carried out in 2016. It reveals that both students and teachers highly appreciate its interreligious content and the way the course is taught, and describe the dialogued character of religious education as something positive. Nevertheless, they suggest certain improvements, such as the active involvement of representatives of other religions in the classes. The authors also point to the shortcomings of the theoretical foundation of interreligious dialogue, which is totally absent from the syllabus.

799

CLSN 191/17, 77-83: Paul Burke – Ed Morgan: A School of the Lord’s Service? Faith Education post Brexit. (Article)

Within the English common law jurisdiction, faith education has enjoyed varying forms of legal accommodation and protection. B. and M. consider the likely impact in this regard of Britain’s decision to withdraw from the European Union, asking what will be the responsibility of parents and faith communities, and whether the American experience may offer any indication as to the future path of travel.

804-805

REDC 74 (2017), 447-458: María José Roca Fernández: Cambio de sexo e idoneidad para impartir clases de religión católica en el derecho español. (Article)

R.F. examines whether a person who has undergone a change of sex and has had the civil register and baptismal register annotated accordingly is entitled to receive a declaration of suitability for giving religion classes at school, given the requirement of the Spanish Episcopal Conference that the candidate should “impart correct doctrine and give witness of Christian life, in accordance with canons 804 and 805 of the Code of Canon Law”.

815-821

ITS 54 (2017), 333-346: P. Joseph Titus: Purpose of Ecclesiastical Faculties in the Life of the Church. (Lecture)

P. describes the origin of ecclesiastical faculties, before considering their main purposes in the light of John Paul II’s 1979 Apostolic Constitution *Sapientia Christiana*: to promote a deeper knowledge of Christian revelation, to prepare the students properly to face their tasks, and to collaborate intensely with the hierarchy. He ends with a biblical simile: “be like a tree planted by streams of water” (cf. Psalm 1), warning the students against the excessive use of media and technology and encouraging them to stimulate and strengthen the intellect by the internal source of deep understanding which is the Word of God, by the hierarchy of values which results from it, and by the coherence of the thought and action which are its fruit.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

837

Vid 81 9/17, 709-720: Yohannan Edison: Lay Participative Provisions in the Sanctifying ‘Munus’ of the Church: Juridical Considerations. (Article)

Y. looks at the different participative provisions of the CIC/83 which enable the laity to be more actively and more meaningfully a part of liturgical celebrations.

838

Canonist 8/2 (2017), 179-189; also CLSN 191/17, 57-67: Pope Francis: Apostolic Letter, *motu proprio*, *Magnum principium*, with a note on C. 838 of the Code of Canon Law. (Document with commentary by Archbishop Arthur Roche)

This *motu proprio* of 3 September 2017 introduces changes to canon 838 with a view to clarifying the distinction between the *recognitio* and the *confirmatio* and the responsibilities of episcopal conferences in relation to vernacular translations of liturgical books. The Apostolic See is called to give its *recognitio* to adaptations that are “more radical”, whereas the *confirmatio* of the Apostolic See pertains to translations of liturgical texts which are within the competency of the episcopal conferences to prepare and approve. The *confirmatio* of the Apostolic See is therefore not to be considered as an alternative intervention in the process of translation, but rather as an authoritative act by which the competent dicastery ratifies the approval of the bishops.

838

REDC 74 (2017), 487-497: Lettera apostolica in forma di *motu proprio* del Sommo Pontefice Francesco «*Magnum Principium*» con la quale viene modificato il can. 838 del Codice di Diritto Canonico, 03.09.2017. Texto italiano. Nota sobre el can. 838 del C.I.C. Comentario al *Motu Proprio* del Secretario de la Congregación para el Culto Divino y la Disciplina de los Sacramentos. (Document and commentary.)

See preceding entry.

838

Ius Comm V (2017), 285-306: Alberto Soria Jiménez: La exégesis del motu proprio *Summorum Pontificum* de Benedicto XVI. (Article)

The motu proprio *Summorum Pontificum* of 7 July 2007 (a canonical document with a theological-liturgical basis), the accompanying letter of Benedict XVI of the same date, and the Instruction *Universae Ecclesiae* of the Pontifical Commission *Ecclesia Dei* of 30 April 2011, form a unified whole providing the foundation for a new liturgical movement of Christian renewal.

843

KIP 6 (19) 2017, nr. 2, 163-175: Kamil Niedziałkowski: Udzielenie sakramentu namaszczenia chorych bez zgody przyjmującego – aspekty cywilno-kanoniczne (*The sacrament of anointing of the sick without the consent of the recipient – civil and canonical aspects*). (Article)

See below, canons 1004-1007.

BOOK IV, PART I, TITLE I: BAPTISM

868

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices». (Comment)

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

872-874

AnC 13 (2017), 109-138: Piotr Majer: Chrzestni, świadkowie bierzmowania i świadkowie zawarcia małżeństwa. Perspektywa ekumeniczna (*Godparents, sponsors for confirmation and witnesses for marriage. Ecumenical perspective*). (Article)

See below, canons 892-893.

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

892-893

AnC 13 (2017), 109-138: Piotr Majer: Chrzestni, świadkowie bierzmowania i świadkowie zawarcia małżeństwa. Perspektywa ekumeniczna (*Godparents, sponsors for confirmation and witnesses for marriage. Ecumenical perspective*). (Article)

M. looks at past and current canonical provisions concerning the possibility of non-Catholics acting as godparents, sponsors for confirmation or witnesses for marriage. Under the former legislation such functions could be performed only by Catholics, who in turn were prohibited from undertaking similar roles in other Churches or Christian communities. Exceptions to this rule were relatively infrequent, especially for godparents, and had to be well justified. The current regulations retain the general rule, but the possibility of applying exceptions is quite broad and is included in the law, so that it is not necessary to refer to a superior ecclesiastical authority in individual cases. This relaxation of discipline is due both to ecumenical considerations and to a desire to overcome practical problems, especially in mixed marriages.

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

915

L 58 (2017), 377-423: Giuseppe Licciardi: Il capitolo VIII dell'Esortazione Apostolica *Amoris laetitia* tra logica pastorale e diritto canonico. (Article)

The Apostolic Exhortation *Amoris Laetitia* raises the question of whether an objectively evil act (or situation) can be morally admissible, or at least neutral, through the good intention of the person doing it. The Encyclical *Veritatis Splendor* had made clear that circumstances or intentions cannot transform an act that is intrinsically evil in virtue of its object into an act that is subjectively good or defensible as a choice. L. considers that the solution proposed by Pope Francis is compatible with this principle and with canonical tradition. On the basis of the teaching of the 16th-century canonist and moralist Martín de Azpilcueta he argues that, although an objectively evil act cannot be made good or admissible through the good intention of the person performing it, nevertheless such good intention can be treated as an extenuating or even as an exempting circumstance, even though the act itself does not become good. He concludes that to admit to the sacraments a person who, while living in an irregular situation, sincerely requests admission to the fullness of ecclesial life, is a gesture of openness and profound mercy on the part of Mother Church, who is aware that arriving at perfection often involves a delicate and perhaps tortuous path of discernment.

924

CLSN 191/17, 50-52: Congregation for Divine Worship and the Discipline of the Sacraments: Circular Letter to Bishops on the bread and wine for the Eucharist. (Document)

The Congregation for Divine Worship and the Discipline of the Sacraments draws attention to a 2003 Circular Letter from the Congregation for the Doctrine of the Faith stating that hosts that are completely gluten-free are invalid matter for the celebration of the Eucharist, although low-gluten hosts are valid matter, subject to certain conditions. Mustum is valid matter for the celebration of the Eucharist. The Ordinary may grant permission to a priest or lay person to use low-gluten hosts or mustum. The document suggests that an episcopal conference may decide to appoint one or more religious congregations or other bodies to carry out the necessary checks on the production, conservation and sale of Eucharistic bread and wine.

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

960

Q 12/2 (2017), 5-54: John Paul R. Tanquis: *Aliis Quoque Modis* of the Sacrament of Penance. (Article)

T. attempts to understand and find possible ways of interpreting the phrase *aliis quoque modis* in canon 960, referring to other means of attaining reconciliation when individual and integral confession is physically or morally impossible. He situates the meaning of this phrase in the teaching of Jesus in the Scriptures, evaluates the heart of the sacrament of penance as practised at the present time, and offers pastoral solutions so that the sacrament of penance becomes accessible to many who are desirous of receiving the sacrament but find themselves in difficult pastoral circumstances.

976

Per 106 (2017), 633-680: José Luis Sánchez-Girón Renedo: La facultad de absolver ‘pecados reservados’ concedida por el Papa Francisco con ocasión del año de la misericordia. (Article)

See below, canon 1357.

992-997

IC 57 (2017), 821-846: Massimo del Pozzo: Considerazioni a proposito della «giuridicità» delle indulgenze. (Article)

Del P. looks at the origins and historical configuration of the remission of temporal punishment, explaining the genesis, structure and placement of the canons on indulgences in the CIC/83. Indulgences pertain principally to the moral and spiritual sphere, but they also have a juridical aspect, deriving not only from the Church's regulations on the granting of indulgences but also from the bonds of solidarity among the People of God. Del P. explains why a substantial increase in making use of indulgences would be beneficial.

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

1004-1007

KIP 6 (19) 2017, nr. 2, 163-175: Kamil Niedziałkowski: Udzielenie sakramentu namaszczenia chorych bez zgody przyjmującego – aspekty cywilno-kanoniczne (*The sacrament of anointing of the sick without the consent of the recipient – civil and canonical aspects*). (Article)

N. focuses on the interpretation and analysis of the canonical and liturgical norms concerning the sacrament of anointing of the sick. He explains the meaning of the sacrament and the conditions for administering it. He then looks at civil law aspects, especially those to do with human rights and freedom of conscience. He takes into account a Polish Supreme Court ruling on administering the sacrament to a patient without his consent.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

IusM XI/2017, 99-137: Giacomo Incitti: Catechisti, ma non diaconi permanenti! La risposta delle giovani Chiese all’invito del Concilio (AG, 16). (Article)

I. considers that, by rejecting the invitation in *Ad Gentes*, no. 16, to ordain catechists as deacons, the episcopate avoided the error of clericalizing the ministry. This courageous choice, together with the effort to improve the ecclesial condition of the non-ordained faithful, has favoured the maturing of an active and effective laity in many young Churches. The risk of clericalization, however, continues to resurface: the proposal to ordain women to the diaconate is one such example. After the careful stand taken by the International Theological Commission and the normative changes introduced by the motu proprio *Omnium in Mentem*, it is highly appropriate to ask whether it is time for a change of perspective. The question is not whether women should be admitted to the diaconate, but rather whether the diaconate should still be considered a degree of the sacrament of Holy Orders.

1041

AC 57 (2016), 73-89: Emmanuel Petit: Les irrégularités et les non-catholiques: l’interprétation du 15 septembre 2016. (Article)

P. comments on the 2016 authentic reply of the Pontifical Council for Legislative Texts to the effect that non-Catholics who have carried out the acts specified in canon 1041, nos. 4 and 5, incur irregularity for orders (see *Canon Law Abstracts*, nos. 118, pp. 75-76, and 119, p. 76).

1041

REDC 74 (2017), 505-510: Pontificio Consejo para los Textos Legislativos. Interpretación auténtica al can. 1041, nn. 4-5 del CIC, 31.05.2016. Texto. Comentario (Ángel David Martín Rubio). (Document and comment)

See preceding entry.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

CLSN 191/17, 4-34: Supreme Court of Ireland: HAH v SAA & Ors [2017] IESC 40. (Judgment)

The text is given of the Supreme Court of Ireland's decision that the first marriage of a man who had married two wives in his native Lebanon would be held as valid under Irish law. While the second marriage was not valid in Ireland it might nevertheless have legal consequences. The decision reversed that of the High Court which had ruled that both marriages were invalid, since polygamous marriage was at odds with the institution of marriage as understood in Ireland and protected by the Constitution.

1055

CLSN 191/17, 35-48: Thomas J. Paprocki: Marriage, Same-Sex Relationships and the Catholic Church. (Article and documents)

P., Bishop of Springfield in Illinois, discusses the nature of marriage as a civil institution. He then argues that civil law and a limited government act beyond their competence and authority when they attempt to redefine the fundamental attributes of marriage. He explains why it is legitimate for the Church to assist politicians in making morally correct decisions in regard to voting on matters related to marriage law. The article is followed by the text of 1. a decree of 12 June 2017 (entitled *Regarding Same-Sex "Marriage" and Related Issues*), by which P. created particular law for his diocese; and 2. a subsequent public statement from P.

1055

EIC 57 (2017), 661-695: Stefano Violi: Dalla *fides* romana alla fede cristiana. Rilettura del consenso matrimoniale alla luce della fede. (Article)

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

1055

IE XXIX (2017), 575-590: Héctor Franceschi: Natura e cultura nel matrimonio. Riflessioni sulla crisi attuale del matrimonio. (Article)

Based on the teaching of Pope Francis in the Apostolic Exhortation *Amoris Laetitia*, F. seeks to understand what the nature of marriage is. For this it is important to avoid cultural relativism and legalistic or sentimental visions that reduce or impoverish the understanding of love. F. also explores how to transmit the beauty of marriage to the new generations, overcoming the obstacles present in present-day society: the culture of the immediate, the fear of commitment, a misunderstanding of the meaning of freedom, and a certain anthropological pessimism.

1055

Per 106 (2017), 269-300: Velasio De Paolis: Fede e matrimonio – Foedus e sacramento. L’allocuzione del Papa Benedetto XVI alla Rota Romana (26 gennaio 2013). (Article)

In his final address to the Apostolic Tribunal of the Roman Rota, on 26 January 2013, Pope Benedict XVI took up the theme of faith and its relationship to the sacrament of matrimony. De P. offers a commentary on this discourse and the principal issues arising from it. He does so in order to demonstrate the continuity of doctrine on the sacramental nature of marriage and the role of faith in the consent to marriage – a continuity that he argues has not been broken by the discourse to the Roman Rota given by Pope Francis on 22 January 2016 (see *Canon Law Abstracts*, nos. 117, p. 84, and 118, pp. 77, 81–82).

1055

Per 106 (2017), 435-459: Pierantonio Bonnet: L’ordinatio ad bonum coniugum come proprietà essenziale del matrimonio. (Article)

The ordering of marriage to the good of the spouses has become a major feature of canonical jurisprudence and literature in the past few decades. B., who has studied the significance of the *bonum coniugum* in several other works, examines the *ordinatio ad bonum coniugum* as an essential property of marriage, first from the perspective of canonical doctrine and then from that of the consequent ecclesiastical jurisprudence. In particular, he considers the importance of this doctrine in the domain of the possible nullity of marriage on the grounds of a grave defect of discretion of

judgement, an incapacity to assume the essential obligations of marriage, error determining the will, and simulation.

1055

Q 12/1 (2017), 69-112: Edobore Monday Benjamin: Can Benin Matrimony Be Considered Catholic? (Article)

Bini matrimony is a special and important social and religious institution within the tribal culture. It has a rite beginning from preparation for marriage, and continuing up to marriage itself. The role of parents in the whole process of matrimony is an offshoot of their traditional roles embedded within the culture. B. considers whether Bini matrimony can be considered Catholic, setting out areas of difficulties and their possible resolution. He urges pastoral caution especially in respecting the Benin culture.

1055

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

1057

EIC 57 (2017), 661-695: Stefano Violi: Dalla *fides* romana alla fede cristiana. Rilettura del consenso matrimoniale alla luce della fede. (Article)

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

1061

EE 92 (2017), 567-602: Carmen García Peña: Los «casos difíciles» en la disolución canónica del matrimonio no consumado: aspectos sustantivos y procesales. (Article)

See below, canon 1142.

1063

Comm 49 (2017): 42-46: Pope Francis: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos die 21 mensis ianuarii 2017. (Address)

Text of Pope Francis's address to the Roman Rota of 21 January 2017. He reflects on the implications which Pope John Paul II's teaching in *Fides et Ratio* may have for matrimonial consent among those with a secularized mentality. He emphasizes the importance of marriage preparation and of helping couples on their journey of faith. (See also *Canon Law Abstracts*, no. 119, pp. 79-80.)

1063

FCan XII/1 (2017), 93-98: Papa Francesco: Remédios para um matrimónio frutuoso. (Address and comment)

See preceding entry. The Portuguese text is given of the Pope's address to the Roman Rota of 21 January 2017, together with a comment by Miguel Falcão.

1063

Comm 49 (2017), 51-53: Pope Francis: Allocutio Summi Pontificis ad eos qui, cursui de matrimoniali processu, a Tribunali Rota Romana apparato, interfuerunt, prolata die 25 mensis februarii 2017. (Address)

In an address of 25 February 2017, Pope Francis notes that most of those attending the course on matrimonial processes organized by the Rota will be the first to engage with young people seeking to form a new family after a broken marriage, and emphasizes the importance of accompanying them in their journey amid very varied circumstances. They have a responsibility to bear witness to the importance of the grace of the sacrament of matrimony which means that their love impresses upon them an indelible character.

1084

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

1084

Vid 81 9/17, 695-708: Aloysius Enemali: Impotence and Sterility as Leading Causes of Marital Breakdown in Nigeria. A Doctrinal and Canonical Consideration. (Article)

E. looks into the breakdown of marriage in Nigeria resulting from the inability of either or both of the parties to produce offspring because of impotence or sterility. He presents a doctrinal and canonical reflection on impotence and sterility, arguing that since children are the most important thing in a typical marriage in Nigeria, frustrations and breakdown of marriage due to lack of children could be avoided, if intending couples are sincere with themselves and arrange for suitable fertility tests prior to the celebration of marriage.

1086

KIP 6 (19) 2017, nr. 2, 53-66: Adam Fabiańczyk: Wystąpienie z Kościoła formalnym aktem według prawa kościelnego (*The formal act of defection according to Church law*). (Article)

F. looks at the problem of the formal act of defection from the Church, describing how the notion of defection has evolved, and examines the provisions of the CIC/83, the 2006 Circular Letter of the Pontifical Council for Legislative Texts, Benedict XVI's 2009 motu proprio *Omnium in Mentem* (2009), and documents of the Polish Bishops' Conference. He pays particular attention to the effects of the removal from canons 1086 §1, 1117 and 1124 of the reference to a formal act of defection, and to the changes in the procedure for making and receiving such a formal act.

1095

QDE 30 (2017), 235-245: Cesare Maria Cornaggia: La perizia nelle cause di nullità per incapacità psichica (can. 1095): i disturbi che più comunemente si riscontrano (anamnesi e letture degli atti). (Article)

C. begins by sketching a contemporary view of some problems in human development. He then outlines the clinical method of anamnesis (the process of putting together the personal history of the subject) giving its main elements. He then indicates the methodology underlying a psychiatric reading of the acts of a matrimonial process. He outlines some of the main types of psychiatric disorder which are encountered today, and how these can affect the ability to form relationships.

1095 2°

BV 76 (2016), 333-344: Slatinek Stanislav: Žrtve nepričakovane nosečnosti (*Victims of unexpected pregnancy*). (Article)

Ecclesiastical tribunals have lately been facing an increased number of nullity cases in which parents have insisted on marriage following the unexpected pregnancy of their children. The evidence is that parents have good intentions in suggesting marriage, but what they are in fact doing is to victimize their child. It is an abuse of their parental role to force their child to comply with their wishes. Unexpected pregnancy often forms part of a vicious circle of three events; the pregnancy is followed by the wedding demanded by the parents, and later by separation or divorce. The unexpected discovery of pregnancy brings shock to many people: first of all the pregnant woman herself, then the child's father, and then their respective parents.

1095 2°

BV 76 (2016), 597-606: Andrej Saje: Pomanjkanje razsodnosti in notranje svobode kot vzroka za ničnost zakona v luči sodne prakse (*Lack of discretion of judgement and internal freedom as a cause of nullity of marriage in the light of judicial practice*). (Article)

S. analyses the more important decisions of the Roman Rota defining the notions of the necessary discretion of judgement and internal freedom for a valid matrimonial contract. Canon 1095 2° establishes that those who suffer from grave lack of discretion of judgement concerning the mutually given and accepted essential matrimonial rights and duties are incapable of contracting marriage. A fiancé suffers from lack of discretion of judgement when, on account of pathological reasons or illness, he is incapable of discernment and a deliberate decision (*deliberatio*) proportionate to the rights and duties he is accepting through marriage; he is thus unaware or incapable of the correct recognition of either his own or the other spouse's rights and duties, since his rational and volitional capacities are critically impaired. Judicial practice considers the necessary discretion of judgement together with the issue of internal freedom, since defects in the latter result in invalid consent when reason compels the will to follow blindly, without the possibility of any critical judgement which might produce a different outcome.

1095 2°-3°

AC 57 (2016), 39-71: Claude Jeantin: Immaturité postmoderne et contrefaçons du mariage. Les officialités devant de nouveaux signes des temps. (Article)

J. looks at the topic of affective or psychoaffective immaturity, which is often referred to in nullity cases but is hardly mentioned in psychiatry manuals and does not appear in the Diagnostic Statistical Manual. He addresses this paradoxical situation by studying the phenomenon of immaturity, and advocating ways of overcoming what he calls a “psychologization” of matrimonial law.

1095 3°

SC 51 (2017), 637-660: Roman Rota: Incapacity to assume (c. 1095, 3°) (obsessive-compulsive personality disorder). Sentence *coram* Defilippi, 23 April 2009 (San Diego, CA, USA). (Sentence)

Dealing with the question of incapacity to assume the essential obligations of marriage on the part of the man respondent, the Rota found clear evidence of the difficult character of the respondent, although there were differences in two expert reports: one said that the respondent suffered from obsessive-compulsive personality disorder and schizoid personality disorder, whereas the other did not find a psychic disturbance in the respondent but only some indications or signs which could not be considered to constitute grave personality disorders. A third expert was therefore appointed from among the experts of the Rota, who was able to declare with “moral and scientific” certitude that the respondent presented an obsessive-compulsive personality disorder and subordinately a schizoid personality disorder. The nature and gravity of these disorders, which existed at the time of the marriage, were considered such as to render him *inhabilis* to assume the obligations which essentially flow from the good of the spouses.

1095-1103

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

1096

EIC 57 (2017), 661-695: Stefano Violi: Dalla *fides* romana alla fede cristiana. Rilettura del consenso matrimoniale alla luce della fede. (Article)

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

1099

EIC 57 (2017), 661-695: Stefano Violi: Dalla *fides* romana alla fede cristiana. Rilettura del consenso matrimoniale alla luce della fede. (Article)

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

1101

SC 51 (2017), 621-636: Roman Rota: Exclusion of indissolubility (not “exclusion of permanence”) (c. 1101 §2). Sentence *coram* Jaeger, 11 May 2017 (USA). (Sentence)

Dealing with the question of exclusion of indissolubility on the part of the woman petitioner, the Rota made clear that a lower tribunal had incorrectly confused “indissolubility” with “permanence” which had led to an error of law. In the particular case it was clear that the petitioner had wanted the union to be “permanent” but at the same time had reserved the right to dissolve the marriage if it turned out not to have the truly desired outcome. The petitioner had positively willed permanence but had also intended to enter a dissoluble marriage: otherwise she would not have married. The Rota therefore considered the nullity of the marriage to have been proved.

1108

AnC 13 (2017), 109-138: Piotr Majer: Chrzestni, świadkowie bierzmowania i świadkowie zawarcia małżeństwa. Perspektywa ekumeniczna (*Godparents, sponsors for confirmation and witnesses for marriage. Ecumenical perspective*). (Article)

See above, canons 892-893.

1108-1109

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices».
(Comment)

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

1108-1111

Comm 49 (2017), 90-91: Pontificia Commissio “Ecclesia Dei”: Litterae ad Fraternitatem Sancti Pii X quoad celebrationem matrimoniorum.
(Document)

This Letter was published in *L'Osservatore Romano* on 5 April 2017 for the information of bishops around the world. At an audience on 27 March 2017 Pope Francis decided to provide a way whereby adherents of the Society of St Pius X could contract canonically valid marriages. The preference is for the local Ordinary to grant delegation for a priest of the diocese, or another whose condition is completely regular, to receive the consent of the parties in a marriage rite that precedes the celebration of Mass according to the Old Rite celebrated by a priest of the Fraternity. If this is not possible, then he can directly delegate a priest of the Fraternity, advising him to forward to the diocesan curia the marriage documentation as soon as possible. (See also *Canon Law Abstracts*, no. 119, p. 74).

1111-1112

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices».
(Comment)

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

1116

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices».
(Comment)

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

1117

KIP 6 (19) 2017, nr. 2, 53-66: Adam Fabiańczyk: Wystąpienie z Kościoła formalnym aktem według prawa kościelnego (*The formal act of defection according to Church law*). (Article)

See above, canon 1086.

1124

KIP 6 (19) 2017, nr. 2, 53-66: Adam Fabiańczyk: Wystąpienie z Kościoła formalnym aktem według prawa kościelnego (*The formal act of defection according to Church law*). (Article)

See above, canon 1086.

1127

EIC 57 (2017), 589-632: Luigi Sabbarese: Commento alle modifiche apportate al Codice con il m.p. «De concordia inter Codices». (Comment)

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

1141

IE XXIX (2017), 531-552: Jaime Abascal Martínez: La disolución del matrimonio no sacramental desde el código de 1917 hasta la norma actual. Magisterio, praxis y normativa. (Article)

A.M. studies the Magisterium and praxis regarding the dissolution of a non-sacramental and consummated marriage through the exercise of the power of the Roman Pontiff, from the CIC/17 to the Norms of 2001, a key period in the development of this power. He investigates this exception to the rule of indissolubility of all marriages in order to seek the foundation for the Roman Pontiff's power of dissolving.

1142

EE 92 (2017), 567-602: Carmen García Peña: Los «casos difíciles» en la disolución canónica del matrimonio no consumado: aspectos sustantivos y procesales. (Article)

A marriage that is *ratum et non consummatum* can be dissolved by the Roman Pontiff for a just reason. However there are some cases that present special difficulties, whether of a juridical or a moral nature. In such cases the diocesan bishop must consult the Apostolic See before accepting the *libellus* and arranging for the instruction of the case. The so-called “difficult cases” have to some extent been systematized by means of Circular Letters as well as at the doctrinal level, and include cases such as the generation of offspring by absorption of semen in the vagina or by *in vitro* fertilization, cases of continuous condom use or onanistic intercourse, and cases where sexual intercourse is not *humano modo*. It is not easy to know how these difficult cases are decided since neither the pontifical rescripts granting dissolution of the marriage, nor the responses of the Apostolic See rejecting the petition, are published. Furthermore, the decisions are in summary form and do not set out the reasoning on which they are based. G.P. aims to fill this gap by analysing the responses given to difficult cases originating in Spanish dioceses, with a view to deducing the criteria adopted by the Apostolic See in reaching its decisions.

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

1176

Ius VIII 1/17, 111-115: Congregation for the Doctrine of the Faith: Instruction *Ad resurgendum cum Christo*. (Document)

Text of the 2016 Instruction of the Congregation for the Doctrine of the Faith regarding the burial of the deceased and the conservation of the ashes in the case of cremation (see *Canon Law Abstracts*, nos. 118, pp. 85-87; 119, p. 87).

BOOK IV, PART III: SACRED PLACES AND TIMES

1214

SC 51 (2017), 497-527: Edward M. Lohse: The Right of the Faithful to Enter a Church for the Offering of Divine Worship. (Article)

The right of the faithful to enter a church for the offering of divine worship has been in place since the end of the fifth century but was not explicitly articulated until the CIC/83. That articulation in canon 1214 contains a significant innovation. Through the insertion of the word *praesertim* – especially – in the text of the canon, the scope of the objective right of entry – and of the corresponding subjective right to enter – now extends *especially* to the offering of public worship, and logically therefore it now also extends to the offering of private devotional prayer. The historical development of this right of entry (*ius adeundi*) and its current formulation in canon 1214 illustrate the significance of this innovation and its ramifications for a competent authority attempting to regulate or restrict the exercise of the subjective right of the faithful to enter a church.

1222

RDC 67/2 (2017), 363-388: Anne Bamberg: Édifices culturels face aux recompositions paroissiales. Réflexions autour du canon 1222, §2. (Article)

B. analyses the conditions and the process by which the ecclesiastical authority seeks to convert a church building to profane use, in the light of the guidelines drawn up by the Congregation for the Clergy (see following entry). On the basis of studies and judicial decisions relative to this issue, B. wonders whether it may be worth using hierarchical-administrative procedures in such cases.

1222

SC 51 (2017), 471-496: Brian Dunn: The Merger of Parishes and the Closure of Churches: Lessons Learned from a Bishop's Perspective. (Conference presentation)

The Holy See has provided guidelines for the modification of parishes, the closure or relegation of churches to profane but not sordid use, and the alienation of the same (see *Canon Law Abstracts*, nos. 111, p. 55; 113, pp.

95-96; 117, pp. 95-96; 119, pp. 58-59). D., who has been involved in mergers of parishes and closures of churches in the past eight years in the diocese of Antigonish, Nova Scotia, provides some observations on the relevant processes in the light of Rotal jurisprudence, providing practical experience about the use of these processes, and offering some advice from his own experience.

1232-1233

Comm 49 (2017), 47-50: Pope Francis: Litterae Apostolicae Sanctuarium in Ecclesia, a Summo Pontifice die 11 mensis februarii currentis anni motu proprio datae. (Document)

This motu proprio (in Italian) transfers competence over shrines from the Congregation for the Clergy to the Pontifical Council for Promoting the New Evangelization. It sets out the history and role of shrines and pilgrimages in strengthening and deepening the faith, and emphasizes the importance of their role in evangelization.

1246

AnC 13 (2017), 39-56: Jan Dohnalik: I precetti ecclesiali – la pastorale e il diritto tra universale e particolare. (Article)

D. describes the development in Poland of the catechetical formulations of the commandments of the Church from the time of the Council of Trent up to the mid-20th century, before looking at how they are presented in the *Catechism of the Catholic Church*. With the approval of the Holy See, the Polish bishops dispensed from certain holidays of obligation and introduced the obligation to abstain from taking part in entertainments during Lent and on Fridays throughout the year. In 2014 the prohibition on entertainments was amended to apply only to Lent. D. highlights the relationship between canon law and the pastoral practice of the Church, and at the implementation of universal law in the life of particular Churches.

1253

AnC 13 (2017), 39-56: Jan Dohnalik: I precetti ecclesiali – la pastorale e il diritto tra universale e particolare. (Article)

See above, canon 1246.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254

QDE 30 (2017), 75-90 Giuseppe Versaldi: Radicalità evangelica e possesso dei beni da parte della Chiesa. (Conference presentation)

V. offers a theological background to the possession and administration of goods in the Church. Starting from a text from *Presbyterorum Ordinis*, no. 17, he looks at both Scripture and key lessons of history. He considers the challenges facing the Church in this area today, arguing for greater transparency in accounting and a willingness to look within the Church for assistance when facing challenges, and argues that there is an opening to do more to support social economy enterprises.

1254-1310

CLSN 191/17, 68-76: Ed Morgan – Paul Burke: Borrowing from Caesar? Has the time come for a review of the Canon Law on Temporal Goods? (Article)

M. and B. give consideration to the impact of legal pluralism on the efficacy of the canonical treatment of temporal goods as detailed in Book V of the CIC/83. The purpose is to identify whether the *schema* of the Code may be considered legal norms at all, or are, more accurately, to be considered constitutional aspirations which are incapable of realization without significant revision. They ask whether the necessary norms upon which Book V depends ought to be replaced by more specific, locally defined norms requiring the *recognitio*, thereby ensuring the preservation of temporal goods in a manner which recognizes the particular and universal Church.

1257

AC 57 (2016), 357-378: Dominique Le Tourneau: Quelques remarques sur la notion de «biens ecclésiastiques». (Article)

After examining the notion of “ecclesiastical goods”, Le T. considers the situation of goods pertaining to private associations. Many private associations do not exist as such in the Church and their goods are not “ecclesiastical”, but could be classified as “private ecclesial” goods. A distinction should be made between, on the one hand, associations of civil

law which serve to support public juridical persons in the Church, and on the other, those which are independent and which exist by virtue of the fundamental right of association of the faithful. To classify the goods of the latter as “ecclesiastical” would be to ignore the separation between the canonical and State orders and would be inconsistent with the teachings of Vatican II in *Gaudium et Spes*.

1257

QDE 30 (2017), 91-115: Francesco Grazian: I beni ecclesiastici: patrimonio stabile, beni strumentali, beni redditizi. (Article)

G. considers the canonical notions of ecclesiastical goods and stable patrimony. He argues that the latter notion is one that has not generally been received, and considers why this might be, and what stable patrimony should be for (he argues: to ensure the future survival of the institution and to enable it to achieve its purposes). He also discusses how assets should be assigned to the category of stable patrimony. He then examines the contemporary notions of capital goods, income-producing assets, and assets held to enable a particular function, seeking to integrate these into a canonical framework.

1259

Canonist 8/2 (2017), 262-275: Peter Slack: Financing Mission: Strengths and Challenges for the Catholic Church in Contemporary Australia. (Article)

S. examines the way in which the mission of the Catholic Church in Australia is financed, and the challenges facing church administrators at this stage of the Church’s history, at parochial and diocesan level. He notes the changing financial landscape especially in the areas of education, healthcare and social welfare, and points out how public juridical persons are more and more taking over roles formerly carried out by religious institutes. He includes some considerations on the relationship of canon law to civil legislation in the area of ownership of goods, and includes a final section on the question of liability arising from the manner of dealing with sex abuse claims by Church authorities in Australia.

1260

KIP 6 (19) 2017, nr. 2, 123-141: Anna Słowikowska: Podstawy prawne odpowiedzialności wiernych za materialne potrzeby Kościoła (*The legal basis of the responsibility of the Christian faithful for the material needs of the Church*). (Article)

The duty to provide for the material needs of the Church is related to the purposes of celebrating divine worship, carrying out works of apostolate and of charity, and the worthy support of ministers. The legal basis of the responsibility of the Christian faithful in this regard is found in the provisions of the CIC/83. The legislator refers in canon 1260 to the Church's inherent right to require from the Christian faithful those things that are necessary for her proper purposes, and sets out the obligation on all the faithful to provide the appropriate material means (canon 222 §1). Of relevance in this connection are also the sources indicated by the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law, especially canon 1496 of the CIC/17, and the Vatican II Decrees *Apostolicam Actuositatem*, *Ad Gentes*, and *Presbyterorum Ordinis*. The documents referred to as sources for the CIC/17 should also be recognized as part of the legal basis.

1273-1289

FCan XII/1 (2017), 27-46: Jorge Antonio Di Nicco: Los bienes eclesiásticos y el administrar en la legislación canónica. Referencia a la República Argentina. (Article)

Di N. deals with the administration of Church property, analysing the various different meanings and interpretations of the concept of administration in canon law. An explanatory note issued by the Pontifical Council for Legislative Texts in 2004 states that administration can refer to the proper function of the ecclesiastical authority (as distinct from the legislative and judicial functions) or to the conservation and improvement of a patrimony. Di N. studies the notions of stable patrimony, acts of ordinary administration, competence over acts of extraordinary administration, and what the Argentine Episcopal conference has established in this regard. He also looks at leasing of Church property, the duties and responsibilities of administrators, and the civil law of Argentina insofar as it concerns the administration of ecclesiastical goods.

1291

QDE 30 (2017), 91-115: Francesco Grazian: I beni ecclesiastici: patrimonio stabile, beni strumentali, beni redditizi. (Article)

See above, canon 1257.

1291-1298

SC 51 (2017), 471-496: Brian Dunn: The Merger of Parishes and the Closure of Churches: Lessons Learned from a Bishop's Perspective. (Conference presentation)

See above, canon 1222.

1295

SC 51 (2017), 551-580: Bryan V. Pham: Public Juridic Persons and Chapter 11 Reorganization Bankruptcy. (Article)

Reorganization bankruptcy in the United States allows civilly incorporated entities to retain both ownership and control of their assets while reorganizing their debts. For civilly incorporated public juridical persons in financial distress in the United States, the filing of reorganization bankruptcy should be considered a viable option under both canon law and civil law. While the CIC/83 does not mention it, reorganization bankruptcy should fall under canon 1295. P. proposes that the precautions stipulated for transactions under canon 1295 (acts of extraordinary administration and acts of alienation of ecclesiastical goods) can be applicable to a bankruptcy filing. With the inclusion of reorganization bankruptcy among transactions under canon 1295, civilly incorporated public juridical persons could, under both canon law and civil law, retain ownership of their assets while reorganizing their debts and remaining accountable to their creditors.

1299-1310

Per 105 (2016), 593-620; 106 (2017), 1-27: Paolo Gherri: Pie volontà e pie fondazioni: uno sguardo ad una prassi di curia spesso disattesa. (Article)

G. begins by pointing out that the commentaries published on canons 1299-1310 are, for the most part, theoretical in nature, with little attention given to the very real implications that derive from them in the life of juridical

persons. Those who work in the diocesan or religious curia, on the other hand, find themselves having to handle endless practical questions related to this material. With this premise, G. proceeds to examine the concept of pious wills and pious foundations, dealing with concrete matters such as their establishment and their management. He devotes special attention to the celebration of Masses that are established by a pious will, and to the reduction and extinction of obligations arising out of pious foundations, as well as the practical dispositions involved in the winding up of pious foundations.

1300

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1363

Comm 49 (2017), 112-137: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Series Altera – Adunationes I-IX (diebus 21 mensis ianuarii–20 mensis maii 1976 habitae). (Report)

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

1311-1363

Comm 49 (2017), 138-143: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Canones in Adunationibus I-IX, diebus 21 mensis ianuarii–20 mensis maii 1976, emendati. (Draft canons)

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

1321-1327

FThC VI (2017), 171-252: Nineteenth International Canon Law Conference: «Le circostanze aggravanti e attentuanti nel diritto penale canonico», 13 February 2017. (Conference proceedings)

Included in these proceedings of a conference on aggravating and extenuating circumstances are contributions from Damián G. Astigueta on aggravating circumstances, including recidivism, positions of dignity, abuse of authority, omission to take due precautions to avoid a foreseen culpable offence, and other causes; Davide Cito on various questions and problems regarding the interpretation and application of extenuating circumstances; Stephan Haering on the work of the canonist Joseph Hollweck – author of the influential 1899 treatise on penal law *Die kirchlichen Strafgesetze* – in relation to the forthcoming reform of penal law; Peter Artner on the different levels of imputability and their effect on punishments, including an examination of the different forms, sources and consequences of imputability; and Szabolcs Anzelm Szuromi on the historical development of aggravating and extenuating circumstances in canonical penal law.

1323-1324

L 58 (2017), 377-423: Giuseppe Licciardi: Il capitolo VIII dell'Esortazione Apostolica *Amoris laetitia* tra logica pastorale e diritto canonico. (Article)

See above, canon 915.

1331-1340

Comm 49 (2017), 92-98: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Votum Consultoris Nicolai Mörsdorf quoad excommunicationem. (Votum)

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

1331-1340

Comm 49 (2017), 99: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Animadversio Consultoris Caroli Colombo quoad votum Consultoris Mörsdorf. (Comment)

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

1331-1340

Comm 49 (2017), 100-112: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: commercium epistolarum inter Congregationem pro Doctrina Fidei, Secretariam Status et Pontificiam Commissionem CIC recognoscendo quoad absolutionem a censura excommunicationis post absoluta peccata. (Documents)

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

1342

AC 57 (2016), 277-283: Philippe Toxé: Recours contentieux administratif et Droit pénal. (Article)

The CIC/83 envisages the possibility of imposing penal sanctions by a judicial or by an extrajudicial, administrative procedure. T. examines the reasons why one or other of these may be chosen, before describing the procedural norms governing extrajudicial penal decrees. He then looks at the way in which the contentious recourse fits within the framework of this administrative penal process.

1357

Per 106 (2017), 633-680: José Luis Sánchez-Girón Renedo: La facultad de absolver ‘pecados reservados’ concedida por el Papa Francisco con ocasión del año de la misericordia. (Article)

Pope Francis, in the Bull of Indiction of the Holy Year of Mercy, *Misericordiae Vultus*, spoke of commissioning missionaries of mercy who would be given the faculty to absolve even those sins reserved to the Holy See. This faculty was extended indefinitely in the Apostolic Letter for the closure of the Year of Mercy, *Misericordia et Misera*. S.-G. seeks to clarify what precisely was meant by the phrase “sins reserved to the Holy See”, since the CIC/83 does not speak of reserved sins. (See also *Canon Law Abstracts*, no. 119, pp. 95-96.)

1371

SC 51 (2017), 441-470: Stephen S. Doktorczyk: Obstinate Persistence in Doctrinal Error: the Delicts of Canon 1371, 1^o. (Article)

D. demonstrates the importance of canon 1371, 1^o by presenting its sources, examining developments after the promulgation of the CIC/83, and analysing key words in the canon. He establishes that the Church has expected fidelity to her teachings from the time of the apostles and has concluded that the competent ecclesiastical authority has a duty to insist on such fidelity for the good of the one who preaches or teaches as well as that of the faithful to whom the preaching or teaching is directed. By means of this canon, which insists that an offender always first be warned of erroneous ways and thereby given an opportunity to reform, the Code provides an Ordinary with the tools needed to protect the faith, while helping to ensure fairness towards the individual preacher or teacher.

1374

Canonist 8/2 (2017), 214-234: Brendan Daly: The Situation of Communism in Canon Law. (Article)

D. provides notes on the history and varieties of Communism (in China and Vietnam), the Church's teaching on Communism, and the situation under the CIC/17 and the CIC/83 of those joining or favouring Communist groups. His conclusion is that for those living under Communism it is not possible to make a blanket statement that one can or cannot be a member of the Communist Party: one would have to look at the implications of membership and what one does after becoming a member.

1395

AC 57 (2016), 285-330: Philippe Toxé: La mise en œuvre des normes concernant les *delicta graviora*. (Article)

After briefly recalling the more grave delicts against the faith, sacraments, and minors, which the Substantive Norms of 2010 reserve to the Congregation for the Doctrine of the Faith, T. looks at some particular problems of application of the law, with special reference to the question of prescription, and at a number of procedural questions connected with these cases.

1395

Canonist 8/2 (2017), 276-328: Rodger J. Austin: Report on Canon Law submitted to the Royal Commission into Institutional Responses to Child Sexual Abuse. (Document)

A. provides an introduction to and the text of the expert report – of which he was the principal author – submitted to the Royal Commission into Institutional Responses to Child Sexual Abuse, so as to provide accurate, adequate and appropriate information to the Royal Commission on issues in respect of canon law. The Royal Commission's own report was delivered to the Federal Government of Australia on 15 December 2017.

1395

Canonist 8/2 (2017), 329-340: Geoffrey Robinson: The Smell of the Sheep. (Article)

See preceding entry. The former auxiliary bishop of Sydney offers his reflections on the priesthood in the light of the Royal Commission into Institutional Responses to Child Sexual Abuse in Australia.

1395

Per 106 (2017), 341-358: Sara Paglialunga: Il sanzionamento del sacerdote concubinario. Una norma a difesa dell'obbligo alla continenza (can. 1395 §1). (Article)

P. outlines in summary form the contents of her doctoral thesis which deals with canon 1395 §1 and the punishment of priests who are found to be living in concubinage.

1395

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

See below, canon 1444.

BOOK VII: PROCESSES

1403

CLSN 191/17, 53-56: Franciscus PP: Apostolic Letter, *motu proprio*, *Maiorem hac dilectionem*. (Document)

Given here is the English translation of the document published on 11 July 2017 whereby Pope Francis opened the possibility of a new way for the processes of beatification and canonization, additional to those of martyrdom and heroism of virtues: that of the offering of life and heroic acceptance *propter caritatem* of a certain death and at short term. There must also be evidence for the exercise of Christian virtues, at least in an ordinary manner, before the offering of life and up to the time of death; also a reputation for holiness and signs, at least after death; and the need for a miracle for beatification, occurring after death and through the intercession of the Servant of God.

1403

KIP 6 (19) 2017, nr. 2, 241-250: Lidia Fiejdasz-Buczek: Nowy regulamin Konsulty Medycznej z 23 września 2016 roku (*New Regulations of the Medical Panel from 23 September 2016*). (Article)

The Medical Panel of the Congregation for the Causes of the Saints is a body made up medical and other experts, which studies cures or other phenomena presented as miraculous in causes of canonization and beatifications. F.-B. explains the changes to the functioning of the panel introduced by the Regulations of 23 September 2016.

1403

Per 106 (2017), 461-490: Waldery Hilgeman – Emanuele Spedicato: La nuova figura dell'amministratore dei beni nelle cause dei santi. (Article)

On 4 March 2016 Pope Francis approved new norms for the administration of temporal goods in causes of beatification and canonization. These were published by the Congregation for the Causes of Saints a few days later. H. and S. trace the history of the norms governing the administration of goods in the cases of beatification and canonization, reflect on the new norms and their juridical status, and then examine at some length the figure of the

administrator of temporal goods, who is to be someone totally distinct from the postulator of the cause in each case.

1403

IE XXIX (2017), 725-741: Segreteria di Stato: Rescritto sulle Norme sull'amministrazione dei beni delle Cause di beatificazione e canonizzazione, 7 marzo 2016 (con commento di Jesús Miñambres). (Document and comment)

See preceding entry. The text is given of the Secretary of State's rescript of 7 March 2016 announcing the Pope's decision to promulgate the new norms for the administration of temporal goods in causes of beatification and canonization, and of the norms themselves. In his comment M. looks at the scope of application of the norms and the reasons behind them, before analysing their content in greater detail.

1420

QDE 30 (2017), 209-221: Fabio Franchetto: Il vicario giudiziale aggiunto (can. 1420 §3). (Comment)

F. examines the figure of the associate judicial vicar, looking at the qualifications necessary for the role, the process of appointment to and departure from office, the powers and tasks of the role, and the relationship of the associate judicial vicar to the judicial vicar especially if the latter is impeded or the office becomes vacant. He reflects on when an associate judicial vicar could or should be appointed, and examines the impact on the role of the changes made in *Mitis Iudex*. Overall, F. suggests that the associate judicial vicar can play an important role in speeding up the handling of processes.

1420-1423

KIP 6 (19) 2017, nr. 2, 33-51: Dominik Dryja: Kompetencje kreacyjne biskupa diecezjalnego w wykonywaniu władzy sądowniczej (*Creative competences of the diocesan bishop in the exercise of judicial power*). (Article)

In the exercise of judicial power by the diocesan bishop it is possible to distinguish four kinds of competences: those of governing, creating, coordinating and supervising. D. focuses on the bishop's "creative"

competences. He analyses the provisions concerning the establishment of the diocesan tribunal and of mandatory and optional offices. Mandatory institutions include those of judicial vicar, judges, promoter of justice, defender of the bond and notary. Optional offices include the auxiliary judicial vicar, chancery manager, and permanent advocate. D. also looks at the interdiocesan tribunal, which may be established as a first instance tribunal with the agreement of the diocesan bishops concerned and the approval of the Holy See.

1430-1437

KIP 6 (19) 2017, nr. 2, 33-51: Dominik Dryja: Kompetencje kreacyjne biskupa diecezjalnego w wykonywaniu władzy sądowniczej (*Creative competences of the diocesan bishop in the exercise of judicial power*). (Article)

See above, canons 1420-1423.

1432

FCan XII/1 (2017), 57-92: Francesco Viscome: L'Ufficio di difensore del vincolo dopo la riforma dei processi matrimoniali di Papa Francesco. (Article)

See below, canons 1671-1691.

1432

RDC 67/2 (2017), 485-517: Ataa Denkha: L'impact de la réforme des procès en nullité de mariage sur le rôle du défenseur du lien. (Article)

In the light of a survey carried out among defenders of the bond working in tribunals in French-speaking areas, D. examines whether the dispositions in *Mitis Iudex* strengthen or weaken the role of the defender in the marriage nullity process.

1444

Rotae Romanae Tribunal: Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae, volumen CIII. (Compilation)

The Latin text is given of 34 of the total of 183 sentences issued by the Roma Rota in 2011. The text of the sentences is followed by a collection of extracts from the same sentences, gathered together under the following headings: *bonum fidei*, *bonum prolis*, *bonum sacramenti*, *concupinatus*, *condicio*, *defectus discretionis iudicii*, *dignitas sacramentalis*, *dolus*, *error qualitatis*, *exclaustratio*, *impotentia coëundi*, *incapacitas assumendi obligationes matrimonii essentialis*, *incardinatio*, *metus*, *piae foundationes*, *separatio coniugum*, *simulatio*, “*Wakf*” (a Maronite charitable foundation).

1445

AC 57 (2016), 159-184: Éric Besson: Aperçu de la jurisprudence de la Signature apostolique: à propos des décisions en matière de contentieux administratif. (Article)

B. focuses on the role of the Apostolic Signatura in deciding contentious-administrative disputes. He looks at the concept of authority in the Church and at the different ways which the Church has used throughout her history for reviewing decisions. He provides a summary of the procedure for dealing with contentious-administrative cases, before looking at three decisions which show more concretely the work of the Signatura.

1445

Comm 49 (2017), 79-89: Supremum Tribunal Signaturae Apostolicae: Litterae Circulares *Inter munera* (prot. N. 51716/16 VT) de statu et activitate Tribunalium, die 30 mensis iulii 2016 missae (lingua latina una cum italica versione). (Document)

In this Circular Letter the Apostolic Signatura reminds bishops and tribunals of its important role in reviewing the activity of tribunals, particularly in the light of recent changes. For this reason it has revised the annual statistical return form to be completed by tribunals and sets out six areas on which information is sought concerning arts. 2-5 of the *Ratio procedendi* in the two *motu proprios*. It also seeks information on cases handled through the *processus brevior* by the diocesan bishop. These forms may be returned electronically as well as through the Nunciature.

1445

IE XXIX (2017), 659-663: Supremo Tribunale della Segnatura Apostolica: 19 settembre 2016, Prot. n. 51354/16 CA, Decreto. Rev.da Sr x – Congregazione per gli Istituti di vita consacrata e le Società di vita apostolica, *Nullità di professione perpetua* (con un commento di José Antonio Araña). (Decree and comment)

By this decree the Apostolic Signatura declared the suspensive effect of a recourse against a decree concerning the nullity of perpetual profession of a religious. In his comment A. analyses the nature of this act of the Signatura in “declaring” nullity, the implicit use of *analogia legis* in applying the norms on dismissal of a religious (canons 694-704) to a case of nullity of perpetual profession, and the explicit *a fortiori* argument used by the Signatura in extending the suspensive effect of a recourse against dismissal (canon 700) to a recourse against a declaration of nullity.

1445

IE XXIX (2017), 665-684: Supremo Tribunale della Segnatura Apostolica: 1. 17 marzo 2011, Prot. n. 44731/10 CA, Decreto, Rev.da M – Congregazione per gli Istituti di vita consacrata e le Società di vita apostolica, *di escaustrazione imposta*; 2. 13 novembre 2015, Prot. n. 50461/15 CA, Decreto di sospensione, Rev. L – Congregazione per gli Istituti di vita consacrata e le Società di vita apostolica, *di nomina di Commissaria Pontificia e trasferimento della Rev.ma Abatessa*; 3. 15 luglio 2016, Prot. n. 50763/15 CA, Decreto di sospensione, Rev. R – Congregazione per il Clero, *di riconoscimento della proibizione di esercizio del ministero sacerdotale*. Cf. anche prot. 47888/13 CA (con un commento di Massimo del Pozzo). (Decrees and comment)

The Apostolic Signatura, in accordance with its *Lex propria* of 2008, in the course of examining the three hierarchical recourses against administrative acts listed above (concerning an imposed excaustration, a dismissal for pertinacious disobedience, and a prohibition from exercising the priestly ministry) issued decrees suspending the effects of those administrative acts as a precautionary measure. Del P. examines the criteria which the Signatura takes into account in issuing such precautionary decrees: the balance between the public interest and the protection of the interests of the one having recourse, the probability of a favourable outcome for the one having recourse, and the irreparable damage that might be caused if the eventual outcome were favourable to the one having recourse but the decree were to

have already taken effect. Del P. reflects on the evolution of the Signatura's attitude to precautionary suspensive decrees.

1445

Per 106 (2017), 57-72: Giovanni Parise: L'indipendenza dei giudici del Supremo Tribunale della Segnatura Apostolica nel giudizio contenzioso amministrativo. (Article)

P. touches on a very delicate but very real question, namely the independence of the judges of the Supreme Tribunal of the Apostolic Signatura in administrative-contentious processes. The root of the problem lies in the fact that the judges named to the Signatura are all either cardinals and bishops who already exercise an important role within the Roman Curia, or are diocesan bishops. In the light of this, P. asks how their independence can be guaranteed when the controversy to be defined might touch on an act that involves one of their dicasteries or dioceses. At present, the independence of the judges is guaranteed by institutions such as abstention, recusal, and the collegiality of the tribunal. Taking up suggestions proposed by other canonists, P. considers a possible solution to render the independence of these judges even more secure, i.e. the appointment to the Apostolic Signatura of cardinals and bishops not otherwise involved in the public administration of the Church who could dedicate themselves full-time to the judicial task. Such appointments would be stable rather than for a limited period of five years as at present.

1445

Per 106 (2017), 405-433: Matthias Ambros: Verwaltungserichtlicher Rechtsschutz in der Kirche. Zur Erinnerung an den 50. Jahrestag der Errichtung der *Sectio Altera* der Apostolischen Signatur als kirchliches Verwaltungsgericht durch Papst Paul VI. (Article)

2017 marked the 50th anniversary of the establishment by Pope Paul VI of the *Sectio Altera* of the Supreme Tribunal of the Apostolic Signatura. A. examines the history and the working of this administrative tribunal, its impact on the life of the Church in general, subsequent modifications of its competence (e.g. by *Sacramentorum Sanctitatis Tutela* and the Norms for *graviora delicta*). He is of the view that the establishment of the *Sectio Altera* was a truly prophetic act on the part of the Pope.

1481-1490

AC 57 (2016), 99-134: Denis Baudot: La responsabilité de l'avocat et du procureur dans les causes matrimoniales. (Article)

B. describes the roles of the advocate and procurator, the need for an advocate and procurator, the requirements for those performing these roles, the work of the advocate and procurator, their rights and duties, the cessation of their functions, their interventions at the penal, disciplinary and administrative levels, the measures that may be taken against them for failing in their duty, the authority which may take such action, the question of recourse, and reparation of damage.

1490

KIP 6 (19) 2017, nr. 2, 33-51: Dominik Dryja: Kompetencje kreacyjne biskupa diecezjalnego w wykonywaniu władzy sędowniczej (*Creative competences of the diocesan bishop in the exercise of judicial power*). (Article)

See above, canons 1420-1423.

1517-1525

AnC 13 (2017), 229-248: Tomasz Rozkrut: Zawieszenie, umorzenie oraz zrzeczenie w procesie małżeńskim w kontekście procesowej reformy papieża Franciszka z 2015 roku (*Suspension, abatement and renunciation in the marital process, in the context of Pope Francis's 2015 reform*). (Article)

R. looks at ways in which a marriage process may be ended other than by a sentence, looking in particular at suspension, abatement, and renunciation of the cause. Suspension of the instruction of the case with a view to obtaining a dispensation *super rato* is a special case in the matrimonial nullity process. There is also the possibility of transferring from the ordinary process to the briefer process before the bishop. It should be added that the process should be well prepared, since it is meant to be concluded in a relatively short period of time. Great practical importance should be given to the pre-judicial inquiry, by means of which it may be possible in some instances to achieve a reconciliation of the spouses.

1620

Per 106 (2017), 491-536: William L. Daniel: Recent Rotal Jurisprudence concerning the Nullity of the Definitive Sentence. (Article)

With extensive reference to recent Rotal decisions, D. examines the jurisprudence concerning nullity of sentence. In particular, he studies nullity arising from: absolute incompetence (canon 1620 1°); the lack of the power of judging in the tribunal (canon 1620 2°); the defect of a judicial petition (canon 1620 4°); denial of the right of defence (canon 1620 7°); and the illegitimate use of the documentary process.

1671-1691

AC 57 (2016), 91-98: Sabine Claeysens – François Escaffre: Complément à l'étude «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». Rattachement diocésain des causes étudiées. (Article)

The authors provide information to supplement that provided in their statistical survey of marriage cases examined by the tribunal of Versailles in the 40-year period up to *Mitis Iudex* (see *Canon Law Abstracts*, no. 118, p. 107), relating specifically to the choice of tribunal, the domicile of the parties, and the place of marriage.

1671-1691

AnC 13 (2017), 229-248: Tomasz Rozkrut: Zawieszenie, umorzenie oraz zrzeczenie w procesie małżeńskim w kontekście procesowej reformy papieża Franciszka z 2015 roku (*Suspension, abatement and renunciation in the marital process, in the context of Pope Francis's 2015 reform*). (Article)

See above, canons 1517-1525.

1671-1691

FCan XII/1 (2017), 5-26: Manuel Arroba Conde: O motu proprio *Mitis Iudex* em relação ao conceito de processo justo. (Article)

Historically, canon law has had a critical and dynamic relationship with secular legal systems, receiving some of its principles and contributing to

purify others. Starting out from this observation, A.C. reflects on the extent to which the reform of the marriage nullity process in *Mitis Iudex* is in harmony with the ecclesial juridical tradition, while at the same time incorporating certain elements that are typical of secular legal orders. His consideration of the concept of due process leads him to an analysis of various organizational aspects of canonical judicial activity, the specific norms relating to the operation of the marriage nullity process, and the impartiality of the judge.

1671-1691

FCan XII/1 (2017), 57-92: Francesco Viscome: L'Ufficio di difensore del vincolo dopo la riforma dei processi matrimoniali di Papa Francesco. (Article)

The defender of the bond, as a guardian of the *favor veritatis*, is an indispensable collaborator of the judge in the search for the objective truth about the nullity of marriage in each particular case. However, as reaffirmed by *Mitis Iudex*, he must exercise his office *in favorem matrimonii*, that is, in favour of the validity of the matrimonial bond. Thus in his *animadversiones* he should set out all that opposes the declaration of the nullity of the marriage, without forgetting that his *munus* is to be exercised *rationabiliter*.

1671-1691

IC 57 (2017), 571-603: María J. Roca Fernández: Criterios inspiradores de la reforma del proceso de nulidad. (Article)

R.F. presents the technical means by which each of the criteria in *Mitis Iudex* has been framed, and to what extent the means employed may be regarded as leading to the achievement of the desired objective (efficiency and cost-free nature of nullity processes, so as to better serve the salvation of souls). Measures that strengthen the responsibility of the bishop in his diocese are clear and effective in achieving this end: both in the processes in which he acts as a judge and in the greater discretion he enjoys in appointing a single judge and lay judges, without sharing such responsibility with the episcopal conference. However, greater discretion in the appointment of judges may also be viewed as a measure that favours episcopal collegiality less than was foreseen prior to the reform. Following the reform, each diocesan bishop enjoys greater autonomy in his diocese, with no requirement of approval from the episcopal conference, which is a structure of government at the service of episcopal collegiality and communion.

1671-1691

IC 57 (2017), 605-635: Carlos M. Morán Bustos: La vigencia de la Instrucción *Dignitas Connubii* a la luz del M. P. *Mitis Iudex*. (Article)

M.B. analyses *Dignitas Connubii* in the light of *Mitis Iudex*, confirming its value and validity as a procedural “instrument” that enables the complementarity and development of the various institutions that comprise the marriage nullity process. His starting point is the consideration of *Mitis Iudex* from the perspective of procedural continuity; in fact, the essential fundamentals of the nullity process have remained unaltered. It is this logic of “legislative procedural continuity” and of “forensic substantive-material continuity” that prompts reference to *Dignitas Connubii* as an extension to the discipline set out in the CIC/83, to which (based on the assumption of art. 6 of the *Ratio Procedendi*) canon 1691 §3 refers. Furthermore, beyond the current regulations, the hermeneutic value of *Dignitas Connubii* remains unquestionable.

1671-1691

IC 57 (2017), 637-661: Jorge Horta Espinoza: La potestad judicial del Obispo en el M. Pr. *Mitis Iudex*. (Article)

H.E. analyses the role of the bishop as judge in the light of *Mitis Iudex*. He addresses four main issues: 1. the question of whether the normative character of the text is an innovation or a rediscovery; 2. the historical background; 3. the requirements of the new legislation; and 4. problematic issues and challenges. The first two points lay the groundwork for further consideration, while the latter two aim to clarify the scope of the legislation and highlight potential challenges in its application. Indeed, the final point is put forward as an “open conclusion”, as responses may be expected to arise both through the experience of bishop-judges in carrying out their judicial role and in the application of the legislation contained in the *motu proprio*.

1671-1691

IC 57 (2017), 707-738: Felipe Heredia Esteban: Relevancia procesal del fracaso de las relaciones interpersonales en el matrimonio. (Article)

H.E offers an account of the breakdown in interpersonal relationships within the context of the canonical process for the declaration of marriage nullity. To achieve this it is necessary to have a proper juridical understanding of the nature and content of marriage “*in fieri*” and “*in facto esse*”, while also

bearing in mind the “declaratory” nature of the nullity process. A study of recent papal teaching in this regard prompts the conclusion that the connection between marriage breakdown and the nullity process remains the same: love for the truth; in other words, an inquiry into the truth concerning the question of the consent of the spouses, by means of the judicial nullity process. This teaching also guards against misguided pastoral practices that may have been proposed.

1671-1691

Ius VIII 1/17, 97-109: Andrea Ripa: Il diritto come strumento della carità pastorale dei parroci. (Article)

See above, CCEO canons 1357-1377.

1671-1691

IusM XI/2017, 163-184: Ernest Okonkwo: The Pastoral Character of the Process for the Declaration of Marriage Nullity. (Article)

The pastoral character of the judicial process for the declaration of marriage nullity lies in its being principally a salvific ministry founded on Jesus Christ the Good Shepherd and exercised by ordained ministers in collaboration with other faithful, guided by canonical equity in their search for the objective truth and the ultimate goal – the salvation of souls. O. presents some notable manifestations of this pastoral character in the structure and phases of the process, as well as some false understandings and applications. He maintains that while the judicial process is pastoral in character it cannot be a pastoral panacea for all cases of marriage crisis, if there are roadblocks to other lanes of the pre-judicial and the post-judicial stages in the marriage process.

1671-1691

Per 105 (2016), 621-661: Péter Erdö: Osservazioni sulla nuova regolamentazione del processo matrimoniale. (Article)

The promulgation on 15 August 2015 by Pope Francis of the two documents *Mitis Iudex Dominus Iesus* and *Mitis et Misericors Iesus* radically reformed the process for marriage nullity. E., the Cardinal Primate of Hungary, presents an overview of the main themes found in the motu proprio for the Latin Church. He begins by highlighting the origins of the reform as

outlined in the document's introduction, before moving on to the abolition of the need to have two concurring decisions before issuing a decree of nullity. The other innovations of the reform include broadening the faculty to entrust cases to a sole judge, modifications of the grounds of competence, and the personal judicial competence of the diocesan bishop. With reference to this, E. examines the abbreviated process, considering in particular the kind of causes to be handled in this way and how the process is to be conducted. He then considers the exhortation that, as far as possible, the bishops' conference should make sure that the nullity process should be free of charge. Following on the proposal contained in the Final Report of the 14th General Assembly of the Synod of Bishops to help set up structures to prevent separation and divorce, E. notes that *Mitis Iudex* prescribes a pastoral initiative on the part of the bishops to help those members of the faithful who believe that their marriage might be invalid. By way of conclusion, E. alludes to other issues arising out of the implementation of the reformed process, such as that of interdiocesan tribunals, noting that this is not an issue in Hungary, where such tribunals do not exist.

1671-1691

RDC 67/2 (2017), 485-517: Ataa Denkha: L'impact de la réforme des procès en nullité de mariage sur le rôle du défenseur du lien. (Article)

See above, canon 1432.

1671-1691

SC 51 (2017), 529-549: Alexander M. Laschuk: *Mitis Iudex* and the Conversion of Ecclesiastical Structures. (Article)

The reforms of the matrimonial nullity process undertaken by Pope Francis call for a "conversion of ecclesiastical structures". The implementation of the new procedural norms requires not only structural conversion of tribunals and diocesan structures but also intellectual conversion on the part of the tribunal personnel. As some time has passed since the promulgation of the new norms, L. examines their content with a specific focus on challenges related to practical implementation in local tribunals associated with the redefined roles of tribunal personnel. He also examines various ambiguous and unintended aspects of the law in the light of further procedural clarifications.

1678

IC 57 (2017), 663-705: José Tomás Martín de Agar: El valor de la declaración de las partes en el proceso de nulidad. (Article)

M. addresses the main types of declarations by parties (judicial confessions and declarations), considering them from two complementary points of view: their juridical status as a form of proof, and their significance in the process whereby the judge ascertains the truth of the facts. Regarding the first point, he describes the normative and conceptual evolution from the CIC/17 to *Mitis Iudex*, noting the increasing normative value of such declarations as a form of proof. He addresses the second point in the context of the new *processus brevior*. He concludes by considering the declarations of parties in relation to each of the circumstances mentioned in the *Ratio procedendi* (art. 14 § 1) that can allow a case to be handled by means of the briefer process.

1680

Per 105 (2016), 663-699: G. Paolo Montini: *Si appellatio mere dilatoria evidenter appareat* (can. 1680 §2 e 1687 §4 MIDI): alcune considerazioni. (Conference presentation)

In this presentation which M. gave to the 51st annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, held at Brescia in June 2016, he offers some considerations concerning the phrase found in two of the canons reformed in *Mitis Iudex*, “if the appeal clearly appears merely dilatory”. This phrase must be read, he notes, in the context of the reformed procedure that has abolished the need to have two conforming sentences before issuing a decree of nullity, while retaining the right of appeal. Since the promulgation of the *motu proprio*, M. notes that various attempts have been made to explain the phrase. These include an examination of the intentions of the appellant to block the case moving forward, and a consideration of the motives for which the appeal was lodged. However, in his opinion, both of these readings of the phrase miss the essential point: the key to a correct understanding of the clause lies in the prescription that follows it, namely that “the collegiate tribunal is to confirm the sentence of the prior instance by decree”. In effect, therefore, this means that the abbreviated process for second instance introduced in *Causas Matrimoniales* and contained in canon 1682 of the CIC/83 and art. 265 of *Dignitas Connubii* comes into operation once the appeal has been set aside. M. rests his case on a careful reading of the text, on a study of the

more analytic commentaries on *Mitis Iudex*, and a brief look at the small number of sentences published which make reference to the question. What he has to say about the reformed canon 1680 §2, is equally valid for the new abbreviated process of the reformed canon 1687 §4.

1680

Per 106 (2017), 301-339: G. Paolo Montini: Il difensore del vincolo e l'obbligo dell'appello. (Conference presentation)

The 50th annual Colloquium of the Faculty of Canon Law of the Pontifical Gregorian University was held in Brescia in June 2015. In the course of the meeting, M. gave a presentation on the defender of the bond and the obligation to lodge an appeal in marriage nullity cases. The text of his contribution made reference to the evolution of the norms from the canons of the CIC/17 to those of the CIC/83 and then to art. 279 §1 of *Dignitas Connubii* in 2005. In September 2015, *Mitis Iudex* abolished the need for the double conforming sentence, and M. modified his text to take account of the new norms. Basing himself not only on the legislative sources but also on the jurisprudence of the Apostolic Signatura, M. illustrates the vitally important role of the defender of the bond in these cases, highlighting in particular the need for the defender to appeal those cases where the sentence *pro nullitate* is unfounded in law and jurisprudence.

1683-1687

AC 57 (2016), 185-210: Bruno Gonçalves: Le procès matrimonial plus bref devant l'Évêque diocésain: présentation et mise en lumière de quelques enjeux. (Article)

B. highlights several essential points of the procedure for the briefer process before the bishop, focusing on various aspects of the judicial function of the bishop himself in the process.

1683-1687

BV 76 (2016), 607-619: Sebastijan Valentan: Prenova kanonskega postopka v ničnostnih zakonskih pravnih in pojasnila Papeškega sveta za zakonska besedila (*The reform of the canonical procedure for marriage nullity and clarifications by the Pontifical Council for Legislative Texts*). (Article)

The reform by Pope Francis of the canonical procedure for marriage nullity cases brings several innovations. New canons that reflect current conditions in practice replace some of the canons in Book VII of the CIC/83. The right of appeal remains, although it has been abolished *ex officio*. The Pontifical Council for Legislative Texts (PCLT) has received many questions and requests for authoritative clarification from bishops, judicial vicars and lay persons, and has tried to oblige and help all those who seek to apply the reformed regulations. The responses provided by the PCLT are of public interest; however, they do not constitute authentic interpretations as envisaged under canon 16 §1 and art. 155 of the Apostolic Constitution *Pastor Bonus*. They are the result of exploratory arguments, and show the guidance of the PCLT regarding specific questions in the context of canon 19. The PCLT helps ecclesiastical tribunals chiefly by developing jurisprudence and contributing to legal science. V. focuses on the explanations given by PCLT in respect of the abbreviated procedure before the bishop, which will be useful for those working in tribunals and for those whose marriages have failed. In the case of an obviously unsuccessful marriage, suitably informed parties can petition the ecclesiastical tribunal for the abbreviated procedure before the bishop.

1683-1687

EE 92 (2017), 603-641: Cristina Guzmán Pérez: Instrucción y decisión de la causa en el proceso abreviado ante el obispo. Práctica de los tribunales eclesiásticos españoles. (Article)

G.P. analyses the instruction and decision phases of the briefer matrimonial nullity process, suggesting various kinds of proof to be considered during the instruction session, according to the different circumstances set out in art. 14 §1 of the Procedural Rules. She points out how the sentence is to be signed by the bishop assisted by the instructor and the assessor, and provides information as to how the new procedure is being implemented in Spanish ecclesiastical tribunals.

1683-1687

IusM XI/2017, 139-161: Benedict N. Ejeh: La relazione tra fede e sacramento a partire dall'art. 14 delle Regole procedurali del m.p. *Mitis Iudex Dominus Iesus*. (Article)

Among the relevant circumstances for the new *processus brevior* as established in the *Regulae servandae* attached to *Mitis Iudex*, lack of faith constitutes a very important judicial fact in investigating and evaluating matrimonial nullity cases. E. examines the motivations and criteria of interpretation of the new normative provision.

1683-1687

KIP 6 (19) 2017, nr. 2, 191-205: Aleksandra Rybaczek: Proces skrócony o nieważność małżeństwa przed biskupem (*The briefer marriage nullity process before the bishop*). (Article)

The briefer process under *Mitis Iudex* can be utilized whenever the petition is proposed by both spouses, or by one of them with the consent of the other, and “circumstances of things and person recur, with substantiating testimonies and records ... which render the nullity manifest” (canon 1683). Only the diocesan bishop himself is competent to judge cases using the briefer process, which emphasizes his importance as the first judge in the particular Church entrusted to him. Apart from the bishop, the judicial vicar, the instructor and the assessor are also involved in the process. The judicial vicar decides if the case can be treated according to the briefer process, and names the instructor and the assessor, whom the bishop will consult before reaching his decision. The process involves a single session for collecting proofs, after which the acts of the case are passed to the diocesan bishop. After reaching moral certitude as to the nullity of the marriage, the bishop issues the sentence. Otherwise, he refers the case to the ordinary method. The aim of the new process is to speed up marriage nullity cases as well as to simplify them, without undermining the indissolubility of marriage in any case. The experience and proper qualifications of those responsible for conducting the briefer process are the foundation of an appropriate legal process.

1683-1687

Per 106 (2017), 29-56: Damián G. Astigueta: Riflessioni a proposito della natura giuridica del processo più breve. (Article)

One of the principal innovations introduced into the law by the *motu proprio Mitis Iudex* is the abbreviated process. A. considers the juridical nature of the new process. After a thorough and careful analysis of the law and doctrine, he concludes that it is an ordinary, contentious summary process and that it is most definitely a judicial process, with all its essential constitutive elements. By way of conclusion, he underlines the fact that this new process is not a magical formula to overcome all the problems related to the nullity of marriage. It will involve real commitment on the part of the judicial vicar, the defender of the bond, and the diocesan bishop.

1687

Per 105 (2016), 663-699: G. Paolo Montini: Si appellatio mere dilatoria evidenter appareat (can. 1680 §2 e 1687 §4 MIDI): alcune considerazioni. (Conference presentation)

See above, canon 1680.

1688

KIP 6 (19) 2017, nr. 2, 207-227: Wojciech Witkowski: Dawne i obecne umocowania prawne procesu dokumentalnego (Old and current juridical powers of the documentary process). (Article)

W. examines the genesis and the current juridical basis of the documentary process for nullity of marriage. The documentary process was already used in the pre-codified law, although it was described as a summary procedure. The current name of this process is found in the CIC/83. In the current legislation, as also in the past, the documentary process is an extraordinary procedure and applies only in strictly defined circumstances. According to the new canon 1688 introduced by *Mitis Iudex*, the documentary process may be used “if a document subject to no contradiction or exception clearly establishes the existence of a diriment impediment or a defect of legitimate form, provided that it is equally certain that no dispensation was given, or establishes the lack of a valid mandate of a proxy”. The documentary process is conducted by a sole judge, who will be the diocesan bishop or the judicial vicar or a judge designated by him. The procedure involves the reception of the *libellus*, the appointment of the defender of the bond, and

the citation of the parties. After proof of nullity on the basis of the document, no publication of the acts is envisaged. Regarding discussion of the case, only the defender of the bond presents his observations, following which the judge pronounces the sentence.

1697-1706

EE 92 (2017), 567-602: Carmen García Peña: Los «casos difíciles» en la disolución canónica del matrimonio no consumado: aspectos sustantivos y procesales. (Article)

See above, canon 1142.

1720-1721

AC 57 (2016), 277-283: Philippe Toxé: Recours contentieux administratif et Droit pénal. (Article)

See above, canon 1342.

1722

REDC 74 (2017), 369-423: Francisco José Campos Martínez: Derechos fundamentales del investigado y aplicación de medidas cautelares. Un estudio a partir del art. 19 de las «normas sobre los delitos más graves». (Article)

The application of precautionary measures in the preliminary investigation phase is a possibility that the new *Norms concerning the more grave delicts* of the revised motu proprio *Sacramentorum Sanctitatis Tutela* (art. 19) offers to the Ordinary or Hierarchy. The application of these precautionary measures is, in principle, justified, but at the same time it brings into play a series of fundamental rights of the person being investigated; the measures can subsequently be turned into true penalties if they are unnecessarily prolonged in time. C.M reviews this application of the precautionary measures of canon 1722 from the perspective of the prudence and necessary discernment to which Ordinaries are bound, and in the light of the principles of proportionality, justice, and canonical equity.

1727

QDE 30 (2017), 68-74: Tiziano Vanzetto: L'appello da parte del promotore di giustizia nelle cause penali (can. 1727 §2). (Comment)

V. begins by sketching the penal process and the role of the promoter of justice in that process. Looking at canon 1727 §2 he argues that the apparent permission to appeal given by the canon should be read as a right and duty to appeal, and he notes that the reasons for the appeal are narrowed in the canon to focus on the re-establishment of justice and the repair of scandal (excluding the reform of the offender).

1732-1739

AC 57 (2016), 277-283: Philippe Toxé: Recours contentieux administratif et Droit pénal. (Article)

See above, canon 1342.

1732-1739

FThC VI (2017), 77-103: Kurt Martens: Hierarchical recourse as a dialogue between particular Church and universal Church? Difficulties, challenges and opportunities. (Conference)

M. begins by looking at some general principles and concepts about hierarchical recourse, explaining the nature of hierarchical recourse and its various distinctions. He then focuses on the procedure of hierarchical recourse as spelled out in the CIC/83 and special legislation. Finally he expands on the recourse procedure as a form of dialogue between the particular and universal Church.

1733

KIP 6 (19) 2017, nr. 2, 93-106: Agnieszka Romanko: Potrzeba erygowania stałych organów mediacyjnych w polskim prawie partykularnym (*The need to establish permanent mediation bodies in Polish particular law*). (Article)

The CIC/83 allows for the possibility of a permanent diocesan office or council with the task of mediating in disputes (canon 1733 §2). This would be of special assistance when a party has requested the revocation of a decree according to canon 1734. Furthermore, if recourse has been proposed

against a decree, the superior who would have to decide the course is to encourage both the person having recourse and the author of the decree to seek a solution of this kind whenever there is hope of a favourable outcome (canon 1733 §3). R. analyses the situation in Poland where such bodies have not been established and makes some suggestions based on the experience of other countries.

1734

Ius Comm V (2017), 309-333: Supremum Signaturae Apostolicae Tribunal: Sentencia definitiva, 22 octubre 2014. Rechazo de un recurso. (Sentence, with comment by Alberto Perlasca)

The Apostolic Signatura decided that, for the purposes of the request for a revocation or amendment of an administrative act mentioned in canon 1734 §1, the vicar general and the episcopal vicar are not subject to the bishop in the sense of canon 1734 §3, 1º, meaning that in placing the administrative act the vicar general and the episcopal vicar act in the name – and with the power, albeit subordinate power – of the bishop. Hence the interested party may direct the request for revocation or amendment of the act equally to the author of the act or to the bishop. The next step, should it arise, would be a hierarchical recourse, not to the bishop, but to the relevant dicastery of the Roman Curia.

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
- Irish Theological Quarterly
- Ius Canonicum
- Ius Communionis
- 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
- Quærens
- Revista Española de Derecho Canónico
- Revista Mexicana de Derecho Canónico
- Revue de Droit Canonique
- Revue Théologique de Louvain
- Salesianum
- Studia Canonica
- Studies in Church Law
- Studium Generale Marcianum
- Studium Ovetense
- Teología y Vida
- Vida Religiosa
- Vidyajyoti

ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

AC	L'Année Canonique, Paris – Editor.
ACR	Australasian Catholic Record, New South Wales – V. Rev. Ian B. Waters, Melbourne.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
Cuad Doct	Cuadernos Doctorales de la Facultad de Derecho Canónico, University of Navarre, Pamplona – Editor.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
ETJ	Ephrem's Theological Journal, Satna – Abstracts supplied by publisher.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
FThC	Folia Theologica et Canonica, Budapest – Editor.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa–Rome – Abstracts supplied by publisher.
ITQ	Irish Theological Quarterly, Pontifical University, Maynooth – Abstracts supplied by publisher.
ITS	Indian Theological Studies, Bangalore – Editor.
Ius	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican

Abbreviations, Periodicals & Abstractors

	City – Abstracts supplied by publisher.
KIP	Kościół i Prawo, Lublin – Abstracts supplied by publisher.
L	Laurentianum, Rome – Editor.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
PCH	The Person and the Challenges, Krakow – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
Q	Quærens, Quezon City – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
S	Salesianum, Rome – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
TyV	Teología y Vida, Santiago de Chile – Abstracts supplied by publisher.
Verg	Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.
Vid	Vidyajyoti, Delhi – Editor.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- John A ALESANDRO (ed.): *Penal and Disciplinary Situations Involving Priests and Deacons. What Can Be Done – and How? A Practicum in the Application of Canon Law*, Canon Law Society of America, Washington , 2017, vi + 203pp., ISBN 978-1-932208-45-0 (reviewed by John A. Renken, SC 51[2017], 669-670)
- Andrew COPSON: *Secularism: Politics, Religion and Freedom*, Oxford University Press, Oxford, 2017, 176pp., ISBN 978-0198809135 (reviewed by Javier García Oliva, LJ 179 [2017], 212-215)
- Holly FERNANDEZ LYNCH – I. Glenn COHEN – Elizabeth SEPPER (eds.): *Law, Religion and Health in the United States*, Cambridge University Press, New York, 2017, xxi + 427pp., ISBN 978-1316616543 (reviewed by Soren Holm, LJ 179 [2017], 210-212)
- Javier GARCÍA OLIVA – Helen HALL: *Religion, Law and the Constitution: Balancing Beliefs in Britain*, Routledge, London, 2018, 498pp., ISBN 978-1138838352 (reviewed by Sylvie Bacquet, LJ 179 [2017], 207-210)
- George THANCHAN: *The Juridical Institution of Major Archbishop in Oriental Canon Law with Special Reference to the Syro-Malabar Church*, 2nd edition, Dharmaran Canonical Studies 19, Dharmaran Publications, Bangalore, 2017, xviii + 396pp., ISBN 9789384964757 (reviewed by Benny Tharakunnel, Ius VIII 1/17, 117-120)
- Silvano M. TOMASI, assisted by Antoine ABI GHANEM, Vincenzo BUONOMO, Richard GHYRA, Carlo Maria MARENGHI, Stefano SALDI, Robert J. VITILLO: *The Vatican in the Family of Nations. Diplomatic Actions of the Holy See at the UN and other International Organizations in Geneva*, Cambridge University Press, Cambridge–New York–Melbourne–Delhi–Singapore, 2017, xxiv + 872pp., ISBN 9781316681701 (reviewed by Fernando Chica Arellano, IE XXIX [2017], 706-710)

BOOKS RECEIVED

- Amy HEREFORD: *See I Am Making Something New: New Institutes, Diocesan Hermits and Consecrated Virgins and New Forms of Consecrated Life*, CreateSpace Independent Publishing Platform, 2018, 134pp., ISBN 978-1717148025; also available as e-book (see above, canons 603-605)
- Christina HIP-FLORES: *Hermits and Consecrated Virgins, Ancient Vocations in the Contemporary Catholic Church: A Canonical-Pastoral Study of Canons 603 and 604*, Christina Hip-Flores, 2018, 49pp., ISBN 978-1732426306; also available as e-book (see above, canons 603-604)
- ROTAE ROMANAE TRIBUNAL: *Decisiones seu Sententiae selectae inter eas quae anno 2011 prodierunt cura eiusdem Apostolici Tribunalis editae*, volumen CIII, Libreria Editrice Vaticana, 2018, 595pp. [see above, canon 1444]