

Canon Law Abstracts
No. 121 (2019/1)

Covering periodicals appearing
January – June 2018



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.

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

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.

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

ISSN 0008-5650

Contents

<i>General Subjects</i>	2
<i>Historical Subjects</i>	20
<i>Code of Canons of the Eastern Churches</i>	33
<i>Code of Canon Law: Book I: General Norms</i>	37
<i>Book II, Part I: Christ's Faithful</i>	40
<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>	56
<i>Book III: The Teaching Office of the Church</i>	60
<i>Book IV: The Sanctifying Office of the Church</i>	63
<i>Book IV, Part I, Title I: Baptism</i>	67
<i>Book IV, Part I, Title II: The Sacrament of Confirmation</i>	68
<i>Book IV, Part I, Title III: The Blessed Eucharist</i>	69
<i>Book IV, Part I, Title IV: The Sacrament of Penance</i>	73
<i>Book IV, Part I, Title V: The Sacrament of Anointing of the Sick</i>	74
<i>Book IV, Part I, Title VI: Orders</i>	74
<i>Book IV, Part I, Title VII: Marriage</i>	75
<i>Book IV, Part II: The Other Acts of Divine Worship</i>	91
<i>Book IV, Part III: Sacred Places and Times</i>	92
<i>Book V: The Temporal Goods of the Church</i>	93
<i>Book VI: Sanctions in the Church</i>	97
<i>Book VII: Processes</i>	104
<i>Exchange Periodicals</i>	121
<i>Abbreviations, Periodicals and Abstractors for this Issue</i>	122
<i>English-language Books Reviewed in the Above Periodicals</i>	124
<i>Books Received</i>	126

GENERAL SUBJECTS

Comparative law

Ap LXXXIX (2016), 453-508: Francesco Caponnetto: Metodo comparativo e Diritti religiosi. (Article)

C. explores some of the challenges and difficulties involved in attempting to compare secular and religious legal systems and building bridges between them.

Ap LXXXIX (2016), 595-608: Vincenzo Buonomo: Consiglio, consultazione e consulenza nel Diritto internazionale. (Article)

B. examines the place of praxis and procedures such as advice, consultation and counselling in the international legal system, highlighting the links between international law and canon law.

Ius VIII 2/17, 193-216: Rosmin Cheruvilparambil: The Hierarchical Authorities of the Church and the Religious Institutes. Part I – The Roman Pontiff and the Religious Institutes. (Article)

See below, CCEO canons 410-572.

Ius VIII 2/17, 217-228: Varghese Palathingal: Meaning and Relevance of Indulgences: A Pursuit of Truth from a Canonical Perspective. (Article)

See below, canons 992-997.

Ius VIII 2/17, 229-258: Varghese Poothavelithara: Pious Wills and Pious Foundations in the Church: Common Canonical Norms. (Article)

See below, CCEO canons 1043-1054.

LJ 180 (2018), 51-81: Javier García Oliva – Helen Hall: Exorcism and the Law: Are the Ghosts of the Reformation Haunting Contemporary Debates on Safeguarding versus Autonomy? (Article)

The authors explore how secular and (Anglican) canon law on exorcism have evolved in tandem in England, each subject to the influence of the other as well as to wider cultural changes. They consider how the historically cautious and strictly regulated approach of the Church of England still influences the legal contemporary framework, and explore how the present-day judicial approach in England and Wales contrasts with other contexts in the common law world.

Compilations

IC 58/115 (2018), 371-391: Joaquín Sedano: Crónica de Derecho Canónico 2017. (Compilation)

In this review of the more significant canonical developments in 2017, S. mentions the writings and documents of the Roman Pontiff, including his address to the Roman Rota (21 January 2017: see *Canon Law Abstracts*, no. 120, p. 81), the Apostolic Letter *motu proprio Sanctuarium in Ecclesia*, transferring competence over shrines from the Congregation for the Clergy to the Pontifical Council for Promoting the New Evangelization (11 February 2017: see *Canon Law Abstracts*, no. 120, p. 91), the Apostolic Letter *Maiorem hac dilectionem*, opening 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 (11 July 2017: see below, canon 1403), the Apostolic Letter *motu proprio Magnum principium*, clarifying the distinction between the *recognitio* and the *confirmatio* and the responsibilities of episcopal conferences in relation to vernacular translations of liturgical books (3 September 2017: see below, canon 838); the Apostolic Letter *motu proprio Summa familiae cura* instituting the John Paul II Pontifical Theological Institute for Marriage and Family Sciences (8 September 2017: see below, canon 360), some clarifications of *Mitis Iudex* and *Mitis et misericors Iesus* (concerning the diocesan bishop as judge in the briefer process, and the new competences of the dean of the Roman Rota in the case of an appeal against an affirmative decision) made during an audience with participants in a course organized by the Roman Rota (25 November 2017), and various decrees of erection

General Subjects (Compilations)

and reorganization of ecclesiastical circumscriptions in the Latin and Eastern Catholic Churches.

The review goes on to mention the more significant documents and activities of the Roman Curia in 2017, including the creation of a Third Section of the Secretariat of State for matters affecting the diplomatic staff of the Holy See (made public on 21 November 2017: see below, canon 360), authorization for the celebration of marriages of faithful of the Society of St Pius X (see *Canon Law Abstracts*, nos. 119, p. 74; 120, p. 86), a Circular Letter of the Congregation for Divine Worship on the bread and wine for the Eucharist (see below, canon 924), a meeting of the Pontifical Council for Interreligious Dialogue and the Palestinian Commission for Interreligious Dialogue, at which it was decided to establish a Joint Working Group for Dialogue (5 December 2017); and particular responses of the Pontifical Council for Legislative Texts (23 February 2017 – not necessary to send a *mémoire* to the respondent together with the *libellus*; 2 March 2017 – freedom of each party to choose their own advocate and procurator; 24 April and 22 May 2017 – possibility of and conditions for *sanatio in radice* of invalid mixed marriages; 13 June 2017 – the provisions of canon 1423 continue to apply for the purposes of establishing interdiocesan tribunals following *Mitis Iudex*; 15 November 2017 – a non-Catholic can only be a sponsor at baptism if there is also a Catholic sponsor; 15 November 2017 – in the case of partners of the same sex presenting a child for baptism the names of the natural or adoptive parents, or of the single mother alone, should be entered in the register; also that of the father if paternity is proven by a public document).

The final sections of the review are dedicated to the diplomatic activity of the Holy See during 2017, including relations and tensions between the Vatican and the Chinese government; meetings of the Permanent Bilateral Working Commission between Israel and the Holy See (18 January and 13 June 2017); a framework agreement with the Republic of the Congo to govern relations between the Catholic Church and the State (3 February 2017); a meeting between Pope Francis and the Foreign Minister and State Counsellor for Burma-Myanmar, Aung San Suu Kyi (4 May 2017), following which the establishment of diplomatic relations was made public, and the Pope made an apostolic journey to Myanmar (26 November – 2 December 2017). At the end of 2017 the Holy See had diplomatic relations with 183 countries, in addition to the European Union and the Sovereign Military Order of Malta. The review also gives details of documentation and activity of the Spanish Episcopal Conference in 2017.

Ecclesiology

ACR XCV 1/18, 35-50: Anthony Gooley: A Theology not Received, a Practice out of Time. (Article)

This is not a canonical commentary, but it considers the documentation of the Second Vatican Council, papal Magisterium, and liturgical documentation. G. concludes that we continue to inhabit the mentality of a pre-conciliar understanding of ordained ministry. Vatican II called for new attitudes of mind and language with the threefold holy orders, lay ministry, and the sacramentality of episcopal ordination. However, all this seems to be a non-received theology, and a practice out of step with present needs.

Comm 49 (2017), 273-275: Pope Francis: Nuntius Summi pontificis ad eos qui, diebus 4-6 mensis octobris 2017, XVI Conventui Internationalis, a Consociatione Internationalis Studio Iuris Canonici Promovendo apparato, interfuerunt. (Document)

Pope Francis sends greetings to those taking part in the 16th International Convention organized by the International Association for the Study of Canon Law to mark the centenary of the promulgation of the CIC/17. In his letter the Pope cites the words of Pope Benedict XVI to seminarians in 2010 that law is a condition of love – there is no charity without justice. The Apostolic Constitution promulgating the CIC/83 marked a transition from an ecclesiology modelled on canon law to a canon law conformed to ecclesiology and specifically that of Vatican II, something evinced not only in the recent changes to the nullity process but also in collegiality, synodality, the governance of the Church, valuing the particular Church and the responsibility of all the faithful for the mission of the Church, ecumenism and religious liberty.

ELJ 20 (2018), 173-184: James Campbell: The Use of the Term ‘Pastoral’ in the 1983 Code of Canon Law with Reference to the 1917 Code. (Article)

C. compares the use of the term “pastoral” in the CIC/17 and the CIC/83, examining whether the term has changed in meaning and, if so, in what way.

IC 58/115 (2018), 69-82: José R. Villar: La sinodalidad en la reflexión teológica actual. (Article)

Ecclesial synodality is rooted in the commitment of pastors and lay people to the Church as Communion. Synodality is not limited to the juridically established forms, but is an ongoing mode of ecclesial cooperation on the part of all those involved in the Church's mission. The way in which lay people cooperate with pastors is by dealing with and ordering temporal affairs in accordance with God's will. This form of participation is not an optional possibility for lay people, or for the Church itself. The lay faithful may also perform a range of functions, including advisory roles, within the Church community.

IE XXX (2018), 13-31: Javier Canosa: La rilevanza della collaborazione attiva dei fedeli per la buona amministrazione ecclesiastica. (Article)

The ecclesiastical authority which exercises the administrative function of government makes use of the contribution of the faithful to favour the greater good of the Church. The concrete experience of the advantages gained for the common good (and problems avoided) through the faithful's participation in the administrative function encourages the study of new formulas and, even before that, the careful application of the instruments of participation already offered by the current legislation.

IE XXX (2018), 33-54: William L. Daniel: "Accountability" and the juridical responsibility of the public ecclesiastical administration. (Article)

Integral to the governance of the Church is the day-to-day administration and concrete protection of her goods. At all levels, the public administration has to be accountable for its realization of the standard of good governance. Such accountability, and the related phenomenon of transparency – concepts employed and emphasized in secular juridical doctrine and corporation management practice – ought not be exaggerated or applied indiscriminately to the Church. They must always correspond with the order given by the divine constitution of the Church.

IE XXX (2018), 55-77: Fernando Puig: Governo e discrezionalità nella collazione di uffici ecclesiastici. (Article)

Selecting, hiring and firing ecclesiastical office holders is a crucial dimension of Church governance. It involves balancing the rights of the faithful (including pastors) with a reasonable margin of discretion. Assessing the suitability of the candidate and the duration of the appointment brings into play two lines of governance: the importance of the common good, in the form of the public good, against any form of arbitrariness, and the desirability of concerted action by pastors so as to serve the faithful adequately. Highlighting the relative lack of judicial protection in this area against incorrect decisions by the authority gives rise to a reflection on the responsibility of those who “owe” good governance to the faithful.

IE XXX (2018), 79-99: Ilaria Zuanazzi: La mitezza quale paradigma della potestà di governo nella Chiesa. (Article)

Z. examines the evolution of the conception of the governmental function in the Church from Scriptural sources up to the current law, highlighting how the diaconal structure of the *ministerium* is not fully respected by the authoritarian approach of the *potestas iurisdictionis*, and she suggests turning to the paradigm of mildness in order to translate juridically the exercise of the function of government into genuine forms of service.

SC 52 (2018), 5-44: John A. Renken: Synodality: A Constitutive Element of the Church. Reflections on Pope Francis and Synodality. (Article)

Pope Francis teaches that synodality is a constitutive element of the Church to be found at all levels of Church life. R. examines the Pope’s reflections on synodality especially in his 17 October 2015 address on the occasion of the 50th anniversary of the institution of the synod of bishops. He then offers reflections on what synodality does and does not mean. (See also canon 439, below.)

Ecumenism and interreligious dialogue

ADC 2 (abril 2013), 163-208: Vicente Benedito Morant: La filiación en los matrimonios interreligiosos entre católicos e islámicos. (Article)

See below, canon 1125.

AnC 11 (2015), 117-133: Piotr Lewandowski: Małżeństwo i rozwód w Kościele waldensów we Włoszech w perspektywie małżeństwa mieszanego (*Marriage and divorce in the Waldensian Church in Italy in relation to mixed marriages*). (Article)

See below, canons 1124-1129.

Family issues

AnC 11 (2015), 107-116: Józef Krzywda: Kilka uwag na temat Relatio synodi Zwyczajnego Synodu Biskupów (październik 2014) (*Some remarks on the Relatio synodi of the Third Extraordinary General Assembly of the Synod of Bishops, October 2014*). (Article)

K. analyses the most important problems and challenges that were the subject of discussion during the Third Extraordinary General Assembly of the Synod of Bishops (5-19 October 2014).

Canonist 9/1 (2018), 112-121: Anthony Malone: Reflections on *Amoris Laetitia*. (Article)

M. reviews some basic norms provided by moral theology and some issues addressed in *Amoris Laetitia* before turning to ten specific ideas which Pope Francis has offered in his Apostolic Exhortation.

Human rights

Ap LXXXIX (2016), 545-591: Federica de Santis: Religious Rights of the European Workers. The Right to Manifest One's Religion. (Article)

De S. considers the right to manifest one's religion in the workplace, and the limits within which European workers may exercise this right, analysing

cases on religious accommodation decided by the European Court of Human Rights.

LJ 178 (2018), 113-148: Frank Cranmer: Casebook. (Compilation)

Notes are given for various cases on a range of human rights issues decided in 2017 and 2018 by the European and United Kingdom courts.

Law reform

AA XXIII (2017, vol. II), 339-369: José García: ¿Un nuevo derecho público eclesialístico en el magisterio del Papa Francisco? (Article)

G. examines certain aspects of the teaching of Pope Francis touching on public ecclesiastical law which reflect some novel elements but are also characterized by continuity with the teaching of his predecessors. He looks at papal teaching on religious freedom in relation to human dignity and to the responsibility of the State. He considers the wider question of interreligious dialogue, the unacceptability of religious violence, the Church's freedom to exercise its mission, and a fair and balanced *laïcité*.

AA XXIII (2017, vol. II), 317-337: Jorge Antonio di Nicco: El ecónomo diocesano: precisiones y propuesta sobre el canon 494. (Article)

See below, canon 494.

AA XXIII (2017, vol. II), 227-236: Carlos Baccioli: El concepto de “capacidad matrimonial” en el derecho matrimonial canónico. (Article)

See below, canon 1095.

AnC 11 (2015), 195-216: Piotr Skonieczny: Sprawca aborcji: glos w dyskusji nad przestępstwem z kan. 1398 KPK (*The one who procures an abortion: a comment relating to the debate on the delict specified in canon 1398 CIC*). (Article)

See below, canon 1398.

EIC 58 (2018), 23-49: Eduardo Baura: La división de funciones nella Curia romana. (Article)

See below, canon 360.

IC 58/115 (2018), 121-148: Miquel Pons Portella: Los supuestos de aplicación extrajudicial de penas en el Derecho Canónico. (Article)

See below, canon 1342.

REDC 75 (2018), 81-112: Julio García Martín: Algunas consideraciones sobre la confirmación en el oficio eclesiástico y el canon 1420, §5. (Article)

See below, canon 1420.

REDC 75 (2018), 199-233: Miquel Pons Portella: El procedimiento administrativo penal en el Derecho canónico del siglo XXI. (Article)

See below, canon 1342.

Legal theory

AA XXIII (2017, vol. I), 183-201: Ariel D. Busso: El juicio prudencial en el Derecho. (Article)

B. reflects on the virtue of prudence and its indispensable role in the exercise of justice. Prudence requires a predisposition directed at carrying out acts that are good and true, namely, acts that are based on knowledge of what is under consideration, leading to a reflective judgement with consequences that are sound and applicable.

AA XXIII (2017, vol. I), 279-307: Paolo Gherri: Personalismo conciliare e canonico: una questione costituzionale. (Article)

G. considers the important place given to the human person in deliberations and documents of Vatican II, and the influence this has had on the Code of Canon Law. He looks especially at its impact on the relationship between the Church and the secular world and on the role of conscience and the

dignity of the human person. He examines the work being done by the Gregorian and Lateran Pontifical Universities respectively in the fields of anthropological-theological research and institutional-personalist research.

AA XXIII (2017, vol. II), 253-259: Ana Lía Berçaitz de Boggiano: Misericordia. (Article)

Authentic justice in the Church is a pastoral justice, suffused with charity and tempered by mercy. It is an instrument of sanctification of human relationships and takes into account, as the Code reminds us, that salvation is the supreme law of the Church.

Ap LXXXIX (2016), 609-628: Paolo Gherrì: Bilancio canonistico della Decima Giornata canonistica interdisciplinare. (Article)

G. offers reflections on the concepts, activities and modalities connected with consulting and counselling in the Church.

Ap LXXXX (2017), 51-86: Paolo Gherrì: Diritto canonico e Antropologia: acquisizione di un orizzonte ermeneutico. (Article)

Since the Second Vatican Council the perspective of canon law is no longer the sacred that is in the world, but the life of the faithful in the Church. Through canon law the Church no longer speaks to the world but to herself, seeking efficacy and authenticity in Christian life. People are viewed in their individual situations and historical circumstances, as well as in their sacramental aspect, especially when it comes to the vocational dimension. The reform of the marriage process is a reflection of this new understanding of law as a “support” rather than a “customs post”.

Ap LXXXX (2017), 173-188: Paolo Gherrì: Bilancio canonistico della Undicesima Giornata canonistica interdisciplinare. (Article)

G. reflects on law as a tool for organizing social relationships: relationships in which people ask first of all to be recognized and accepted.

Ap LXXXX (2017), 189-206: Giovanni Giorgio: La relazione di autorità: considerazioni filosofiche. (Article)

G. examines the essential aspects of authority, and the role authority plays in relationships.

Ap LXXXX (2017), 265-272: Manuel Jesús Arroba Conde: Il metodo del Diritto: comparazione e *Utrumque Ius*. (Article)

The study of *utrumque ius* (civil and canon law) is not primarily a legal specialization but a particular conception of law and, above all, its “method of study”, which involves five aspects: 1. the meta-juridical, or foundational; 2. the historical and evolutionary; 3. the technical-conceptual, linked to culture and comparison; 4. the international; 5) the forensic, mainly concerned with public and private positive law.

EIC 58 (2018), 221-248: Andrea Favaro: La sovranità dell’ordinamento e lo stato d’eccezione. Letture contemporanee della *Epistola ai Romani (San Paolo)* e del *De regimine principum* (S. Tommaso d’Aquino). (Article)

F. studies some of the problematic aspects inherent in the relationship between “authority” and the individual or person, especially with regard to the dynamics of obedience by the latter towards the commands given by the former in the form of laws and norms.

ELJ 20 (2018), 51-58: Thomas Schüller: Justice and Mercy: An Enigmatic Yet Crucial Relationship for the Application of Canon Law. (Article)

S. reflects on the relationship between mercy and justice in the light of the teaching of recent Popes.

Ius Comm VI (2018), 69-103: Gianfranco Ghirlanda: El valor del derecho canónico para la misión de la Iglesia. (Article)

Canon law is inherent to the life of the Church and is not a mere superstructure. It is an effective help for the Church’s activity, as well as a protection: a defence of justice and also of charity, because charity cannot exist without justice.

Per 107 (2018), 195-239: Helmuth Pree: Profilo e sfide del diritto canonico all'inizio del terzo millennio. (Article)

P. seeks to analyse the current profile of the science of canon law and the principal challenges it faces at the start of the 21st century. He first deals with the current profile of canon law as a science, before identifying some of the main challenges to be faced: these include taking account of the contemporary context of both the Church and society, especially in the light of the teaching of the Second Vatican Council, and the need to open up dialogue in various spheres.

REDC 75 (2018), 113-171: Justo García Sánchez: La presencia del Derecho romano en la normativa europea del siglo XX. Especial consideración a su influencia en el derecho canónico de la pasada centuria. (Article)

G.S. looks at the reception of Roman law into various different legal systems, including canon law, which from the 12th century has incorporated notions and practices inherited from Rome that were to find their way into the Codes of 1917 and 1983.

Verg 6 (2018), 253-266: Roberto Righi: Coacción al reconocimiento. La lógica de la obediencia en Rudolph Sohm. (Article)

R. examines the thought of the Lutheran jurist Rudolph Sohm, highlighting the changes of course in the itinerary of his scientific reflection between the end of the 19th century and the beginning of the 20th.

Relations between Church and State

AA XXIII (2017, vol. II), 301-315: Pedro Collar Noguera: El convenio entre la Santa Sede y la República de Paraguay sobre la asistencia religioso-pastoral a las Fuerzas Armadas y la Policía Nacional. (Article)

C.N.'s subject is the formal agreement between the Holy See and the Republic of Paraguay concerning the religious and pastoral care of members of the armed forces and national police force. He first considers briefly similar agreements made with six European States and eight States in the Americas and Asia, before giving the historical background to the situation

in Paraguay. He then looks at the content of the agreement and the establishment of a military vicariate.

ADC 7 (abril 2018), 161-190: Fabio Vecchi: La Conferenza Episcopale Internazionale dei Santi Cirillo e Metodio: riorganizzazione conservativa o smantellamento? Una questione aperta per la Chiesa nei Balcani Occidentali. (Article)

In 2004, John Paul II established the International Bishops' Conference of Saints Cyril and Methodius to provide pastoral support in the heart of the Western Balkans, and as part of the great project of the unification of Christian Europe. However since that time there have been many significant changes in the region, and the Conference now has pastoral responsibilities in four States (Serbia, Montenegro, Macedonia and Kosovo). At the canonical level, the International Bishops' Conference does not pose any special problems. There are, however, problems at the diplomatic level, concerning the imposition of new models for the presence of the Catholic Church within the territory. The Balkan bishops are of the opinion that the International Bishops' Conference should be dismantled, while the Apostolic See favours maintaining the *status quo*.

ADC 7 (abril 2018), 245-275: Diego Torres Sospedra: Aproximación a la regulación de los columbarios confesionales católicos desde el derecho del Estado. (Article)

See below, canon 1240.

AnC 11 (2015), 95-105: Piotr Kroczyk: Introduction to the separate property regime in Polish law. (Article)

K. looks at aspects of matrimonial property law in Poland.

Comm 49 (2017), 323-330: Status Civitatis Vaticanae: Legge N. CCXI in materia di registrazione e di vigilanza degli enti senza scopo di lucro. (Document)

This law applies to non-profit-making entities established within the Vatican City State, and governs the registration and supervision of such bodies. The details are spelled out in 14 articles.

EA 53 (2018), 413-444: Francisco José Zamora García: La Junta delegada del Real Patronato Eclesiástico. (Article)

The intervention of monarchs in episcopal appointments and other ecclesiastical offices, on the basis of their right of patronage, has been one of the most controversial chapters in the long history of the relations between Church and State in Spain. In 1924, the Military Directory of General Primo de Rivera created the Governing Council for the Royal Sponsorship of Ecclesiastics in order to improve the procedures for appointments to ecclesiastical offices. This institution continued until 1930.

EIC 58 (2018), 51-82: Alessio Sarais: Le riforme economico-finanziarie della Santa Sede e dello Stato della Città del Vaticano, alla luce del Terzo *Progress report* di valutazione *Moneyval* del 6 dicembre 2017. (Article)

See below, canon 360.

ELJ 20 (2018), 132-157: Russell Sandberg: Clarifying the Definition of Religion Under English Law: The Need for a Universal Definition. (Article)

There is no universal definition of religion under English law. Instead, different definitions have been developed by courts and tribunals in relation to different religious rights. Although there have been moves towards the harmonization of these definitions, recent decisions have reversed that trend. S. explores how this has led to a confused and contradictory case law. Arguing that a universal definition of religion under English law is now needed, he synthesizes the case law to identify the elements of a universal definition that already exist. Drawing upon insights from the sociology of religion, he concludes by proposing a new definition.

IC 58/115 (2018), 83-120: José Manuel Murgoitio García: El sistema educativo, entre el monopolio y la libertad escolar: escuela plural o pluralidad de escuelas. La letra y el espíritu de la Constitución. (Article)

Within the context of Spain, M.G. examines the dialectic between the pluralist school model (involving State monopoly of a morally neutral education) and the model of a plurality of schools (involving a variety of

school institutions under different ownership, all of which aim to satisfy the fundamental rights and constitutional values of freedom and pluralism).

IE XXX (2018), 151-175: Chiara Minelli: Matrimonio canonico e Cassazione. Le sfide della ragionevolezza. (Article)

M. reflects on the implications of a decision by the Italian civil courts not to recognize canonical decisions of nullity of marriage in cases where the parties have cohabited for a substantial period of time, as being contrary to public policy.

IE XXX (2018), 269-284: Giuseppe Baturi: Il finanziamento della Chiesa in Italia. Evoluzione e prospettive in una ottica ecclesiale. (Article)

B. describes the essential features of public funding of the Church in Italy, outlined in terms of the 1984 agreement and restricted to three aims: maintenance of the clergy, charitable work in aid of the national community and the third world, and running costs related to worship. In the last few years, monies coming from the system of public financing have been channelled towards a number of wide-ranging objectives. First and foremost, that of an equitable distribution and solidarity within dioceses. Another objective is that of transparency and the public understanding of the Church's management of its economic resources, as an expression of the active involvement of the whole community.

KIP 7 (20) 2018, nr. 1, 61-74: Konstantin Lozinsky: Orthodox Church in the Legal Field of Modern Ukraine. (Article)

L. examines the relationship of Church and State in the Ukraine, which begins with the procedure for registering parishes and dioceses. The State does not interfere in the activities of religious organizations, provided they do not violate laws or prejudice the life, health, or dignity of persons or the rights of other citizens and organizations.

Jean-Pierre Schouppe: Diritto dei rapporti tra Chiesa e comunità política. Profili dottrinali e giuridice. (Book)

After the Second Vatican Council, the methodology of the *Ius publicum ecclesiasticum externum* was definitively abolished. In its place there arose

an ecclesiology based on *communio* and on the awareness that the Church is a “hierarchically organized society”. In the intervening period the law of the relationship between the Church and the political community has reached sufficient maturity to enable it to be presented in a complete and systematic fashion. In this book S. deals not only with relations between the Catholic Church and States, but also with relations between the Church and the political community in a global sense. The reason for fostering such relationships is to safeguard the autonomy of the Church in the spiritual domain (while similarly recognizing the autonomy of the public authority in the temporal sphere) and also to promote a *sana cooperatio* with the political community (cf. Constitution *Gaudium et Spes*, no. 76). The book is divided into two parts, the first setting out the history of Church-State relations, the second looking at the juridical principles governing this area of law, the main systems of Church-State relationship, the inherent rights of the Church (including reference to European jurisprudence on the autonomy of religious groups), and the status of the Holy See and the Vatican City State in international law, as well as dealing with the classical themes of pontifical diplomacy, concordats and multilateral treaties. (For bibliographical details see below, Books Received.)

Religious freedom

ADC 6 supl. (febrero 2018), 13-295: Curso de verano: “Libertad de expresión, libertad religiosa: ¿libertades irreconciliables?” (Lectures and articles)

This issue of ADC contains the proceedings of a Summer Course held in 2016 at the Catholic University of Valencia “San Vicente Mártir” on the topic of the relationship between freedom of expression and religious freedom. After introductory comments from Cardinal Antonio Cañizares Llovera, Ricardo García García and Ignacio Sánchez Cámara, there are contributions from Ignacio Ulloa Rubio on religious freedom, data protection and the right to be forgotten; Juan José González Rivas on the juridical person’s right to honour, and how this may be connected to freedom of expression; Polonia Castellanos on some of the more controversial cases concerning freedom of expression and religious liberty taken on by the Spanish Association of Christian Lawyers; María García on a 2015 report of the Observatory for Religious Freedom and Freedom of Conscience dealing with attacks on religious freedom carried out in Spain; Gloria Moreno Botella on the conflict that can arise between freedom of

General Subjects (Religious freedom)

expression and respect for the religious identity of citizens, and how this is reflected in the film industry; Vicente Collado on whether religious freedom and freedom of expression are mutually incompatible; a round-table discussion involving four leading representatives of the principal religious faiths in Spain (Riay Tatory – Isaac Querub – Jorge Fernández Basso – José Luis Sánchez García) on freedom of expression and religious freedom; Juan Damián Gandía Barber on guidelines and recommendations provided by a number of organizations as a possible means of coordinating freedom of expression and protecting religious feelings in audiovisual programmes; Zoila Combalá on models in comparative law on the subject of the conflict between freedom of expression and religion; Diego Torres Sospedra on problems surrounding so-called “hate crimes”, with particular focus on “hate speech” and its relationship to fundamental rights; and Ricardo García García on possible ways of reconciling freedom of expression and religious freedom.

ADC 7 (abril 2018), 191-244: Ricardo García García – Lluch Gili Mulet: La libertad religiosa en la opción universitaria: La discriminación en el ámbito universitario: la retirada de las becas a los alumnos en universidades privadas. (Article)

One aspect of religious freedom is the right to create religion-based educational institutions, and the right of students to choose such institutions. This article analyses and investigates whether a legal disposition that excludes students who study in universities that are not publicly owned from obtaining scholarships harms the rights of the students and of universities, and whether these types of limiting legal measures imply an unacceptable discrimination by the legal system.

Ap LXXXX (2017), 273-285: Vincenzo Buonomo: Être croyant dans un monde qui change: une perspective catholique. (Article)

The fact of being a believer springs from a fundamental right, which should be acknowledged by all, and which should not encounter obstacles or impositions that are incompatible with religion. The public authority should respect the individual dimension of faith while also taking into account the community dimension of religious practice.

Ap LXXXX (2017), 297: Grzegorz Zielinski: The Right to Freedom of Belief: a Conceptual Framework. (Summary of thesis)

Z. deals with the promotion and protection of freedom of religion and belief in the international legal domain within the framework of human rights law. He describes the development of international standards and procedures regarding freedom of religion or belief, a process which is still incomplete. The current era has witnessed repeated and flagrant violations of religious freedom throughout much of the world. (For bibliographical details see below, Books Received.)

ELJ 20 (2018), 190-200: Jasper Doomen: A Veiled Threat: *Belcacemi and Oussar v Belgium*. (Article)

The freedom of the individual can easily come into conflict with his or her obligation to integrate in society. The case of *Belcacemi and Oussar v Belgium* provides a good example. D. argues that Belgian law places unwarranted restrictions on citizens and that the values behind this testify to an outlook that is difficult to reconcile with the freedom of conscience and religion. (See also the following entry.)

LJ 180 (2018), 82-94: Jasper Doomen: A Veiled Threat. (Article)

(See preceding entry.) The freedom to manifest one's religion is laid down in article 9 of the European Convention on Human Rights and is to be observed by all States party to it. The margin of appreciation granted to them leaves some room to decide whether legislation should be realized to restrict this freedom. D. addresses the issue that in some cases such room may be too ample, illustrating this from a recent decision of the European Court of Human Rights concerning restrictions on the freedom to wear a full-face veil in public. While the separation of Church and State may be defended on grounds of principle, D. argues that one must be wary of unwarranted restrictions on individuals' freedoms that are realized under its banner. Such restrictions become apparent most clearly in the demand to "live together" (as this is understood by the State).

HISTORICAL SUBJECTS

1st millennium

Ap LXXXIX (2016), 415-451: Javier Belda Iniesta: La stagione conciliare antica. (Article)

The Council is an institution which has evolved over many centuries, in which the great actors have adapted to new political contingencies and developed their relationships with one another in different ways within the great geographical and political context of the Empire. First, the bishops, leaders of the Christian communities, were faced with persecutions and then with a series of unforeseen consequences, such as the disciplinary question concerning the *lapsi* and the *libellatici*, and the lack of uniformity both in the liturgy and in the study of the *depositum fidei*. From the start the Council took the form of a process, in which the judges (the bishops) addressed common problems to search for shared solutions. Second, the Emperor absorbed the Council into the Empire's structure and assumed the power to convene it and promote its ecumenical character. However, both Emperor and Council respected the Pope's responsibility for judging the correct doctrine of bishops and the validity of their ordination: the Petrine primacy and its judicial nature.

Ap LXXXIX (2016), 629-648: Sara Parini Vincenti: *Aequitas canonica e periculum animae* nello svolgimento del patto nudo in Diritto canonico. (Article)

P.V. studies the influence of canon law on the performance of *nuda pacta*, and more in general of obligations arising from promises. The canonists asserted that the legally binding nature of certain agreements depended not on their form or their solemnity, nor on part-performance by one of the parties, but on the intention shown by the parties at the time of entering into the agreement. Canon law required a party to keep his word *ratione peccati*, while it was *ratio scandali* that required the intervention of the ecclesiastical court. P.V. shows how opinion was divided between a more strictly canonical approach to enforcing the fulfilment of obligations, and a more spiritual approach which aimed above all at repressing sin.

Ap LXXXX (2017), 153-172: Luigi Michele de Palma: Accoglienza dei peccatori e riconciliazione dei penitenti nella Chiesa antica. (Article)

De P. looks at the development of the ecclesiastical discipline concerning the reconciliation to the Church of those who had apostatized. At the beginning the penitential discipline was not always consistent; even when later on it became more coherent, it proved rather impractical in dispensing mercy and forgiveness so as to encourage the reconciliation of the penitents.

EIC 58 (2018), 133-150: Péter Erdő: Il valore teologico del diritto canonico: una questione storica. (Article)

E. reviews the place of law in the Church during the earliest centuries of Christianity, highlighting the fundamental relationship between theology and law in this period. He concentrates on a few specific institutions of the Church, tracing their Judaic origins.

Verg 6 (2018), 45-64: David Hunter: ¿Prohibió absolutamente la Iglesia primitiva volver a casarse después del divorcio? (Article)

H. investigates the discipline of remarriage in pre-Augustine writings and tradition, arguing that the teaching of the complete indissolubility of marriage was not accepted by everyone, even in the Western Church. Ambrosiaster's commentary on the Pauline teaching, he says, demonstrates that the possibility of remarriage was not always excluded, at least not until Augustine's teaching became the dominant tradition in the West.

Classical period

ADC 2 (abril 2013), 97-127: Javier Belda Iniesta: *Excommunicamus et Anathematizamus*: Predicación, confesión e inquisición como respuesta a la herejía medieval (1184-1233). (Article)

B.I. looks at the legal and religious situation during the rise of the Inquisition; the first suppression of heresy, from mercy to the death penalty; certain common features of the inquisitorial process and the mission of the Church; the path to contrition (the need for conversion; confession as a public trial in the early centuries; individual confession; the problems of jurisdiction and the mendicant orders); and the Fourth Lateran Council.

Logos 21/1 (Winter 2018), 19-39: Samuel Klumpenhouwer: The Deaconess. New Sources in Medieval Pastoralia. (Article)

The 12th and 13th centuries have become increasingly prominent in the ongoing ecclesial debate over deaconesses. Questions about ordination were a frequent occurrence among the Scholastics, and numerous distinctions and clarifications were articulated. This Scholastic inquiry eventually led to a great precision in how people thought and spoke about ordination, and likewise to the conclusion that deaconesses were not recipients of the sacrament of holy orders. This precision has become part of the Church's heritage, and the theology of holy orders as concisely stated in the CIC/83 is largely an inheritance from this period. The new sources from medieval pastoralia which K. presents in this article outline the increasing precision with which deaconesses and the sacrament of holy orders were understood. Ambiguities of terminology led to a situation where the two main works on the history of deaconesses arrive at opposite conclusions regarding the possible ordination of deaconesses today, despite examining the same evidence. It has become clear that the debate is not primarily over whether deaconesses as such existed in the past. The current ecclesial debate is over whether such women received the supernatural character bestowed by sacramental ordination, which the Magisterium of the Church has since declared essential to the sacrament of holy orders. This debate over supernatural realities cannot be resolved purely by historical research. A prior theological decision must be made regarding how the ordination spoken of in the first millennium corresponds to the investing of the sacrament of holy orders as now understood. Nonetheless, what historical research into the 12th and 13th centuries can do is demonstrate how people viewed deaconesses at the very moment when ordination and the diaconate were first understood in the precise way the CIC/83 speaks of them.

REDC 75 (2018), 329-364: José Miguel Viejo-Ximénez: Raimundo de Peñafort decretalista. (Article)

V.-X. looks at St Raymond of Penyafort's life and works, analysing his teachings on the *ius novum*, and setting out various pending tasks for delving more deeply into the contribution of the decretalist.

Verg 6 (2018), 103-132: Raffaella Bianchi Riva: El abuso del proceso entre la práctica y la ciencia jurídica: notas sobre el *simultaneus processus* en el *ius commune*. (Article)

Between the 12th and 13th centuries, several papal decretals resorted to the term *abusum* in order to punish the misuse of the judicial system, and in particular the abuse of papal delegated jurisdiction (X 1.3.15; X 1.3.28). Some of them helped to establish the *simultaneus processus*, in opposition to efforts by parties to delegate connected cases to different judges in order to strengthen the overall case against the counterparties (X 1.3.43, VI 1.3.3). One such example is when creditors sought to initiate separate proceedings against the same debtor for each debt to be collected, which is still a topical issue in the courts nowadays. Compared to Roman law (Cod. 3.1.10), medieval canon law extended punishment to cases of subjective connection, thereby reinforcing the duty of good faith on the part of the parties and their lawyers.

Verg 6 (2018), 133-160: Tiziana Ferreri: *Crimen calumniae* y procedimiento *ex officio* en el Derecho Canónico entre los siglos XII y XIII. (Article)

In the purely accusatorial criminal law operating in medieval times, the penalizing of the *crimen calumniae* and of offences perpetrated by the accuser in court constituted a powerful deterrent against an instrumental use of the trial. Gratian's *Decretum* incorporated the essential aspects of Justinian law in this regard. This legislation provided for the punishment of the offence by means of a purely inquisitorial procedure: once it was established that the original accusation was unsubstantiated, the judge hearing the main proceedings could *ex officio* prosecute the tort of *calumnia* immediately within the same judgment. Thus when Innocent III introduced the inquisitorial procedure in the canonical penal process, its validity and use for the particular case of *calumnia* were already known.

Manuel Juan Peláez Albendea (ed.): Diccionario de Canonistas y Eclesiasticistas europeos y americanos (II). Semblanzas del año 1000 al 2018. (Book)

This is the second of three volumes of a dictionary of European and American canonists and ecclesiasticists (for the first volume, see *Canon Law Abstracts*, no. 110, p. 35), containing brief biographies of numerous European and Latin American specialists, as well as historians of

ecclesiastical institutions and members of the Society of Jesus from the 18th and early 19th centuries, coinciding with the extinction of the Society. (For bibliographical details see below, Books Received.)

16th-19th centuries

AA XXIII (2017, vol. II), 115-144: Sebastián Terráneo: La enseñanza del Derecho Canónico en Indias. (Article)

The influence of the University of Salamanca was strong in the establishment and methods of the various universities founded in the 16th and 17th centuries in different parts of the colonial Americas. T. looks at the system and types of graduation in canon law, and the teaching methods and texts used. He concludes with a brief word on some of the main canonists of the colonial period.

ADC 7 (abril 2018), 109-159: José Antonio Calvo Gómez: La creación intelectual de la Monarquía Católica. La canonización equipolente de Fernando III (1201-1252) y la investigación eclesiástica sobre su culto inmemorial en el siglo XVII. (Article)

C.G looks at the cause of canonization of King Saint Ferdinand III of Castile and León (1201-1252). He examines the canonical process of the cause initiated in Seville at the start of the 17th century, focusing on the interrogation used, in accordance with the decrees of Urban VIII (1623-1644), to confirm the immemorial devotion to the Castilian monarch. The process concluded with Pope Clement X's decree of equipollent canonization in 1671.

AnC 11 (2015), 31-62: Nicolás Álvarez de las Asturias: Sobór Trydencki i nierozzerwalność małżeństwa: hermeneutyczne refleksje na temat zasięgu jego doktryny (*The Council of Trent and the indissolubility of marriage: hermeneutic reflections on the scope of the doctrine*). (Article)

The Council of Trent made a huge contribution to Catholic doctrine and canonical discipline regarding the sacrament of marriage. First and foremost it affirmed the indissolubility of marriage. Á. deals with the proper interpretation of the canons issued by the Council.

IC 58/115 (2018), 223-259: Jaime Ricardo Gouveia: Ecclesiastical Justice in the Diocese of Coimbra in the 16th Century: Organization, Structure and Jurisdiction. (Article)

A reorganization of the organisms of justice in the diocese of Coimbra (Portugal) during the first half of the 16th century culminated in the publication of a *Regimento* of the Episcopal Court (*Auditório*), ordered by the bishop of Coimbra D. João Soares in 1547. The prescripts issued by the Council of Trent, intended to reinforce vigilance and regulate and purify the Christian behaviour of prelates, also resulted in a reform of the ecclesiastical judicial system. The new *Regimento*, published on 3 March 1592, was central to the operation of the diocese, the rationalization of administrative procedures and the praxis of daily government, and is an invaluable source in the study of episcopal tribunals. By examining the profiles, competences and functions of the various agents who worked there, G. analyses the organization and internal structure of the tribunal of Coimbra.

KIP 7 (20) 2018, nr. 1, 9-17: Waldemar Bednaruk: Kościół św. Stanisława w Lublinie jako miejsce obrad sejmikowych (*Church of St. Stanislaus in Lublin as the place of the Sejmik meeting*). (Article)

B. describes how the Church of the Dominican Friars in Lublin was used for *sejmiks* or local assemblies for a period of 260 years, and mentions some of the advantages both to the nobility who gathered there, and the monks who provided them with hospitality.

KIP 7 (20) 2018, nr. 1, 19-27: Artur Katolo: Stregoneria e Superstizione in Decreti Sinodali della Diocesi di Bisignano in Calabria (1630-1678). (Article)

The origins of witchcraft and superstition date back to the “wild” world of humanity. The 17th-century synods of Bisignano in Calabria, countering magical arts and evil, reserved to the bishop excommunications incurred through magic, fortune-telling, and the like. Magical practices are signs of distrust of God.

KIP 7 (20) 2018, nr. 1, 43-59: Marcin Konarski: Radykalny demokracizm i wizja rewolucji społecznej księdza Piotra Ściegiennego (*Father Piotr Ściegienny's radical democratism and his vision of a social revolution*). (Article)

Father Piotr Ściegienny is considered to be one of the promoters of socialist principles in 19th century Poland, which linked national independence to a simultaneous revolution of a social character. K. explains how Ściegienny's radical democratic views had roots in the poverty he experienced as a child in the Polish countryside, and were also the outcome of his encounter with the ideas that formed the basis of the social revolution in France at the end of the 18th century.

Verg 6 (2018), 221-235: María D'Arienzo: La jurisdicción civil en materia religiosa en las controversias del siglo XVI en el contexto de la reforma. (Article)

D'A. deals with the question of the imposition by the civil authority of the death penalty for heretics at the time of the Reformation. She looks at the accusations made against Calvin and Theodore Beza in the case of the anti-Trinitarian Spanish physician Michael Servetus, and at the first affirmations of the unlawfulness of the death penalty, which were to usher in a new order of relations between law and religion.

Manuel Juan Peláez Albendea (ed.): Diccionario de Canonistas y Eclesiasticistas europeos y americanos (II). Semblanzas del año 1000 al 2018. (Book)

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

1917 Code

ADC 7 (abril 2018), 15-39: Antonio María Rouco Varela: El trasfondo eclesiológico de los códigos de 1917 y de 1983. (Article)

R.V. presents a summary of the ecclesiastical background of the Codes of 1917 and 1983. Starting with the CIC/17 he describes its political-juridical context, the ecclesiastical situation of the time, and its principal ecclesiological lines. He then carries out a corresponding analysis of the CIC/83.

ADC 7 (abril 2018), 41-55: Carlo Fantappiè: El Código de 1917 en la historia del derecho de la Iglesia. (Article)

F. describes the historical-ecclesiological background to the CIC/17, highlighting the pressing need for a reform of the Church's law, and the character of Pope Pius X as the main proponent of the reform. He explains the aims of the reform as a response to certain historical demands, and the novelties it introduced. In a final section he refers to some defects in the CIC/17 and difficulties to which it may have given rise.

ADC 7 (abril 2018), 57-79: Enrique de León Rey: Aportaciones significativas del Código de 1917 a la legislación procesal. (Article)

The codification of 1917 represented a notable step forward in the arduous task of reorganizing and systematizing the huge number of laws in force at the time of Pius X's term of office. Although it was intended as a reordering of canon law following the model of the *Codex* of Justinian, in reality, because of the way it was implemented and subsequent exegetical commentary, it ended up appearing similar to modern State codes. Nevertheless, in the field of procedural law, it introduced significant improvements for the functioning of processes and the defence of the rights of the faithful.

Comm 49 (2017), 318-322: C. Fantappiè: Articulus explanans Codicis Iuris Canonici institutionem, occurrentibus centum annis ab eiusdem promulgatione CIC. (Article)

To mark the centenary of the promulgation of the CIC/17 F. remarks on its significance as a step in development of canon law by its drawing the scattered provisions of canon law together in a systematic way. Although it had its limitations it nevertheless opened a new epoch in Church law.

EIC 58 (2018), 211-219: Szabolcs Anzelm Szuromi: Justinian Serédi OSB's personal contribution in the codification of the CIC (1917). (Article)

S. looks at the personality and writings of the Hungarian Cardinal Jusztinián Serédi (1884-1945) with particular emphasis on his contribution to the first canonical codification of 1917.

IC 58/115 (2018), 37-68: Nicolás Álvarez de las Asturias: Decisión, decisiones y consecuencias de la primera codificación canónica: el caso de la idoneidad para recibir las órdenes sagradas. (Article)

The centenary of the first codification of canon law serves as an occasion to consider the impact on ecclesial law, and on the life of the Church itself, of the decision to adopt codification as an instrument, and of the decisions taken for the configuring of some canonical institutions. Á. assesses a number of these decisions, before presenting the way in which the canonical discipline regarding the suitability of candidates for the priesthood was established.

TyV IX (2018), 59-84: Carlos Salinas-Araneda: Obispos de Chile y España en la codificación canónica de 1917: *postulata* sobre el matrimonio. (Article)

The drafting of the first Code of Canon Law was ordered by Pope St Pius X in 1904. It was not drafted by a restricted group of experts, but took into account the opinion of the episcopate, which was consulted on two occasions. S.-A. looks at the contributions of the Chilean and Spanish bishops on the topic of marriage, following the first consultation.

José Fernández San Román: La relevancia del abandono de la fe y de la condición de censurado en la admisión al matrimonio. Estudio del *iter* redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II. (Book)

F. studies the sources and background to the drafting of canons 1065 and 1066 of the CIC/17, which deal with marriages *cum indignis* (those who have notoriously abandoned the faith, members of proscribed associations, those under censure and public sinners). He also analyses three pronouncements of the Holy See on the admission to marriage of those who do not know the Christian teaching (1918), members of atheistic sects (1934), and communists (1949), as well as the affirmation in *Familiaris Consortio* that to establish admission criteria for marriage that take into account the degree of faith of the intending spouses is not in conformity with ecclesial tradition. The book is intended to cast some light on the current reflection on the relationship between faith and marriage, since the corresponding canons of the CIC/83 substantially reproduce those of the CIC/17. (For bibliographical details see below, Books Received.)

20th century

CLSN 193/18, 64-76: John M. Cunningham: The Evolution of Ecclesiastical Legislation and the Role of the Archivist in the Diocesan Inquiry of the Canonisation Process. (Article)

See below, canon 1403.

CLSN 193/18, 77-87: John M. Cunningham: Ecclesiastical Legislation, Archival Activity and the Cause of the Irish Martyrs. (Article)

See below, canon 1403.

CLSN 193/18, 88-103: John M. Cunningham: Archival Principles and Practices Required in the Diocesan Inquiry of the Cause of the Irish Martyrs. (Article)

See below, canon 1403.

EA 53 (2018), 413-444: Francisco José Zamora García: La Junta delegada del Real Patronato Eclesiástico. (Article)

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

LS 41 (2018), 64-88: Jonas Bogнар: Episcopal Leadership in a Time of Crisis. The Elusive Attempt to Incardinate George Tyrrell. (Article)

B. looks at a particularly difficult and trying period in the Catholic Church, that of episcopal leadership during the Modernist crisis. He not only explores the specific situation of the attempted incardinations of the expelled English Jesuit, George Tyrrell, into the Archdiocese of San Francisco and the Archdiocese of Mechelen-Brussels, but more importantly, questions just how this situation came to be and how it failed to be resolved in an institution where no priest is to be left without a home. He goes on to articulate the pressure that members of the episcopacy faced, forcing them to walk the tightrope between the pastorally practical solution to these challenges, and the rather more rigid attitudes espoused by the Holy See.

KIP 7 (20) 2018, nr. 1, 29-42: Stanisław Kawa: Kardynał Stefan Wyszyński wobec Związku Socjalistycznych Republik Radzieckich (*Cardinal Stefan Wyszyński and the USSR*). (Article)

K. sets out Cardinal S. Wyszyński's attitude towards the communist system in the USSR. For Wyszyński communism was a threat to a civilization built on Christian foundations. In the difficult years of brutal forced atheism in the USSR, Wyszyński heroically supported the Church in Poland. Among the clerics working in the USSR, mostly in secret, he was considered and respected as their Head.

KIP 7 (20) 2018, nr. 1, 75-91: Monika Menke: Przesłanie Stefana Kardynała Wyszyńskiego w liście do „pobratymców w Czechosłowacji” (*Message of Stefan Cardinal Wyszyński in a letter to “Brothers in Czechoslovakia”*). (Article)

M. studies Cardinal Wyszyński's letter to the Czech and the Slovak peoples sent on the occasion of one thousandth anniversary of Christianity in Poland in 1965. It affirmed the Czechs and Slovaks as belonging to the common family of Christian nations in Central Europe, whose cultures shared common Christian traditions.

Per 107 (2018), 359-365: Zenon Grocholewski: P. Ignacio Gordon S.J. e la deontologia dell'insegnamento del diritto canonico. (Presentation)

G., formerly Prefect of the Supreme Tribunal of the Apostolic Signatura and Prefect of the Congregation for Catholic Education, recalls the figure of the late Fr Ignacio Gordon S.J., an outstanding teacher of canon law.

QDE 30 (2017), 397-416: Gianfranco Ghirlanda: Il metodo della Gregoriana nell'affrontare il diritto canonico. (Article)

Basing his approach on Ignatian spirituality, G. describes the aim of the Canon Law Faculty of the Pontifical Gregorian University as that of formation, not information, based on a critical analysis of the texts of the law. He goes on to outline and defend the exegetical method of teaching adopted in the faculty, and to explain how it has evolved in response to magisterial interventions since the CIC/17.

QDE 30 (2017), 417-431: Eduardo Baura: Il contributo di *Quaderni di diritto ecclesiale* al diritto canonico. (Article)

B. sets the work of QDE in the context of the period of its foundation, and sketches the key landmarks in its development. He identifies QDE's key role in demonstrating the pastoral character of canon law – overcoming any perceived opposition between these two – and in preserving the communion of the Church by offering practical guidance.

QDE 30 (2017), 438-454: Fabio Franchetti: QDE: temi ricorrenti e metodo di lavoro. (Article)

F. examines the way in which QDE comes about, stressing how it is the product of a group working together and coordinating their articles to produce a themed periodical, which benefits from the pastoral as well as the academic experience of the authors.

Manuel Juan Peláez Albendea (ed.): Diccionario de Canonistas y Eclesiasticistas europeos y americanos (II). Semblanzas del año 1000 al 2018. (Book)

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

José Fernández San Román: La relevancia del abandono de la fe y de la condición de censurado en la admisión al matrimonio. Estudio del *iter redaccional* de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II. (Book)

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

Second Vatican Council and revision of the CIC and CCEO

Comm 49 (2017), 331-369: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: series Altera – Adunationes X-XVIII^a (diebus 13 mensis decembris 1976 – 4 mensis iunii 1977 habitae). (Report)

The acts of the Commission for the Revision of the Code in sessions X-XVIII were originally published in *Communicationes* IX (1977), pp. 153-

174, but are now republished with additional notes and texts. They cover the draft canons 18-73 with comments on each canon. The last two sessions offered a response to a number of questions, and both proposed additions, not all of which were accepted, e.g. genocide, pornography, abuse of the mass media or means of social communication, and recording of confessions. The Commission also answers queries from the plenary meeting of the Cardinals in May 1977 concerning the admission of those excommunicated to penance and anointing in certain circumstances, and also whether the Church should adopt the principle of “legality”, i.e. no crime or penalty unless provided by law. While slightly amending the draft of these canons the Commission upheld the basic principles including what was to become canon 1399.

Comm 49 (2017), 370-385: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Schema conclusivum de iure poenali. (Report)

This is the text of the final draft or schema of canons on Penal Law.

Comm 49 (2017), 386-469: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de Magisterio Ecclesiastico” (Sessio V, diebus 5-17 mensis decembris 1977 habita). (Report)

The material for discussion at this session is summarized in appendix I at the end: seminaries; censorship and prohibition of books; amended text for the preliminary canons on clerics; motions arising from discussion and a verbal report on the previous session. However, the discussion at this session was totally focused on seminaries and the formation of clergy. The report concludes with an appendix (II) containing the decree issued by the Sacred Congregation for the Doctrine of the Faith on 19 March 1975 on the vigilance of pastors of the Church concerning books.

SC 52 (2018), 45-80: Nancy Bauer: The Religious Habit in Church Law from 1917 to the Present. (Article)

See below, canon 669.

CODE OF CANONS OF THE EASTERN CHURCHES

General

Comm 49 (2017), 250-254: Pope Francis: Summi Pontificis Nuntius, saeculari fundatione occurrente Pontificii Instituti Orientalis Congregationisque pro Ecclesiis Orientalibus. (Document)

Pope Francis sends greetings to the Grand Chancellor of the Pontifical Oriental Institute on the occasion of its centenary. He considers that the roots of its establishment in 1917 by Pope Benedict XV lie in the 1893 Eucharistic Congress at Jerusalem. The intention was to establish an institute of higher studies that would foster greater understanding among Latin as well as Oriental priests working among those of the Oriental tradition, both Catholic and Orthodox. In his letter Pope Francis summarizes the history of the Institute and sets it in its historical context, making particular mention of the conflicts and terrorist acts that have led to an increased diaspora in recent years.

CCEO 27

IE XXX (2018), 357-366: Lettera del Santo Padre Francesco ai vescovi dell'India del 10 dicembre 2017, con commento di Pablo Gefaell, *L'erezione di circoscrizioni Siro-malabaresi per tutto il territorio dell'India.* (Document and comment)

In October 2017 Pope Francis decided to entrust the pastoral care of the Syro-Malabar faithful throughout India to the hierarchy of their own Church *sui iuris*. Until now there were vast areas of that country in which the faithful of the Syro-Malabar major archiepiscopal Church were under the exclusive pastoral care of the Latin bishops, in accordance with canon 916 §5 of the CCEO. Outside the proper territory of the Syro-Malabar Church (which does not extend far beyond the State of Kerala) there were a few eparchies but these covered only a very limited part of the subcontinent. Now, thanks to the erection of two new eparchies (Hosur and Shamshabad) and the extension of the territories of two already-existing eparchies (Ramanathapuram and Thuckalay), the proper pastoral care of the Syro-Malabar faithful reaches the furthest corners of the country, in a similar way to that established for the Syro-Malankara faithful in 2015.

CCEO 146

IE XXX (2018), 357-366: Lettera del Santo Padre Francesco ai vescovi dell'India del 10 dicembre 2017, con commento di Pablo Gefaell, *L'erezione di circoscrizioni Siro-malabaresi per tutto il territorio dell'India*. (Document and comment)

See above, CCEO canon 27.

CCEO 177

CLSN 192/18, 45-74: Sunny Kokkaravalayil: The Canonical Status & Possibilities of the Syro-Malabar Eparchy of Great Britain. (Article)

In the light of the establishment of the Eparchy for Great Britain for the Syro-Malabar Faithful of England, Scotland and Wales (28 July 2016), K. sets out the canonical status of the eparchy based on the canons of the CCEO and other relevant Church teachings.

CCEO 323-398

Comm 49 (2017), 386-469: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de Magisterio Ecclesiastico” (Sessio V, diebus 5-17 mensis decembris 1977 habita). (Report)

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

CCEO 410-572

Ius VIII 2/17, 193-216: Rosmin Cheruvilparambil: The Hierarchical Authorities of the Church and the Religious Institutes. Part I – The Roman Pontiff and the Religious Institutes. (Article)

CCEO canon 410 describes the religious state as a stable mode of common life in an institute approved by the Church. Approval by the competent ecclesiastical authorities and the consequent relationship of the religious institutes to the ecclesial authorities, while keeping their rightful autonomy, are among the essential elements of the ecclesial nature of the religious state. In this respect there are differences between the CCEO and the CIC/83. The existence of patriarchal/major archiepiscopal institutes and the role of the patriarch/major archbishop as regards the religious members and

institutes are foreign to the Latin Code. C. offers a systematic presentation of the various aspects of the relationship of religious institutes and their members to the Apostolic See, the patriarch/major archbishop, the eparchial bishop and other local hierarchs, as envisaged in the canons of CCEO, which he compares to the norms of the CIC/83.

CCEO 595-666

Comm 49 (2017), 386-469: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De Clericis et de Magisterio Ecclesiastico” (Sessio V, diebus 5-17 mensis decembris 1977 habita). (Report)

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

CCEO 652- 654

QDE 31 (2018), 62-87: Marino Mosconi: Comunicazione ecclesiale e vigilanza canonica nel contesto dei attuali strumenti di comunicazione sociale. (Article)

See below, CIC canons 822- 823.

CCEO 776

KIP 7 (20) 2018, nr. 1, 181-200: Marcin Baldyga: Wykluczenie bonum prolis w Kodeksie Prawa Kanonicznego z 1983 roku i Kodeksie Kanonów Kościołów Wschodnich (*Exclusion of “bonum prolis” in the CIC/83 and the CCEO*). (Article)

See below, canon 1055.

CCEO 776

MFS 24 (2008), 106-120: Scaria Kanniyakonil: The Indissolubility of Marriage in the Syro-Malabar Church. (Article)

K. explores the understanding of the indissolubility of marriage in the Syro-Malabar Church throughout its history. Starting from the idea of *oikonomia* found in the Orthodox Church and its parallels in the Indian tradition, he looks at how St Thomas Christians understood marital breakdown in its

history. He goes on to deal with the Latinization of the Syro-Malabar liturgy at the Synod of Diamper (1599), before looking at the renewal of the marriage liturgy in recent years. With the highlighting of the need for the pastoral care of divorced Christians at the Synods of Bishops and in *Amoris Laetitia*, he proposes that the ancient practice among the St Thomas Christians in such situations may be a valid response in an Indian context.

CCEO 916

IE XXX (2018), 357-366: Lettera del Santo Padre Francesco ai vescovi dell'India del 10 dicembre 2017, con commento di Pablo Gefaell, *L'erezione di circoscrizioni Siro-malabaresi per tutto il territorio dell'India.* (Document and comment)

See above, CCEO canon 27.

CCEO 1043-1054

Ius VIII 2/17, 229-258: Varghese Poothavelithara: Pious Wills and Pious Foundations in the Church: Common Canonical Norms. (Article)

Pious wills and foundations are among the primary means of acquiring temporal goods. The moral principle which demands the faithful observance of the declared intentions of those who contribute temporal goods for the service of the mission of the Church is a cardinal principle of canon law. Thus the Church provides clear norms and regulations on the acceptance and execution of pious wills and on the establishment and administration of pious foundations in both Codes. P. presents the central ideas on pious wills and foundations contained in both Codes in a comparative approach.

CCEO 1385-1387

Ius VIII 2/17, 131-150: Francis J. Marini: The Process for Declaring the Nullity of Sacred Ordination. (Article)

Chapter II of Title XXVI (canons 1385, 1386 and 1387) of the CCEO sets forth a process for the declaration of nullity of sacred ordination which is provided for those rare situations in which any other process is inadequate. There being little experience in the application of this process, its successful use will require canonists, dicastery offices and jurists to develop and articulate the relevant jurisprudence, some of which is suggested in this article.

CODE OF CANON LAW BOOK I: GENERAL NORMS

8

AA XXIII (2017, vol. II), 9-20: G. Paolo Montini: «Tres errores faciunt stilum?»: la promulgazione delle leggi tra pubblicazioni e pubblicazione. (Article)

The importance of the promulgation of ecclesiastical law is also expressed in the means by which it is promulgated according to canon 8, and the consequences of its interpretation according to canon 17. M. studies three recent examples.

17

AA XXIII (2017, vol. II), 9-20: G. Paolo Montini: «Tres errores faciunt stilum?»: la promulgazione delle leggi tra pubblicazioni e pubblicazione. (Article)

See above, canon 8.

59-93

ADC 2 (abril 2013), 45-96: Jaime González Argente: La licencia en el Código de Derecho Canónico. (Article)

Licentia is a canonical institute which has different meanings in Church law, including permission or authorization. G.A. investigates its nature and status in the Code of Canon Law, especially within the framework of singular administrative acts.

111-112

AnC 11 (2015), 217-234: Elżbieta Szczot: Władza rodzicielska a wolność religijna dziecka w prawie kanonicznym (*Parental authority and children's religious freedom in canon law*). (Article)

See below, canon 865.

114

AA XXIII (2017, vol. II), 65-76: Helmuth Pree: Erección de personas jurídicas: unas recientes clarificaciones. (Article)

P. examines the implications of the required *consulta previa* to the Holy See for the erection of an institute of diocesan rite (see also canon 579, below.)

129

Ap LXXXX (2017), 207-230: Émile Kouveglo: I fedeli laici e l'esercizio della potestà nella Chiesa. Status quaestionis e ricerca di una chiave funzionale di lettura. (Article)

Many studies have shown the constant difficulty of finding a univocal theoretical foundation for the participation of the laity in ecclesial governance. K. looks into this question with a view to identifying the foundational criteria.

135

EIC 58 (2018), 23-49: Eduardo Baura: La divisione di funzioni nella Curia romana. (Article)

See below, canon 360.

144

IE XXX (2018), 285-305: Francesco Catozzella: La validità dei matrimoni celebrati davanti ai sacerdoti della fraternità San Pio X. Commento alla Lettera della Pontificia Commissione *Ecclesia Dei*. (Article)

See below, canons 1108-1111.

145-163

AA XXIII (2017, vol. II), 147-167: Antonio Viana: El problema del nombramiento para oficios eclesiásticos a favor de fieles en situaciones familiares irregulares. (Article)

Irregular marital situations give rise to problems when it comes to appointments to non-clerical ecclesiastical offices. V. considers some

general principles, and then looks at how these difficulties have been approached by the Church in Germany. He concludes that there can be no general or universal acceptance for ecclesiastical office of those in irregular situations, but emphasizes the need for pastoral prudence in this context.

179

REDC 75 (2018), 81-112: Julio García Martín: Algunas consideraciones sobre la confirmación en el oficio eclesiástico y el canon 1420, §5. (Article)

See below, canon 1420.

197

Per 107 (2018), 327-357: Sara Paglialunga: La prescrizione nel diritto penale canonico. (Article)

P. explores the theme of prescription, with special reference to criminal and penal actions. It is a theme that has drawn little attention from authors; consequently, the bibliography available is extremely limited. She examines the terminology used, the reasons for invoking prescription, and the timing involved. Given that the norms dealing with *graviora delicta* have adjusted the way in which prescription is understood to run and have even presented the possibility of prescription being dispensed with in a particular case, she notes that questions surrounding prescription in criminal and penal actions are very relevant today, even though there are no solutions readily found to many of the questions that must remain open.

200-203

AA XXIII (2017, vol. I), 203-231: Hugo H. Cappello: La importancia del tiempo en el derecho canónico. (Article)

Time and its calculation have an important part to play in every society and legal system. Throughout the Code of Canon Law and other ecclesiastical legislation the fundamental role of time is immediately obvious. It finds its basis in biblical, philosophical and theological considerations and sustains every law that contains limited time periods, extensions and prescriptions. This is particularly important when the validity of an act depends on their observance.

BOOK II, PART I: CHRIST'S FAITHFUL

204

IE XXX (2018), 13-31: Javier Canosa: La rilevanza della collaborazione attiva dei fedeli per la buona amministrazione ecclesiastica. (Article)

See above, General Subjects (*Ecclesiology*).

205

Per 107 (2018), 1-36: Francesco Coccopalmerio: La *communicatio in sacris* come tema canonistico ed ecumenico. (Presentation)

See below, canon 844.

209

QDE 31 (2018), 17-39: Andrea Migliavacca: Comunicazione per la comunione: modi e contenuti. (Article)

M. outlines how communion is a central category in theology and canon law, and proposes that communication must be directed to building up communion. He recalls that the primary message to be communicated is the Gospel. Canonical regulation focuses on paper-based communication and largely ignores the new means of social communication, and M. suggests that future guidance and regulation in this area will need to look particularly at issues of privacy and criticism. He also surveys some new and informal means of communication, which open up new possibilities. He concludes by quoting from recent papal messages for World Communications Day which offer guidance on using these new means.

212

QDE 31 (2018), 40-61: Alessandro Giraud: Comunicazione e opinione pubblica nella Chiesa nell'epoca digitale. (Article)

G. begins with a review of postconciliar teaching on the question of public opinion, and relates this to communication within the Church as envisaged in the Code and in *Evangelii Gaudium*. He then surveys the challenges posed by the new media.

213

QDE 30 (2017), 455-474: Matteo Visioli: Il diritto di ricevere i sacramenti (can. 213). (Article)

V. looks at the roots of the right to receive the sacraments in the text of *Lumen Gentium*, and suggests reasons why it is one of the fundamental rights of the faithful. He then looks at the duties associated with this right, noting especially the provisions of canons 843 and 210, and the criteria that might guide the decision to deny someone a sacrament. He also considers the situations of the practical impossibility of exercising this right (as in remote mission countries), the question of whether there is a right to all the sacraments (especially that of orders), and the limitations on discretion in the pastoral celebration of the sacraments.

224-231

Canonist 9/1 (2018), 74-87: Marcus Francis: Looking again at the Laity. (Article)

F. places in context the provisions of the CIC/83 on the rights and obligations of the lay faithful (canons 224-231) with a view to better identifying the role of the laity in the Church. These canons can be seen as coinciding with the three baptismal functions in Christ both *ad extra* and *ad intra*. However, when speaking of rights and obligations in the Church we need to take into account the relationship of the individual or group in question to other members and states of life in the Church. In this way we can see how the canons are complemented in cooperative relationship with the obligations and rights of the hierarchy.

226

QDE 30 (2017), 264-278: Tiziano Vanzetto: La famiglia come soggetto ecclesiale alla luce di *Amoris laetitia*. (Article)

V. sees *Amoris Laetitia* (AL) as continuing the view of the family as a domestic church, and identifies the idea of vocation as the key to the family being a subject in the Church. He sees the sixth chapter of AL as providing a framework for the Church to support that vocation, and offers suggestions as to how that might happen in practice.

232-264

Ius Comm VI (2018), 9-26: Beniamino Stella: El futuro de la formación sacerdotal. Retos para el ordenamiento canónico. (Article)

The Prefect of the Congregation for the Clergy explains how the *Ratio Fundamentalis* of 2016 updates and makes specific the provisions of the CIC/83 on priestly formation, both initial and ongoing. In the need for fidelity to the letter and spirit of the canonical norms, the *Ratio Fundamentalis* insists on three important aspects of priestly formation: integral formation (human, spiritual, intellectual and pastoral); initial and ongoing formation; and discernment (on the part of the diocesan bishop, formators, seminarians, and priests). He highlights aspects that favour the effective application of the canonical norms in the matter of priestly formation.

232-264

Per 107 (2018), 241-296: Gianfranco Ghirlanda: La nuova *Ratio Fundamentalis Institutionis Sacerdotalis* del 2016: prova, maturazione, discernimento. (Presentation)

G. presents his overall consideration of the *Ratio Fundamentalis Institutionis Sacerdotalis* of 8 December 2016, taking as his starting point art. 28, which views formation to the sacred ministry as “a period of testing, maturing and discernment by both the seminarian and the house of formation”. In the process of formation, he notes, there is always the risk of the seminarian passing “automatically” from one stage to the next; in order to avoid such a situation, according to the *Ratio*, both the seminarian and the formators must, from time to time, check to see whether the requisite qualities for sacred ministry are present. G. devotes particular attention to the period of maturing, offering some reflections on the human, spiritual, intellectual and pastoral dimensions. He notes the necessity of a personalized accompaniment, and concludes by exploring the nature of vocational discernment and identifying all those responsible for it.

232-293

Ius Comm VI (2018), 51-67: Velasio De Paolis: El ordenamiento canónico como lugar teológico para la comprensión del sacerdote. (Article)

See below, canon 1008.

241

Ius Comm VI (2018), 27-49: Giuseppe Versaldi: Contribución y límites de las ciencias psicológicas en el discernimiento y en la formación sacerdotal. (Article)

V. explains how the Congregation's 2008 *Guidelines for the Use of Psychology in the Admission and Formation of Candidates for the Priesthood* accurately indicate the form which the dialogue between formators and experts in the psychological sciences is to take. Dangers to be avoided are, on the one hand, a preconceived exclusion of the contribution of these sciences in the name of a disembodied spiritualism that fails to take into account the reality of the human condition of the candidates, and on the other, an inappropriate delegation to these psychological sciences of the responsibilities of the formators, instead of integrating the scientific findings into the process of vocational discernment.

244

NRT 140 (2018), 55-73: Noëlle Hausman: Former en prévenant les abus. Démontration et responsabilité ecclésiale. (Article)

Those in charge of the formation of future priests or religious are more than ever required, in relation to their candidates, to deal with affective and sexual questions inherent in their human and spiritual growth. First, it is incumbent on those accompanying seminarians or novices to do some work on themselves with a view to dealing with the delicate area of behaviours which are more or less perturbed in the young people. It is within the context of a universal balanced perspective of persons that the problems related to instability and abuse of all sorts can be situated.

265-272

LS 41 (2018), 64-88: Jonas Bognar: Episcopal Leadership in a Time of Crisis. The Elusive Attempt to Incardinate George Tyrrell. (Article)

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

273

KIP 7 (20) 2018, nr. 1, 93-107: Štefan Brinda: Poslušenie ordynariuszowi według kanonu 273 Kodeksu Prawa Kanonicznego z

1983 roku (*Obedience to the Ordinary according to canon 273 of the CIC/83*). (Article)

The priest's promise of obedience to his Ordinary is rooted in the example of Jesus Christ, the highest Pastor and the Priest through whom the priest is part of Christ's priesthood. By God's will the Church is a hierarchical order, and thus the priest is required to show respect and obedience to the Pope and to superiors who are members of the apostolic communion.

284

IE XXX (2018), 201-233: Massimo del Pozzo: Il valore e il significato dell'abito clericale: problematiche giuridiche. (Article)

Del P. analyses the history of the obligation to wear clerical attire, and examines the essence and scope of the obligation; whether the obligation applies to seminarians and permanent deacons; and the appropriate attitude on the part of the community. He also looks at possible solutions in the case of non-observance.

288

IE XXX (2018), 201-233: Massimo del Pozzo: Il valore e il significato dell'abito clericale: problematiche giuridiche. (Article)

See above, canon 284.

298

AA XXIII (2017, vol. II), 401-424: Juan Lisandro Scarabino: El derecho de asociación de los fieles: ¿es una novedad del Código? (Article)

S. examines the historical development, prior to their formal recognition, of what became known as associations of the faithful. From the earliest days of the Church believers formed associations with one other for the achievement of particular religious or spiritual ends. As time went on these became increasingly dependent on hierarchical approval and erection, and less the free and relatively unstructured associations they had been. With the CIC/17 this situation was formalized to the extent that associations were effectively created and controlled by the hierarchy, and the role of the laity was made subject to it. Associations were seen as part of the hierarchical structure of

the Church. (Despite the article's title there is no reference to the present Code.)

298-329

ADC 2 (abril 2013), 129-161: Carlos López Segovia: La “*Debita Relatio*”, consecuencias jurídicas de una interpretación literal en el Derecho Canónico de Asociación. (Article)

L.S. analyses the way in which the juridical nature of an association of the faithful determines the *debita relatio* – the “proper relationship” referred to in *Apostolicam Actuositatem*, no. 19 – of the association with the ecclesiastical authority. He examines the concepts of *agnitio* of a private association, *constitutio* of a private association into a private juridical person, *erectio* of a private association, the granting of the title “Catholic”, changes to the association's statutes, suppression of an association, and supradiocesan associations.

299

QDE 31 (2018), 215-224: Alberto Perlasca: Can. 1737: il diritto di un gruppo di fedeli alla legittimazione attiva per proporre un ricorso gerarchico contro il decreto del proprio vescovo. (Article)

See below, canon 1737.

308

Ap LXXXIX (2016), 371-411: Supremum Signaturae Apostolicae Tribunal: 1. Prot n. 47637/13 CA, *Dimissionis a consociatione* (D.na N. – Pontificium Consilium pro Laicis): a) Decretum Praefecti, 10 ianuarii 2014; b) Decretum definitivum, 22 octobris 2014; 2. Prot n. 49014/14 CA, *Reductionis ecclesiae in usum profanum* (Adv. N. et alii – Congregatio pro Clericis): a) Decretum Secretarii, 2 augusti 2014; b) Decretum Congressus, 27 martii 2015; Cristian Begus: Adnotationes in Decreta. (Decreets and comment)

See below, canon 1738.

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

342-348

REDC 75 (2018), 309-327: Victor Suárez Gondar: La aportación del sínodo de los obispos (2014 y 2015) a la reforma del proceso de nulidad matrimonial. (Article)

See below, canons 1671-1691.

360

CLSN 192/18, 86-88: Pope Francis: Apostolic Letter, *motu proprio*, *Learn to take your leave*, governing the resignation for reasons of age of holders of certain offices subject to papal appointment. (Document)

See below, canons 401-402.

360

Comm 49 (2017), 262-269: Pope Francis: *Litterae Apostolicae motu proprio datae Summa familiae cura quibus Pontificium Institutum Theologicum pro Scientiis de Matrimonio et Familia Sancto Ioanni Paulo II dicatum constituitur.* (Document)

Following the 1980 Synod on the Family, and his Apostolic Exhortation *Familiaris Consortio*, St John Paul II established within the Lateran University the Pontifical Institute for the Study of Marriage and the Family. In the light of the Synods of 2014 and 2015 and his Apostolic Exhortation *Amoris Laetitia*, Pope Francis reshapes this Institute extending its remit in the pastoral and missionary field. The new Institute replaces that established by St John Paul II, but the latter's statutes remain in place until new ones have been approved. The text is given in both Latin and Italian.

360

Comm 49 (2017), 270-272: Pope Francis: Allocutio Summi Pontificis ad Sodales Pontificii Commissionis pro Tutela Minorum, die 21 mensis septembris 2017 prolata. (Address)

Pope Francis thanks the members of the Commission for the Safeguarding of Minors for their work. He notes that the *motu proprio* *As a Loving Mother* on the negligence of bishops or superiors (see below, canon 1389) was in response to their advice, as were various other developments over the past three years, in particular the course for new bishops presented by two members of the Commission in the preceding week.

360

Comm 49 (2017), 287: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Regulis, quae ad Secretum Pontificium spectant. (Document)

This rescript amends the norms concerning the pontifical secret issued in the Instruction *Secreta continere* of 4 February 1974, and extends this requirement to news and acts concerning juridical, economic and monetary matters relating to the Supreme Pontiff or Secretariat of State.

360

Comm 49 (2017), 288: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Rebus Oeconomicis apud Sanctam Sedem. (Document)

The reform of the financial structures given provisional approval on 22 February 2015 is taken further forward with this rescript which abolishes the Prefecture for the Economic Affairs of the Holy See as of 30 December 2016 and abrogates articles 176-179 of the Apostolic Constitution *Pastor Bonus*.

360

Comm 49 (2017), 289: Secretaria Status: Nuntius Secretariae Status quoad constitutionem tertiae Sectionis eiusdem Secretariae, die 21 mensis novembris 2017 datus. (Announcement)

Hitherto the management of the personnel of the Holy See’s diplomatic service had been entrusted to the Delegate for Pontifical Representatives. This has been replaced by the establishment of a new Third Section within

the Secretariat of State, concerned solely with personnel matters of those involved in the papal diplomatic service.

360

EIC 58 (2018), 5-22: Juan Ignacio Arrieta: I criteri di riforma della Curia romana alla luce dell'esperienza giuridica. (Article)

A. outlines the reforms to the Roman Curia implemented during the first five years of Pope Francis's papacy. He focuses in particular on aspects of the reform that require a change of mentality on the part of those who are called to exercise their activity within the central governmental organisms of the Church.

360

EIC 58 (2018), 23-49: Eduardo Baura: La divisione di funzioni nella Curia romana. (Article)

B. considers the juridical value of the division of the functions of government as a technique for protecting the rights of those affected by the exercise of power, and the extent to which such a division is applicable to the Church. He looks at the division of functions in the CIC/83 and in the Apostolic Constitution *Pastor Bonus*, before examining in particular the tasks of three dicasteries that exercise more than one function (the Pontifical Council for Legislative Texts, the Apostolic Signatura, and the Congregation for the Doctrine of the Faith). He offers some considerations *de iure condendo* regarding the requirements of justice in the organization and activities of the Roman Curia.

360

EIC 58 (2018), 51-82: Alessio Sarais: Le riforme economico-finanziarie della Santa Sede e dello Stato della Città del Vaticano, alla luce del Terzo Progress report di valutazione Moneyval del 6 dicembre 2017. (Article)

With a view to bringing its internal financial system into alignment with the highest standards of prevention and control against financial irregularities, the Holy See, although not a member of the Council of Europe, spontaneously joined the monitoring body *Moneyval*. In this connection the reform of the Roman Curia undertaken by Pope Francis included the

establishment of a new structure for coordinating the economic and administrative affairs of the Holy See and those of already existing institutions such as the Financial Information Authority, the Administration of the Patrimony of the Holy See, and the Institute for Religious Works. S. assesses this system.

360

EIC 58 (2018), 83-113: Lucia Graziano: La riforma della Curia romana e l'istituzione del nuovo Dicastero per i Laici, la Famiglia e la Vita. (Article)

Presenting the new Dicastery for the Laity, Family and Life, G. reflects on some aspects characterizing the current reform of the Roman Curia, the meaning and scope of which are summarized in the guiding principles set out by Pope Francis in his 2016 Christmas address to the Curia.

360

EIC 58 (2018), 115-132: Costantino-Matteo Fabris: Il Dicastero per il Servizio dello Sviluppo Umano Integrale. (Article)

F. studies the new Dicastery for Promoting Integral Human Development in the context of the recent reforms of the Roman Curia by Pope Francis, in line with developments in the social doctrine of the Church.

360

IE XXX (2018), 307-323: Fernando Puig: Considerazioni su tre sviluppi giuridico-organizzativi della Curia romana dopo la *Pastor Bonus*. (Article)

The current reform of the Roman Curia faces the pastoral challenges of today but also some transformations of the Church and society, which have gradually revealed certain weaknesses in the model outlined in the Apostolic Constitution *Pastor Bonus* (1988). P. analyses three areas of change: from the juridical equality of the dicasteries, to the diversification of the resources allocated; from the theological fittingness of the episcopate, to the predominance of the status of Cardinals; from the tendency towards separation, to the gradual interconnection of relationships between the Roman Curia and the Vatican City State.

360

Per 107 (2018), 37-72: G. Paolo Montini: L'approvazione *in forma specifica* di un atto impugnato. (Presentation)

M., defender of the bond at the Apostolic Signatura, deals with the approval *in forma specifica* by the Pope of an act that has been challenged. He first outlines the origins and evolution of art. 126 of the General Regulation of the Roman Curia, 1999; this is the norm that contains the procedure when a dicastery of the Holy See wishes to have an act confirmed by the Pope *in forma specifica*. He then describes a more recent phenomenon and practice: the request for this kind of approval from the Holy Father concerning an act that is being challenged before the Signatura. According to M., such a situation would require the application of art. 126 of the General Regulation; in particular, it would require that the documentation relating to any process currently under way be inserted into the file that is submitted to the Holy Father.

367

CLSN 192/18, 86-88: Pope Francis: Apostolic Letter, *motu proprio*, *Learn to take your leave*, governing the resignation for reasons of age of holders of certain offices subject to papal appointment. (Document)

See below, canons 401-402.

372

IE XXX (2018), 357-366: Lettera del Santo Padre Francesco ai vescovi dell'India del 10 dicembre 2017, con commento di Pablo Gefaell, *L'erezione di circoscrizioni Siro-malabaresi per tutto il territorio dell'India*. (Document and comment)

See above, CCEO canon 27.

391

AA XXIII (2017, vol. II), 21-38: Erasmo Napolitano: Il giudice ecclesiastico. (Article)

See below, canon 1421.

401-402

CLSN 192/18, 86-88: Pope Francis: Apostolic Letter, *motu proprio*, *Learn to take your leave*, governing the resignation for reasons of age of holders of certain offices subject to papal appointment. (Document)

In this document dated 12 February 2018 the Pope specifies the methods of resignation from office for having reached the age limit in the case of diocesan bishops, coadjutor and auxiliary bishops, non-cardinal heads of dicasteries, superior prelates of the Roman Curia, bishops holding other offices subject to papal appointment, and pontifical representatives.

411

CLSN 192/18, 86-88: Pope Francis: Apostolic Letter, *motu proprio*, *Learn to take your leave*, governing the resignation for reasons of age of holders of certain offices subject to papal appointment. (Document)

See above, canons 401-402.

416-430

ACR XCV 2/18, 210-28: Brendan Daly: The Powers of the Diocesan Administrator. (Article)

D. gives a comprehensive canonical commentary on the authority, responsibilities, and decision-making powers in the office of diocesan administrator during the vacancy of an episcopal see.

418

AA XXIII (2017, vol. I), 335-351: Mauricio Landra: El obispo trasladado y la diócesis *a qua*. (Article)

The transfer of a diocesan bishop to another diocese produces a particular kind of situation. The first diocese is not yet vacant and will continue to be ruled by the same bishop, who has now taken possession of the diocese *ad quam*, but with the responsibility of diocesan administrator. However, the Holy See can grant him further faculties, and even designate him as apostolic administrator. L. presents his article under the following headings: the situation prior to canon 418; the redactional *iter* of canon 418; the administrator *sui generis*; the relationship between canon 418 §2 and canon 481 §1; the transfer of a bishop and canon 428.

428

AA XXIII (2017, vol. I), 335-351: Mauricio Landra: El obispo trasladado y la diócesis a qua. (Article)

See above, canon 418.

439

Canonist 9/1 (2018), 57-73: John A. Renken: Synodality: “Walking Together” A Constitutive Element of the Church – Reflections in Preparation for a Plenary Council. (Article)

Looking ahead to the 2020 Plenary Council to be held in Australia, R. notes that synodality is a constitutive element of the Church, and is therefore not optional. It is a divine mandate for the disciples. Pope Francis takes synodality very seriously, explaining that it is to be operative in all dimensions and at all levels of the life of the Church. (See also General Subjects (*Ecclesiology*), above.)

447

IC 58/115 (2018), 261-290: Antonio Viana: La cuestión de la posible potestad general de las conferencias episcopales. (Article)

The episcopal conference is an institution that has undergone different stages since its origins in the 19th century. At present there is some discussion of whether episcopal conferences should be recognized as having general authority over the dioceses of the nation. V. looks at the arguments for and against this possibility, and at the importance of the predominantly consultative function of the episcopal conference.

460-468

SC 52 (2018), 159-203: Lennox N. Lusabe: Evolution of Participative Structures within the Particular Church since the Time of Vatican II. (Article)

L. considers the evolution of participative structures from Vatican II to the present. He contends that a good analysis, critique, and interpretation of the law must consider the context in which that law emerges and operates. He looks at the development of five selected structures in the particular Church:

the diocesan synod, the diocesan finance council, the presbyteral council, the college of consultors, and the diocesan pastoral council.

469

AA XXIII (2017, vol. II), 237-251: Gabriel B. Barba: La Curia diocesana: puertas abiertas para todos. (Article)

B. considers the nature of the diocesan curia, its organization, and those who form part of it, particularly from the point of view of dioceses in the Argentinian context. He brings to bear his experience as a diocesan bishop and former chancellor and vicar general, and proposes that the curia be understood as part of the pastoral ministry of the Church.

471

Comm 49 (2017), 287: Secretaria Status: Rescriptum “ex Audientia Ss.mi” de Regulis, quae ad Secretum Pontificium spectant. (Document)

See above, canon 360.

492-494

QDE 31 (2018), 225-249: Matteo Visioli: Figure e competenze nell’amministrazione dei beni della diocesi. (Article)

See below, canons 1273-1289.

492-502

SC 52 (2018), 159-203: Lennoxie N. Lusabe: Evolution of Participative Structures within the Particular Church since the Time of Vatican II. (Article)

See above, canons 460-468.

494

AA XXIII (2017, vol. II), 317-337: Jorge Antonio di Nicco: El ecónomo diocesano: precisiones y propuesta sobre el canon 494. (Article)

The diocesan finance officer collaborates with the bishop in the administration of the assets of the diocese. As an administrator his function is circumscribed to those acts belonging to the classical definition of ordinary administration. This article, connected with the author's doctoral thesis, examines the office of finance officer as expressed in canon 494, and proposes an updating, the wording of which would better clarify the office and functions of a diocesan financial administrator.

503

Comm 49 (2017), 296-298: Papalis Basilica Sanctae Mariae Maioris: Rescriptum “ex Audientia Ss.mi” de Papali Basilica Sanctae Mariae Maioris. (Document)

This rescript modifies article 77 of the statutes of the Papal Basilica of St Mary Major concerning the residential accommodation provided for canons, its furnishings and its external decoration.

511-514

SC 52 (2018), 159-203: Lennoxie N. Lusabe: Evolution of Participative Structures within the Particular Church since the Time of Vatican II. (Article)

See above, canons 460-468.

528-529

Ap LXXXX (2017), 243-261: Andrea Stabellini: Accoglienza delle persone e Parrocchia. Presupposti per una rilettura dell'istituto giuridico-canonico parrocchiale. (Article)

Canon 515 presents the parish as a “certain community of Christ's faithful”, stressing the importance of the people who, as such, constitute the parish. The change with respect to the previous legislation is so significant that it can also affect the designation of the pastor, precisely in relation to the necessary ability (and availability) to relate with everyone in a welcoming way. The methods indicated by the CIC/83 for the exercise of the *tria*

munera by the pastor makes clear that this attitude of closeness and availability is indispensable.

533

QDE 31 (2018), 205-214: Gianluca Marchetti: La reggenza della parrocchia durante l'assenza del parroco (can. 533 §3). (Article)

Can. 533 §3 entrusts to the diocesan bishop the task of establishing norms that guarantee pastoral care by providing a priest with due faculties in the absence of the parish priest. It reflects the concern of the Church not to leave the faithful, even for brief periods, without the means necessary for ensuring continuity of pastoral care. M. offers some concrete suggestions for the drafting of such norms.

569

AA XXIII (2017, vol. II), 301-315: Pedro Collar Noguera: El convenio entre la Santa Sede y la República de Paraguay sobre la asistencia religioso-pastoral a las Fuerzas Armadas y la Policía Nacional. (Article)

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

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

573-746

Ius VIII 2/17, 193-216: Rosmin Cheruvilparambil: The Hierarchical Authorities of the Church and the Religious Institutes. Part I – The Roman Pontiff and the Religious Institutes. (Article)

See above, CCEO canons 410-572.

579

AA XXIII (2017, vol. II), 65-76: Helmuth Pree: Erección de personas jurídicas: unas recientes clarificaciones. (Article)

See above, canon 114.

579

IE XXX (2018), 176-199: Simona Paolini: Vita consacrata: un soggetto ecclesiale in relazione. Tra Chiesa particolare e Chiesa universale: una lettura del can. 579, secondo il rescritto pontificio del 2016. (Article)

Beginning with an analysis of canon 579 of the CIC/83 and Pope Francis's 2016 rescript (see following entry), P. reflects on ways to harmonize, on the one hand, the place of consecrated life within the universal Church through its inherence in the particular Church, and on the other, the need to safeguard its just autonomy and the necessary measures of subjection.

579

QDE 30 (2017), 351-357: Alberto Perlasca: *Rescriptum ex audientia SS.mi* circa l'erezione degli istituti diocesani di vita consacrata (can. 579). (Comment)

P. reviews an interpretation of canon 579 that makes clear that the requirement that the diocesan bishop consult the Holy See before formally erecting a diocesan institute of consecrated life is necessary for validity. He surveys the legislative history of this requirement, looks at the debate in doctrine about whether the requirement affects validity, and comments on the implications of the interpretation for the diocesan bishop's right to erect.

584

QDE 30 (2017), 481-507: Alfredo Rava: Rapporti tra diocesi e vita consacrata nell'amministrazione dei beni. (Article)

See below, canon 681.

596

SC 52 (2018), 103-138: Justin E.A. Glyn: The Right to Administrative Justice in Religious Institutes. (Article)

G. examines the general canonical principles applicable to decision-making in religious institutes. He considers the nature of the authority exercised by religious superiors and the application of the general principles of administrative law to such decision-making. He then illustrates this application using two particular examples as paradigms of administrative decision-making: the decision to grant or refuse perpetual profession in a religious institute, and the transfer of a religious from one house to another. Finally he gives an overview of the potential remedies available to those who feel aggrieved by a superior's decision.

601

ACR XCIV 3/17, 305-318: Rosemarie Joyce: That Was Then, This Is Now: the Understanding of Authority and Obedience by a Selected Group of Women in Australia. (Article)

In the light of changing attitudes to authority and obedience, J. surveyed a selected group of women professed before Vatican II in four different congregations to determine how the vow of obedience was understood at profession and how it was lived in community, in particular the role of the superior and the sanctity of the horarium. The result was a cultural change leading to a new theological understanding. Obedience, rather than doing what the superior decides, is now seen as being committed to the religious institute in all aspects of life.

637-638

QDE 30 (2017), 481-507: Alfredo Rava: Rapporti tra diocesi e vita consacrata nell'amministrazione dei beni. (Article)

See below, canon 681.

646

NRT 140 (2018), 55-73: Noëlle Hausman: Former en prévenant les abus. Démaîtrise et responsabilité ecclésiale. (Article)

See above, canon 244.

651

QDE 30 (2017), 339-350: Alfredo Rava: Gli «aiutanti» del maestro dei novizi: il vice-maestro (can. 651 §2). (Comment)

R. outlines the context of the novitiate and the figure of the novice master, distinguishing between a stable assistant and occasional collaborators. He pays special attention to the respective roles of novice master and assistant in the spiritual accompaniment and direction of the novices.

665-671

KIP 7 (20) 2018, nr. 1, 109-125: Pawel Wróbel: Obowiązki zakonników wobec instytutu (*Duties of religious to the institute*). (Article)

Those who commit themselves to the evangelical counsels in a religious institute should be aware of the rights and duties they take on. W. looks at the obligations relating to living in a religious house, respecting the enclosure, and observing the norms on administration of goods, the use of the religious habit, and seeking the agreement of the superior before undertaking duties outside the institute.

667

IC 58/115 (2018), 293-319: Sumo Pontífice Francisco: Constitución Apostólica *Vultum Dei quaerere*, sobre la vida contemplativa femenina, de 29 de junio de 2016 (Introducción y parte dispositiva); Simona Paolini: El nuevo derecho de la vida contemplativa según la Constitución Apostólica *Vultum Dei quaerere*: una posible lectura. (Document and commentary)

Commenting on Pope Francis's Apostolic Constitution on women's contemplative life, P. notes that, more than a point of arrival, it is a starting point for paths of renewal of this specific vocation which benefits the whole People of God, and strikes a note of hope for consecrated life which has always pertained to the life and holiness of the Church.

669

SC 52 (2018), 45-80: Nancy Bauer: The Religious Habit in Church Law from 1917 to the Present. (Article)

Many Catholics have strong feelings on whether religious should or should not wear a habit. B. attempts to set aside all of these sentiments and instead take a dispassionate look at 100 years of Church law regarding the religious habit, from the CIC/17 to the present. She addresses the topic through the following stages: the 1917 legislation; the pontificate of Pope Pius XII; Vatican II and the postconciliar period; the revision of the Code and canon 669 of the CIC/83; and the period since the promulgation of the CIC/83. The primary aim of this juridical journey is to arrive at the *ius vigens* regarding the religious habit.

681

QDE 30 (2017), 481-507: Alfredo Rava: Rapporti tra diocesi e vita consacrata nell'amministrazione dei beni. (Article)

R. begins from a recent Circular Letter of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life on the subject of temporal goods in consecrated life, and links this to the observance of the vow of poverty and the rightful autonomy of consecrated life. He looks at the obligation to present accounts to the bishop, and diocesan intervention in acts of extraordinary administration in the various forms of consecrated life. He points out that the suppression of an institute of consecrated life is reserved to the Holy See, even in the case of a diocesan institute. He addresses the question of the alienation of real property in a diocese in the light of Roman guidance which seeks to promote a flow of information to the local Church. This leads into consideration of the relevance of the Italian Bishops' Conference's Instruction on the administration of temporal goods.

689

SC 52 (2018), 103-138: Justin E.A. Glyn: The Right to Administrative Justice in Religious Institutes. (Article)

See above, canon 596.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

766-767

ADC 2 (abril 2013), 269-282: Enrique Ramón Oltra: La homilía: Algunas cuestiones canónicas. (Article)

The transmission of the faith is one of the concerns of greatest interest to the entire People of God. In this regard the homily, alongside the other forms of catechesis, is of major importance. Hence there need to be suitable regulations concerning the content of the homily and those entrusted with preaching. O. distinguishes between the homily within the celebration of Mass – reserved to the priest or deacon – and the homily outside such a celebration. In the latter case he looks at those who are obliged and those who are permitted to preach the homily, as conditions and places require.

770

AnC 11 (2015), 9-29: Jerzy Adamczyk: Rekolekcje parafialne w aspekcie kanonicznym (*The canonical aspect of the parish retreat*). (Article)

A. presents the parish retreat as one of the forms of pastoral work. He describes the concept and purpose of the parish retreat, and those for whom it is intended.

795

S 80 (2018), 380-398: Giorgio Degiorgi: «Vera educatio». Considerazioni canoniche circa l'educazione dei giovani. (Article)

The goal of education is to accompany young people so that they can realize their life project. Taking into account some considerations from the theme of the Synod of Bishops that was shortly to take place, D. highlights the principal norms on youth education in the CIC/83, examining the topic from the perspective of the aims of “true education”, especially in regard to personality development. The cultural context in which young people find themselves calls for approaches that have as their goal the formation of free consciences, rooted in the Truth. The current legislation, as well as the most recent magisterial interventions, offer a response to the educational challenges that the Church has to face.

815-821

CLSN 193/18, 3-63: Franciscus PP.: Apostolic Constitution, *Veritatis Gaudium*, on ecclesiastical Universities and Faculties. (Document)

The text is given of Pope Francis's Apostolic Constitution of 8 December 2017 on the regulation of ecclesiastical universities and faculties. Part I of the document (General Norms) deals with the nature and purpose of ecclesiastical universities and faculties, the academic community and its government, teachers, students, officials and administrative and service personnel, plan of studies, academic degrees and other awards, didactic facilities, financial administration, and strategic planning and cooperation of faculties. Part II contains special norms for the faculties of theology, canon law and philosophy, and for other faculties where applicable. The document is accompanied by an appendix with the foreword of the Apostolic Constitution *Sapientia Christiana* (1979), and by Norms issued by the Congregation for Catholic Education for the correct implementation of *Veritatis Gaudium*.

815-821

REDC 75 (2018), 383-407: Francisco, Constitución Apostólica “*Veritatis Gaudium*” sobre las universidades y facultades eclesíásticas, 8.12.2017, y Congregación para la Educación Católica (de los Institutos de Estudios), Instrucción, “Los estudios de Derecho Canónico a la luz de la reforma del proceso matrimonial”, 29.04.2018. Texto. Comentario (José María Rodríguez Veleiro). (Documents and comment)

See preceding entry.

816

AnC 11 (2015), 79-93: Jan Dyduch: Ogólna charakterystyka Wydziału Prawa Kanonicznego Uniwersytetu Papieskiego Jana Pawła II w Krakowie (*The general characteristic of the Faculty of Canon Law of the Pontifical University of John Paul II in Krakow*). (Article)

The Faculty of Canon Law of the Pontifical University of John Paul II was erected on 19 March 2014. D. describes its composition and principal aims.

822

QDE 31 (2018), 40-61: Alessandro Giraud: Comunicazione e opinione pubblica nella Chiesa nell'epoca digitale. (Article)

See above, canon 212.

822- 823

QDE 31 (2018), 62-87: Marino Mosconi: Comunicazione ecclesiale e vigilanza canonica nel contesto dei attuali strumenti di comunicazione sociale. (Article)

M. begins by sketching the development of the present canonical regulation of communications, and looks at particular features of modern means of communication which raise questions: the fact that texts are now no longer material objects; freedom both of publication and access; the possibility of two-way and multilateral communication; multimedia opportunities; and virtual reality. He suggests that the Church should instruct the faithful in the critical as well as positive use of these means, should offer formation in the area, and should promote both collaboration among those working in this field and good initiatives.

830

SC 52 (2018), 139-157: Dominique Le Tourneau: Les censeurs pour la publication d'ouvrages et le respect des droits fondamentaux des fidèles (C. 830 CIC). (Article)

Le T. examines the role of the ecclesiastical censor in approving works which the faithful wish to publish. He looks at the conditions of appointment and the qualities required of the censor, including great impartiality, whereby the censor is limited exclusively to the conformity of the writing with Catholic faith and morals, as opposed to suggestions of his own. To do otherwise would violate many of the fundamental rights of the faithful and would immediately undermine the fundamental obligation of ecclesial communion on the part of the censor himself. Le T. specifies a number of situations which, for this reason, should not exist in the exercise of the function of the censor. The second part of the article deals with the consequences of the opinion favourable to the publication of a work on matters of faith and morals. Establishing a climate of dialogue could be a solution to restore confidence in the institution of the *imprimatur*, whose usefulness does not seem to be clearly perceived by some censors.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

834-839

ADC 2 (abril 2013), 11-43: Ignacio Pérez de Heredia y Valle: Anotaciones a los cánones iniciales del libro IV del CIC: de *Ecclesiae Munere Sanctificandi*. (Article)

P. discusses various issues surrounding the title of Book IV, its context, the systematic ordering of the canons, and the most important innovations it introduces. He then carries out an exegetical analysis of the six introductory canons to Book IV.

834-848

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

F. provides an updated commentary on the canons of Book IV governing the sanctifying office of the Church: the introductory norms (canons 834-839), the sacraments in general (canons 840-848), baptism (canons 849-878), confirmation (canons 879-896), the Eucharist (canons 897-958), penance (canons 959-997), and anointing of the sick (canons 998-1007). In the light of the most recent documents of the Magisterium he seeks to respond to questions arising out of the application of the canonical norms in different ecclesial and cultural contexts, especially in territories of missionary law. The book also takes into account significant changes in the juridical field introduced by Pope Francis, through modifications to canons 838 and 868, which are of enormous importance for the life of the Church; and through the considerations in the Apostolic Exhortation *Evangelii Gaudium* and the post-synodal Apostolic Exhortation *Amoris Laetitia* concerning the Eucharist and penance. (For bibliographical details see below, Books Received.)

838

ADC 2 (abril 2013), 233-249: Juan Miguel Ferrer y Grenesche: A propósito de las expresiones “Forma Ordinaria” y “Forma Extraordinaria” de la única liturgia romana. (Article)

After analysing the term *rite*, F. describes the diversity of rites in the Church, and explains the wealth of ritual traditions in the Latin rite. This includes the Roman Rite, which itself has a great diversity of ritual forms, both old and new, official or in the process of recognition. It is in this context that the expressions “ordinary form” and “extraordinary form” are to be understood. They are different ways of celebrating the liturgy within the unity of the Roman Rite. He concludes with some practical considerations concerning the application of the *motu proprio Summorum Pontificum*.

838

Comm 49 (2017), 255-261: Pope Francis: Litterae Apostolicae *Magnum principium*, quibus nonnulla in can. 838 Codicis Iuris Canonici immutantur, a Summo Pontifice die 3 mensis septembris 2017 motu proprio datae. (Document)

Pope Francis reflects on the difficulties inherent in the task of translating liturgical texts. Cooperation between bishops’ conferences and the Holy See is essential. The intention of this *motu proprio* is to clarify existing norms and thereby assist this process. The text of canon 838 is revised to make clear that approval of texts lies with the bishops’ conference, and the role of the Holy See is to confirm this approval prior to publication. The text is given in both Latin and Italian. (See also *Canon Law Abstracts*, no. 120, p. 70).

838

Comm 49 (2017), 305-307: A. Roche: *Articulus explanans motum proprium Magnum principium* ab Exc.mo Arturo Roche conscriptus. (Article)

See preceding entry. In this article, published in Italian in *L’Osservatore Romano* on 10 September 2017, the Secretary of the Congregation for Divine Worship and the Discipline of the Sacraments outlines the significance of the revised wording of canon 838. It makes clearer the distinction between *recognitio* and *confirmatio*. The former applies to the more profound changes put forward on the basis of inculturation in order to

safeguard the integrity of the Roman Rite, whereas *confirmatio* is rather ratification of the approval given by the bishops while supposing the fidelity of the translation.

838

Comm 49 (2017), 308-317: A. Roche: Enarratio super fontes §§2-3 can. 838 CIC, quoad vigentes et novas formulas, ab Exc.mo Arturo Roche conscripta. (Commentary)

See preceding entries. This article, in Italian and English, published in *L'Osservatore Romano* on 10 September 2017, provides a more detailed explanation of the changes to the text of canon 838 §§2-3. First R. presents the existing text of the CIC/83 and explains its background and meaning. Then he sets out the revised text, highlighting and commenting on the changes. The second paragraph now speaks of “adaptations” rather than “versions” and refers to the possibilities mentioned in the Instruction *Varietates legitimae* of 25 January 1994, whereas the third adds “faithfully” as a qualification of the translations and of “accommodation” rather than “adaptation”. Again to emphasize the distinction between the subject matter of the two paragraphs it avoids the term *recognitio* and speaks of *confirmatio* so as to leave responsibility for the translation with the conference of bishops.

838

EIC 58 (2018), 151-179: Giacomo Incitti: In margine al motu proprio «Magnum Principium». Il coraggio di ritornare al Concilio. (Article)

See preceding entries. I. describes the genesis of *Magnum principium* and clarifies its underlying motives.

838

SC 52 (2018), 81-101: John J.M. Foster: Canon 838 §2 and the Adaptation of Liturgical Books after the *Motu Proprio Magnum Principium*. (Lecture)

In the motu proprio *Magnum principium*, Pope Francis modified canon 838 §§2 and 3 of the CIC/83. Examining paragraph 2 of the revised canon, F. traces the development of the regulation of liturgical adaptations from the proposed schema of *Sacrosanctum Concilium* through the conciliar debate

and 1994 Instruction *Varietates legitimae*. He concludes that the modification of canon 838 §2 has integrally reordered the law pertaining to the unforeseen adaptation of liturgical books, derogating from the requirement of *Sacrosanctum Concilium*, no. 40, that the Apostolic See grant its consent to proposals made by a conference of bishops for these adaptations.

843

AA XXIII (2017, vol. II), 199-226: Esteban Pablo Alfón: Régimen jurídico de la preparación al sacramento del matrimonio. (Article)

See below, canon 1063.

844

Per 107 (2018), 1-36: Francesco Coccopalmerio: La *communicatio in sacris* come tema canonistico ed ecumenico. (Presentation)

C. looks at the participation of non-Catholics in the worship of the Catholic Church. He not only examines the current canonical norms governing *communicatio in sacris* but goes beyond the norm to consider the ontological structure of the right of non-Catholics to participate in sacred matters within the Catholic Church. In particular, he focuses on their participation in the sacraments of the Eucharist, Penance, and the Anointing of the Sick. He affirms that this right presupposes full ecclesial communion, and notes that this leads to a dilemma: how can these non-Catholics be in full communion while, at the same time, not sharing the full Catholic faith or recognizing hierarchical authority? He arrives at what he considers an intriguing question that begs further reflection: have the Christian Churches already attained – at least in some respects – full ecclesial communion?

BOOK IV, PART I, TITLE I: BAPTISM

849-878

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

See above, canons 834-848.

852

AnC 11 (2015), 217-234: Elżbieta Szczot: Władza rodzicielska a wolność religijna dziecka w prawie kanonicznym (*Parental authority and children's religious freedom in canon law*). (Article)

See below, canon 865.

865

ACR XCV 2/18, 166-79: Matthew van der Velden: Incorporating the RCIA Process into Catholic Secondary Colleges through the Religious Education Curriculum. (Article)

V. considers the current catechumenate process (Rite for the Christian Initiation of Adults) and the way it is being used in Catholic secondary schools within the diocese of Sale (Australia). Among the challenges of any school-based programme, along with the ultimate aim of bringing candidates into the community of the Roman Catholic Church and a personal relationship with Christ, there must be an awareness that students graduate from school and must be integrated into parishes.

865

AnC 11 (2015), 217-234: Elżbieta Szczot: Władza rodzicielska a wolność religijna dziecka w prawie kanonicznym (*Parental authority and children's religious freedom in canon law*). (Article)

Since parents give life to their children, they are responsible for their physical, social, cultural, religious and moral upbringing. At the time of the marriage ceremony the bride and groom are asked whether they will accept children lovingly from God and bring them up according to the law of Christ

and his Church. In order to fulfil this obligation parents are granted parental authority, while children owe them obedience. However, the parents' wishes may not always coincide with those of the children. In accordance with canons 865 §1 and 852 §1, a child who has completed seven years of age and has not been baptized may manifest an intention to be baptized. Under the former canon 111 §2 [now canon 111 §3] and canon 112 §2, anyone who has completed 14 years of age may oppose the wishes of his or her parents and choose to be baptized in the Latin Church or in any other ritual Church to which he or she wishes to belong, or to return to the Latin Church if the parents have chosen another ritual Church.

868

KIP 7 (20) 2018, nr. 1, 163-180: Bartosz Trojanowski: Trudności interpretacyjne kanonu 868 §2 Kodeksu Prawa Kanonicznego z 1983 roku. Kwestie prawne i teologiczne (*Difficulties in interpreting canon 868 §2 of CIC/83. Juridical and theological questions*). (Article)

Two fundamental issues are reflected in canon 868 §2 (baptism of infants in danger of death, even against the wishes of their parents): the right to religious freedom, which is one of the basic human rights, and the necessity of baptism for salvation. Thus it is not easy to interpret this canon. T. attempts to give an interpretation of canon 868 §2, which on the one hand explains most of the doubts arising from the interpenetration of the different theological and legal issues, and on the other hand is in accordance with the teaching of the Catholic Church and the intention of the universal legislator.

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

879-896

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

See above, canons 834-848.

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

897-958

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

See above, canons 834-848.

908

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora*. (Article)

B.P. examines the competence of the Congregation for the Doctrine of the Faith in relation to the *delicta graviora* against the Eucharist, the sacrament of Penance, and morals, and the attempt to ordain a woman. He sets out some aspects of the procedure to be followed in such cases.

915

AA XXIII (2017, vol. I), 371-402: Bruce Miller: Understanding and Implementing *Amoris Laetitia* chapter VIII. (Article)

M. deals with the interpretation of chapter VIII of *Amoris Laetitia* (AL) in the light of laws governing access to the sacraments. He analyses access to baptism and to Holy Communion and concludes by highlighting not only the importance of confession but also a process of pastoral accompaniment, assisting people through the ministry of retreats, counselling, and integration into parish life and activity. He divides his article as follows: 2015 changes in marriage law; right to the sacraments and strict interpretation of the laws governing them prior to AL; sacraments in general; canon 1095, an exegesis without reference to AL; elements reviewed in AL. In an appendix are included the statements (in English) issued by the bishops of the Buenos Aires region in Argentina, that of the Permanent Council of the German Bishops' Conference, and that of the bishops of Malta and Gozo.

915

IC 58/115 (2018), 149-183: Javier Otaduy Guerín: *Dulcor Misericordiae* III. Las situaciones irregulares desde el Concilio hasta *Amoris Laetitia*. (Article)

(For the first two parts of this article see *Canon Law Abstracts*, nos. 118, p. 20; 119, p. 72.) Over the last forty years, a considerable number of theologians, moral theologians and canonists have offered many reasons in support of the *de facto* dissolubility of canonical marriage *ratum et consummatum*. They have explained that indissolubility may be a Christian ideal but not an absolute condition that makes a new marriage impossible; and that the new marriage does not prevent the faithful from receiving the sacraments. In response to such arguments, the reaction of the ecclesiastical Magisterium has been frequent and unanimous. The Popes and some key dicasteries of the Roman Curia have adopted a clear and well-grounded position. In this regard, the doctrinal introduction to an edition of texts produced by the Congregation for the Doctrine of the Faith in 1998 (“*On the Pastoral Care of the Divorced and Remarried*”, LEV, Vatican City) helps provide a greater appreciation and understanding of the reasons given by the Magisterium as well as those of its critics.

915

Per 107 (2018), 297-326, 367-418: Patrick L. Travers: *Amoris Laetitia* and Canon 915: a merciful return to the “letter of the law”. (Article)

With the promulgation of the Apostolic Exhortation *Amoris Laetitia* on 19 March 2016, a controversy arose concerning the perceived conflict between the contents of chapter VIII of the Exhortation and the norm contained in canon 915. T., returning to a theme which he had explored more than 20 years earlier (cf. J 55 (1995), 187-217; *Canon Law Abstracts*, no. 77, pp. 40-41), examines many of the issues involved. He presents the canonical discipline found in the CIC/17 before considering canon 915 of the CIC/83 and the 2000 declaration of the Pontifical Council for Legislative Texts concerning the canon. He then presents chapter VIII of *Amoris Laetitia* and explains how Pope Francis has indicated this should be interpreted. He analyses the text of canon 915 in the light of fundamental canonical principles, reflects on some of the arguments presented against the understanding of chapter VIII promoted by the Pope, and concludes that this chapter is, after all, in conformity with the norm of canon 915 properly interpreted. He sees this reading of canon 915, taken in conjunction with

canons 843 §1 and 912, as providing a juridical framework for the implementation of Pope Francis's teaching in *Amoris Laetitia*.

915-916

Comm 49 (2017), 237-241: Pope Francis: Epistula Apostolica ad Excellentissimum Dominum Sergium Alfredum Fenoy, delegatum Regionis Pastoralis Bonaërensis, necnon adiunctum documentum (de praecipuis rationibus usui capitis VIII Adhortationis post-synodalis *Amoris Laetitia*). (Document)

In this Apostolic Letter Pope Francis thanks the bishops of the Buenos Aires area for their guidelines on the implementation of *Amoris Laetitia*, chapter VIII, and states that it is in full accord with his own pastoral approach. Attached to the letter are guidelines setting out a graduated programme of discernment in ten points. The text of these two documents is in Spanish but a rescript *ex Audientia Ss.mi* dated 5 June 2017 is in Latin and decrees that these documents be published on the Vatican website and in *Acta Apostolicae Sedis* as [velut] authentic Magisterium.

915-916

SC 52 (2018), 205-222: Emmanuel Petit: « Amoris Laetitia » et la notion de gradualité: la doctrine canonique en faveur de la logique d'intégration. (Article)

In his Apostolic Exhortation *Amoris Laetitia* Pope Francis calls for pastoral discernment about delicate matrimonial situations. If the Exhortation does not propose new legislation, it invites us nevertheless to rediscover some aspects of the law of the Church. The notions of gradualness and integration structure the canonical doctrine. Some institutions, already old, such as the legitimacy of subsequent marriage or the radical convalidation of marriage, attest to the will of the law to help spouses to walk in their vocation as Christian spouses. The law of the Church is ordered to the salvation of souls. It must accompany personal situations and bear witness to indissolubility as a gift from God.

924

Comm 49 (2017), 290-295: Congregatio de Cultu Divino et Disciplina Sacramentorum: Epistula ad Episcopos de pane et vino ad

Eucharistiam destinatis (lingua latina una cum versione italica).
(Document)

This Circular Letter reminds diocesan bishops of the importance of ensuring that only valid matter is used for the Eucharist, given that today bread and wine for this purpose are made not only by religious communities but also by commercial businesses. It draws attention to the requirement that low-gluten altar breads must contain sufficient gluten to cohere without the use of other substances and that mustum (newly-fermented fruit of the grape) should be conserved by processes that do not change its nature, e.g. freezing rather than stripping out the alcoholic content. Bishops' conferences are encouraged to reach a common position on this matter, for example in the form of a guarantee to be given by such companies or by entrusting the preparation of bread and wine to designated religious congregations or societies. (See also *Canon Law Abstracts*, no. 120, p. 74.)

927

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora.*
(Article)

See above, canon 908.

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

959-997

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

See above, canons 834-848.

977

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora.* (Article)

See above, canon 908.

983

ACR XCIV 3/17, 330-343: Ian Waters: The Seal of Confession. (Article)

In the wake of public debate about the seal of confession following the Australian Royal Commission into Institutional Responses to Child Sexual Abuse, W. provides the current canonical legislation on the seal of confession, its historical canonical antecedents, and its current implications.

992-997

Ius VIII 2/17, 217-228: Varghese Palathingal: Meaning and Relevance of Indulgences: A Pursuit of Truth from a Canonical Perspective. (Article)

Indulgences are a canonical institute, consisting of a concession granted by the Church from its spiritual treasury to remit the temporal punishment due to a sinner. P. examines the origin of this practice in the Middle Ages and its canonical significance today. He points out that although this institute is unknown to the Eastern tradition it is relevant to the Churches of the East as it is founded on two Catholic dogmas: the doctrines of purgatory and of the communion of saints.

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

998-1007

Elias Frank: I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico. (Book)

See above, canons 834-848.

BOOK IV, PART I, TITLE VI: ORDERS

1008

Ius Comm VI (2018), 51-67: Velasio De Paolis: El ordenamiento canónico como lugar teológico para la comprensión del sacerdote. (Article)

De P. points out that the subject of the priesthood is eminently ecclesiological and necessarily presupposes Christology, since the Church is the prolongation in time of the mystery of Christ. The canonical discipline concerning the priesthood represents the doctrinal and spiritual image that the legislator has of the priest. The priesthood is principally characterized by those priestly activities strictly linked to sacred orders: the Eucharist, Penance and the Anointing of the Sick. The figure of the priest that emerges in the Code is that which tradition has characterized as *homo Dei*, a person who belongs totally to Christ in order to be completely at his service so that he may continue Christ's work of salvation and sanctification.

1024-1052

IC 58/115 (2018), 37-68: Nicolás Álvarez de las Asturias: Decisión, decisiones y consecuencias de la primera codificación canónica: el caso de la idoneidad para recibir las órdenes sagradas. (Article)

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

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Ap LXXXX (2017), 11-49: Renzo Gerardi: Persone, parole e gesti nella celebrazione delle nozze. (Article)

G. begins with a reflection on *consensus*, and goes on to look at the main characteristics of the *contractus*, the *sacramentum*, canonical form, and juridical competence for marriages between baptized persons. He considers the sacramental theology of marriage, and examines the role and importance of *fides*, linked to intention, in the celebration of sacraments. He then studies the *celebratio nuptialis*, highlighting the importance of the “celebrant Church” and of giving priority to “events” rather than to “things”. He concludes with some suggestions for a renewal of sacramental theology and its repercussions on canonical practice.

1055

Ap LXXXX (2017), 231-241: Pierangelo Sequeri: La destinazione del legame. Antropologia ed Ecclesiologia del Sacramento nuziale. (Article)

S. examines the intrinsic purpose of marriage, which includes, and at the same time transcends and harmonizes, the dual ends of the conjugal covenant.

1055

Canonist 9/1 (2018), 3-6; also CLSN 192/18, 41-44: Pope Francis: Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 29 January 2018. (Address)

In his 2018 address to the Rota the Pope spoke of the centrality of conscience, the connection between moral certainty and the conscience, the role of conscience in the choices which couples must face in order to welcome and build the conjugal union, the responsibility of pastors and of all the faithful to enlighten, defend and support the Christian conscience of the faithful in fidelity to the Magisterium, and the promotion of a “permanent catechumenate” so that the consciences of the baptized are open to the light of the Spirit.

1055

Canonist 9/1 (2018), 7-10: Anthony Malone: A Commentary on Pope Francis' 2018 Allocution to the Roman Rota. (Comment)

See preceding entry. M. notes that the Pope's 2018 address to the Rota rests solidly on his 2015 Apostolic Exhortation *Amoris Laetitia*, and contains, among other things, insights into the place of conscience, the nature of discernment, the role of prudence, and the importance of a marriage catechumenate.

1055

IE XXX (2018), 367-380: Discorso del Santo Padre Francesco in occasione dell'inaugurazione dell'anno giudiziario del Tribunale della Rota Romana, 29 gennaio 2018, con commento di Massimo del Pozzo, *La centralità della coscienza nella verità del matrimonio.* (Address and comment)

See preceding entries. Commenting on the Pope's address, del P. looks at aspects concerning the conscience of the spouses, the conscience of judges, and the conscience of pastoral workers.

1055

REDC 75 (2018), 375-378: Discurso del Santo Padre Francisco con ocasión de la inauguración del año judicial del Tribunal de la Rota Romana, Sala Clementina, 29.01.2018. Texto. (Address)

See preceding entries. The Spanish text is given of the Pope's 2018 address to the Rota.

1055

IE XXX (2018), 125-149: Montserrat Gas-Aixendri: El matrimonio de los bautizados entre razón, fe y justicia. (Article)

Canon law and theology are sciences that study the same reality, but approach it from different perspectives and methodologies. In discussing sacramental marriage, theological doctrine tends to emphasize its sacred character. Canonical science for its part has studied marriage under the prism of natural relationships of justice and considers the supernatural dimension of marriage as a meta-juridical element. This diversity of

sensitivities may lead to confusion in pastoral action. The debate has once again come to the fore in the context of the Synods on the Family of 2014 and 2015, in the context of the pastoral care of the faithful who have distanced themselves from the faith. G.-A. analyses the points of view of both sciences in relation to the relevance of faith for the validity of the sacramental marriage, and proposes a constructive dialogue capable of offering proposals on which to base the criteria of family ministry.

1055

Ius VIII 2/17, 151-191: Georges Ruysse: Manque de foi dans le mariage des baptisés non-croyants. (Article)

While affirming the inseparability between contract and the sacrament of marriage between two baptized in virtue of the *ex opere operato* principle, R. examines the role of the faith of the future spouses, ministers of the sacrament, under the heading of the *intentio faciendi id quod facit Ecclesia*. After analysing certain Church documents dealing with the link between the faith of the future spouses and the sacrament of marriage, such as the International Theological Commission's 1977 proposals on marriage, R. focuses on the juridical approach concerning lack of faith in relation to the validity of matrimonial consent. Art. 14 §2 of the Procedural Rules which accompany *Mitis Iudex* and *Mitis et misericors Iesus* provides that "the defect of faith ... can generate simulation of consent or error that determines the will." Though not constituting a new ground of nullity, this defect of faith is linked to two existing grounds of nullity. In this respect R. examines the opinions of two eminent Auditors of the Roman Rota, Pompèdda and Faltin.

1055

KIP 7 (20) 2018, nr. 1, 181-200: Marcin Bałdyga: Wykluczenie bonum prolis w Kodeksie Prawa Kanonicznego z 1983 roku i Kodeksie Kanonów Kościołów Wschodnich (*Exclusion of "bonum prolis" in the CIC/83 and the CCEO*). (Article)

The right and duty to procreate and educate offspring is inevitably connected with the general vision of marriage, its purposes and the properties of matrimonial consent. Therefore, with the evolution of the understanding of marriage itself in the history of canon law, the concept of *bonum prolis* (good of offspring) has also developed. While the norms on the exclusion of the good of offspring are substantially the same in the two

Codes (canon 776 §1 of the CCEO effectively complementing canon 1055 §1 of the CIC/83), canon 1061 §1 of the CIC/83, which provides a specific definition of consummated and valid marriage, has no equivalent in the CCEO. The procreation and upbringing of offspring is the natural purpose and the culmination of marriage. Marital acts should be directed towards procreation and must be performed in a natural and human fashion. Hence, if it results from a positive act of the will, the exclusion of acts of conjugal life which are open to the procreation of offspring will cause the invalidity of the marriage itself.

1055

QDE 30 (2017), 279-303: Paolo Bianchi: Il discernimento nell'ammissione alle nozze, soprattutto in riferimento alle questioni della fede, dell'amore e dell'indissolubilità. (Article)

B. summarizes what *Amoris Laetitia* (AL) says about the challenges posed to marriage by the modern cultural context, and the need to teach about marriage in a way that is both faithful and relevant, not simply before marriage, but throughout married life. He then addresses three disputed questions, arguing that AL does not change the Church's teaching on the (non-)necessity of faith for the validity of a marriage, that the sense of love which is relevant canonically is the will to give oneself fully to one's spouse, and that AL reaffirms the Church's teaching on indissolubility. He concludes with three concrete suggestions to improve marriage preparation: revision and use of the pre-nuptial inquiry process, careful pastoral accompaniment of requests for permissions and dispensations, and the possible involvement of the bishop in this.

1055

QDE 30 (2017), 304-338: Eugenio Zanetti: Il diritto canonico e le situazioni cosiddette irregolari dal punto di vista matrimoniale. (Article)

Z. opposes an antinomian reading of Pope Francis's teaching, suggesting that his basic approach is one that starts from an analysis of lived experience, and moves through discernment to identify achievable paths for the future in a way that complements rather than opposes canon law. Z. stresses the importance of discernment, and suggests that in complex situations the law itself has a teaching role which points to the ideal. He then reviews what *Amoris Laetitia* says about problematic marital situations and access to the sacraments of reconciliation, the Eucharist and baptism; he

goes on to look at the way in which various episcopal teaching documents have addressed the question of whether people in these positions should hold offices or positions in the Church. He concludes by suggesting that there is no need for a new legal status for people in irregular marriage situations.

1055-1056

AA XXIII (2017, vol. I), 129-155: José Bonet Alcón: Fines del matrimonio, hoy. (Article)

B.A. considers the ends of marriage as they are set out in *Amoris Laetitia*, the connections between them, and a comparison with the traditional exposition of them in the past. He points out some of the resultant consequences of the renewed approach as it affects ecclesiastical tribunals. Among other themes he also considers the following: the importance given to the good of the spouses as an end of marriage; marriage as a sacrament; the good of children; marriage and the family in society.

1057

Ap LXXXX (2017), 115-131: Francesco Catozzella: Performatività del Consenso matrimoniale e identità coniugale. (Article)

Marriage consent, as an *actus personae* involving the parties *ab intrinseco*, has an eminently performative dimension: it gives rise to the conjugal bond because it “constitutes” the man and the woman as husband/wife of each other. Thus, getting married means taking on the conjugal identity and at the same time recognizing the same identity in the other party. After having clarified the concept of conjugal identity as a historical specification of the natural relational structure of the person, which cannot be reduced to the civil concept of status, C. highlights its essential characteristics. From this perspective, he proposes a new interpretation of simulation as a ground of nullity.

1059

AnC 11 (2015), 95-105: Piotr Kroczek: Introduction to the separate property regime in Polish law. (Article)

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

1059

IE XXX (2018), 101-124: Javier Ferrer Ortiz: La eficacia civil del matrimonio canónico en una sociedad secularizada. (Article)

The deconstruction of civil marriage in some Western countries through a process of formal and substantial secularization should not be used as an excuse for depriving canonical marriage, and ecclesiastical decisions of nullity and dissolution of a ratified but non-consummated marriage, of civil effects (in this regard F.O. refers primarily to Spain). On the contrary, the most recent concordat praxis shows the growing interest of States all over the world and of different cultures in providing civil recognition to these marriages. In the same way, a better understanding of religious freedom and its relation to the right to marry has led to an increasing number of States recognizing the civil effects of religious marriages.

1059

IE XXX (2018), 151-175: Chiara Minelli: Matrimonio canonico e Cassazione. Le sfide della ragionevolezza. (Article)

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

1061

AA XXIII (2017, vol. II), 39-64: Carmen Peña García: La no consumación del matrimonio como motivo de disolución canónica: cuestiones a reconsiderar. (Article)

See below, canon 1142.

1061

KIP 7 (20) 2018, nr. 1, 181-200: Marcin Bałdyga: Wykluczenie bonum prolis w Kodeksie Prawa Kanonicznego z 1983 roku i Kodeksie Kanonów Kościołów Wschodnich (*Exclusion of “bonum prolis” in the CIC/83 and the CCEO*). (Article)

See above, canon 1055.

1063

AA XXIII (2017, vol. II), 199-226: Esteban Pablo Alfón: Régimen jurídico de la preparación al sacramento del matrimonio. (Article)

There are simple and precise norms regarding preparation for the sacrament of marriage which form the basis of all subsequent supplementary legislation, including the involvement of the appropriate pastor. Preparation involves not only the couple who request the sacrament but also their families and the Christian community which accompanies them and celebrates with them. A. emphasizes how this issue has acquired more relevance since the recent Synods on the Family and the Apostolic Exhortation *Amoris Laetitia*.

1063

QDE 30 (2017), 279-303: Paolo Bianchi: Il discernimento nell'ammissione alle nozze, soprattutto in riferimento alle questioni della fede, dell'amore e dell'indissolubilità. (Article)

See above, canon 1055.

1071

José Fernández San Román: La relevancia del abandono de la fe y de la condición de censurado en la admisión al matrimonio. Estudio del *iter* redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II. (Book)

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

1095

AA XXIII (2017, vol. II), 227-236: Carlos Baccioli: El concepto de "capacidad matrimonial" en el derecho matrimonial canónico. (Article)

Medical science, particularly psychiatry, has contributed towards the understanding and categorization of defects of marriage consent as presented in canon 1095. B. looks in particular at the different categories of personality disorder and proposes an update of vocabulary and of the wording of the canon in any future revision.

1095

AA XXIII (2017, vol. II), 371-400: José Gabriel González Merlano: El trastorno narcisista de la personalidad como causa de nulidad matrimonial, en la doctrina y en la jurisprudencia de la Rota Romana. (Article)

G.M.'s subject is that of the influence of narcissistic personality disorder as a possible cause of nullity of marriage consent. In this context the sciences of psychology and psychiatry are at the service of the canon law of marriage. G.M. considers the question of narcissism in present-day culture, and the characteristics of the narcissistic personality in its relationship to marriage consent and the course of married life. His final sections deal with how the issue has been treated in Rotal jurisprudence and in that of other tribunals.

1095

Ap LXXXIX (2016), 509-544: Francesco Catozzella: La durata della convivenza coniugale. Valore probatorio alla luce della Giurisprudenza rotale. (Article)

See below, canon 1683.

1095

QDE 30 (2017), 350-381: Paola Beffa Negrini: La perizia nelle cause di nullità per incapacità psichica (can. 1095): la metodologia e gli strumenti di indagine (esame psichico ed eventuali test psicodiagnostici). (Article)

B.N. outlines the main elements which are observed in a psychological examination, in the light of the methodology that underlies the process. She then proceeds to look at psychological tests, beginning with some preliminary considerations about their use, and then outlining the two main types: intelligence and personality tests (with a particularly detailed treatment of Rorschach tests).

1095

Claude Jentin: L’immaturité devant le droit matrimonial de l’Église.
(Book)

Until now the Church’s law on marriage has given little consideration to immaturity of the personality, other than as a psychological anomaly likely to invalidate matrimonial consent when it is “serious”. The transformations undergone by the human psyche in the 20th-century Western world call for a socio-historical view on immaturity as a mass phenomenon. J. argues that the “psychologizing” approach of canon 1095, linked to a particular cultural moment, is of little scientific value. Canon law itself must undergo a conversion so as to be able to understand immaturity within the very substance of the marriage consent expressed. All the necessary juridical tools already exist, especially the theories of simulation (canon 1101 §2) and error determining the will (canon 1099), as dealt with recently in an address by Pope Francis. J. states that attention needs to be focused on the use of these tools in judicial practice, so that nullity of consent may be recognized in a great number of cases in the West, for the good of souls; and also so that natural marriage may be strongly reaffirmed, as desired by Benedict XVI. This will involve a broad, critical reflection on the overall positioning of the Church in relation to postmodernity. (For bibliographical details see below, Books Received.)

1097-1098

IE XXX (2018), 235-268: Tribunale Apostolico della Rota Romana: Ariminen. – Nullità del matrimonio – *Error qualitatis, Condicio de futuro, Dolus* – Sententia definitiva – 29 settembre 2015 (A. 184/2015) – **Giordano Caberletti, Ponente.** Con un commento di **Héctor Franceschi, La precisazione dell’influsso di una qualità del contraente come elemento determinante nelle fattispecie di error qualitatis, errore doloso e condizione futura.** (Sentence and comment)

See below, canon 1102.

1099

Ius VIII 2/17, 151-191: Georges Ruysen: Manque de foi dans le mariage des baptisés non-croyants. (Article)

See above, canon 1055.

1099

Ius Comm VI (2018), 105-134: Roberto Serres López de Guereñu: Fe y sacramento del matrimonio. Consideraciones en torno a las alocuciones de Benedicto XVI y Francisco a la Rota Romana. (Article)

See below, canon 1101.

1099

Claude Jentin: L'immatûrit  devant le droit matrimonial de l' glise. (Book)

See above, canon 1095.

1101

Ius VIII 2/17, 151-191: Georges Ruysen: Manque de foi dans le mariage des baptis s non-croyants. (Article)

See above, canon 1055.

1101

Ius Comm VI (2018), 105-134: Roberto Serres L pez de Guere u: Fe y sacramento del matrimonio. Consideraciones en torno a las alocuciones de Benedicto XVI y Francisco a la Rota Romana. (Article)

According to the addresses of Popes Benedict XVI and Francis to the Rota, lack of faith does not of itself cause nullity of marriage, but a marriage may be null because of the absence of some element of natural law as a result of lack of faith. Lack of faith cannot be invoked as a ground of nullity, but can lead to the verification of other grounds of nullity recognized by canon law, such as exclusion by a positive act of will of some essential element or property of marriage or of the sacramental dignity of the same, or error determining the will in respect of one these elements. The most profound and definitive answer that the papal addresses offer to this problem is not that new ways should be sought of declaring marriages null on account of lack of faith, nor that admission to marriage be reserved to a group of people who stand out for their faith, but rather that a greater effort be made to evangelize culture, and in a particular way to evangelize marriage and the family. The Pontiffs' reflections should lead above all to better marriage preparation and to the pastoral accompaniment of spouses and their families

so that they can celebrate and live their marriage as fully as possible, both at the natural and at the sacramental level.

1101

Claude Jentin: L'immatûrit  devant le droit matrimonial de l' glise.
(Book)

See above, canon 1095.

1102

IE XXX (2018), 235-268: Tribunale Apostolico della Rota Romana: Ariminen. – Nullit  del matrimonio – Error qualitatis, Conditio de futuro, Dolus – Sententia definitiva – 29 settembre 2015 (A. 184/2015) – Giordano Caberletti, Ponente. Con un commento di H ctor Franceschi, La precisazione dell'influsso di una qualit  del contraente come elemento determinante nelle fattispecie di error qualitatis, errore doloso e condizione futura. (Sentence and comment)

The parties married in March 2002. The male petitioner was a fervent Catholic; the respondent did not practice very much but was brought closer to the practice of the faith through her relationship with the petitioner. After only a few months it became clear that the respondent's attitude to the petitioner's particular manner of religious practice had changed, and this put their relationship under great strain, leading to a civil divorce in September 2002, barely six months after the marriage. The Rota was asked to examine three separate grounds of nullity: error about a quality (the respondent's religiosity) directly and principally intended by the petitioner; future condition; and deceit. Concerning error, the Rota found that although the respondent's religiosity was of great importance to the petitioner, it had not been proved that it was the object of his consent. He was truly in love with the respondent, and the importance which he attached to her religiosity did not reach the point where that quality was directly and principally intended (nor in fact was it proved that she really lacked religiosity). Concerning future condition – which involves a positive act of will by which the one placing the condition *decides* to make the existence of matrimonial consent subject to the fulfilment of a future event, quality or behaviour on the part of the other party – the Rota considered that although the petitioner truly loved the respondent, his way of viewing the practice of Christian life (the *criterium aestimationis*), which centred very intensely on the parish, was such that he could not conceive of his marriage without his wife's

involvement in active parish life. When this did not happen, it meant the end for him (the *criterium reactionis*), and an affirmative decision was given. Concerning deceit, although it was established that a quality was lacking the absence of which could seriously disrupt the partnership of conjugal life, nevertheless it was not proved that the respondent had deceived or had ever intended to deceive the petitioner with a view to securing his consent; indeed, she insisted that her coming back to the faith was sincere and that she was still practising. F. comments on the relationship between the three grounds.

1108

AnC 11 (2015), 135-155: Piotr Majer: Znaczenie kanonicznej formy zawarcia małżeństwa (*The significance of the canonical form of marriage*). (Article)

M. sets out the reasons for the requirement of the canonical form of marriage, which has been required *ad validatem matrimonii* since the Council of Trent. In answer to those proposing the abolition of the necessity of the canonical form, he presents its strictly ecclesiastical significance. In the face of secularization, the canonical form of marriage not only helps the Church exercise her jurisdiction over marriages in an effective manner, but above all constitutes a witness to the sacramentality of marriage. The canonical form can also be a guarantee of the authentic nuptial significance of marriage for the spouses and *ad extra* to the world.

1108-1111

IE XXX (2018), 285-305: Francesco Catozzella: La validità dei matrimoni celebrati davanti ai sacerdoti della fraternità San Pio X. Commento alla Lettera della Pontificia Commissione *Ecclesia Dei*. (Article)

C. examines the provisions of the letter of the Pontifical Commission *Ecclesia Dei* dated 27 March 2017 and sent to episcopal conferences on 4 April 2017, concerning faculties for the celebration of marriages of the faithful of the Society of St Pius X (see *Canon Law Abstracts*, nos. 119, p. 74; 120, p. 86). He first investigates the question of the validity of marriages celebrated up till now before priests of the Society; and after analysing the current legislation he looks at the practice of the Roman Curia and at Rotal jurisprudence on the matter. He considers the applicability in such cases of the supplying of faculties and of the extraordinary form, as well as the

possible consequences of the formal defection from the Church of the members belonging to the Society.

1124-1129

AnC 11 (2015), 117-133: Piotr Lewandowski: *Małżeństwo i rozwód w Kościele waldensów we Włoszech w perspektywie małżeństwa mieszanego (Marriage and divorce in the Waldensian Church in Italy in relation to mixed marriages)*. (Article)

L. presents the institution of marriage in the Waldensian Church, which allows marriage to be dissolved provided that there is mutual forgiveness, and that the parties remain in communion with that Church. Relations between members of the Waldensian Church and Catholics have led to the development of common principles regarding mixed marriages, which L. explains.

1125

ADC 2 (abril 2013), 163-208: Vicente Benedito Morant: *La filiación en los matrimonios interreligiosos entre católicos e islámicos*. (Article)

In marriages where there is disparity of cult the question of children and their upbringing can be especially sensitive and important, because of the interreligious and intercultural factors involved. The Church insists that this question should not be postponed to be discussed in married life, but requires special attention, appreciation and dialogue prior to the decision to marry. This need allows us to understand the provisions of canon 1125, which represents a change of discipline with respect to the previous Code, based on the Council's teaching on ecumenism and the increase of such marriages as a result of immigration and globalization. B.M., focusing in particular on marriages between Christians and Muslims, presents a study of documents and pastoral practice in the light of canon law, taking into account also differences in the different Islamic traditions, civil laws, and the changing social and political context.

1136

S 80 (2018), 380-398: Giorgio Degiorgi: *«Vera educatio»*. *Considerazioni canoniche circa l'educazione dei giovani*. (Article)

See above, canon 795.

1141

AnC 11 (2015), 31-62: Nicolás Álvarez de las Asturias: Sobór Trydencki i nierozzerwalność małżeństwa: hermeneutyczne refleksje na temat zasięgu jego doktryny (*The Council of Trent and the indissolubility of marriage: hermeneutic reflections on the scope of the doctrine*). (Article)

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

1141

IC 58/115 (2018), 149-183: Javier Otaduy Guerín: *Dulcor Misericordiae* III. Las situaciones irregulares desde el Concilio hasta *Amoris Laetitia*. (Article)

See above, canon 915.

1141

MFS 24 (2008), 106-120: Scaria Kanniyakonil: The Indissolubility of Marriage in the Syro-Malabar Church. (Article)

See above, CCEO, canon 776.

1142

AA XXIII (2017, vol. II), 39-64: Carmen Peña García: La no consumación del matrimonio como motivo de disolución canónica: cuestiones a reconsiderar. (Article)

The canonical dissolution of marriage due to non-consummation is dealt with by the sole authority of the Roman Pontiff. Since the *motu proprio* of 2011 *Quaerit semper*, this is undertaken by a department of the Roman Rota. P.G. examines the procedure, which continues to be an administrative one, pointing out some questionable or poorly based aspects of current doctrinal understanding and praxis regarding the pontifical dissolution of non-consummated marriages. She suggests that more research be undertaken in this area.

1151-1155

Ap LXXXX (2017), 287-292: Diego Pirovano: La famiglia come soggetto di evangelizzazione. L'esperienza di Milano con l'Ufficio diocesano per l'accoglienza dei fedeli separati. (Article)

P. describes the steps taken by the archdiocese of Milan since September 2015 to accompany and follow spouses who are separated or are about to separate, offering them information and advice, and in appropriate cases providing details of steps that may be taken with a view to a possible declaration of nullity of marriage.

1156-1165

QDE 31 (2018), 136-155: Alfredo Rava: La convalidazione del matrimonio nell'attuale ordinamento canonico (cann. 1156-1165). (Article)

R. analyses the juridical institute of the convalidation of marriage, in its two forms: simple convalidation and *sanatio in radice*. He takes into account the canons of the current Code, starting from canon 1057 §1, which contains the three elements necessary for contracting a valid marriage: the parties' consent, their juridical ability to contract marriage, and the lawful manifestation of their consent in the canonical form. When one of these elements is either lacking or vitiated, convalidation is the solution for healing the invalid marriage bond. R. highlights various cases of nullity linked to one or more of the three *ad validitatem* elements, and the various methods of convalidation.

1156-1165

QDE 31 (2018), 156-174: G. Paolo Montini: La invalida convalidazione di un matrimonio civile attentato. (Article)

M. refers to the Apostolic Signatura's opposition to "invalid convalidation" as a ground of nullity of marriage. If the opposition has been successful – in that such a ground of nullity has now become practically extinct – it has however left open discussion on the nature of a canonical marriage following an attempted civil marriage, that is, whether there could be a convalidation (canon 1160) and whether it would require the renewal of consent (canon 1157).

1156-1165

QDE 31 (2018), 175-190: Massimo Mingardi: La sanazione del matrimonio civile. (Article)

M. sets out the characteristics of *sanatio in radice* with reference to the particular case of the civil marriage of Catholics, contrasting *sanatio in radice* with the alternative scenario of “regularization”, that is, when a canonical celebration follows a civil one. He considers whether sanation can be applied also to *de facto* cohabitation or to other forms of union that are different from civil marriage.

1156-1165

QDE 31 (2018), 191-204: Enrico Massignani: L’istituto della convalidazione automatica e l’ordinamento canonico. (Article)

M. studies the automatic convalidation of marriage, whereby the marriage bond is automatically sanated by virtue of the perseverance of matrimonial consent when the invalidating cause ceases, without requiring any intervention on the part of the parties or Church authority. He offers a brief presentation of the issue, limited to the period after the promulgation of the Code, highlighting the main underlying dynamics, both *de iure condendo* and *de iure condito*, and arrives at the conclusion that there is no incompatibility between the institute of automatic convalidation and the canonical legal order.

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

1172

ADC 2 (abril 2013), 251-267: Juan Damián Gandía Barber: La licencia para realizar exorcismos (c. 1172). (Article)

G.B. looks at exorcism in the CIC/17, the declarations of Vatican II regarding sacramentals, canon 1172 of the CIC/83, post-1983 documents, and the *Rituale Romanum*, in relation to those who can give permission to a priest to carry out exorcisms.

1172

KIP 7 (20) 2018, nr. 1, 127-137: Rafał Dappa: Egzorcysta i jego posługa w prawie kodeksowym i pozakodeksowym (*The exorcist and his service in the Code and in non-codified law*). (Article)

D. examines the norms on exorcism and the general criteria regarding the power of exercising the rite of exorcism. He looks at the CIC/83, the Roman Ritual, the instructions of the Polish Bishops' Conference, the 1984 Letter of the Congregation for the Doctrine of the Faith *Inde ab aliquot annis*, and the same Congregation's 2000 Instruction *Ardens felicitatis*.

1172

LJ 180 (2018), 51-81: Javier García Oliva – Helen Hall: Exorcism and the Law: Are the Ghosts of the Reformation Haunting Contemporary Debates on Safeguarding versus Autonomy? (Article)

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

1186-1190

CLSN 192/18, 75-85: Congregation for the Causes of Saints: Instruction “Relics in the Church: Authenticity and Preservation”. (Document)

This Instruction, published on 17 December 2017 and replacing the Appendix of the Instruction *Sanctorum Mater* of 17 May 2007, sets out the canonical procedures to be followed in order to verify the authenticity of relics and mortal remains, to guarantee their preservation, and to promote the veneration of relics.

BOOK IV, PART III: SACRED PLACES AND TIMES

1234

KIP 7 (20) 2018, nr. 1, 149-162: Mariusz Szypa: Bazylika mniejsza według prawa liturgicznego (*The minor basilica according to liturgical law*). (Article)

Churches with the title of minor basilica are treated by the legislator as centres of liturgical and pastoral life, and an example worthy of imitation by other churches. The Decree *Domus ecclesiae* of the Congregation for Divine Worship and the Discipline of the Sacraments (9 November 1989) gives guidance on the planning of shrines and different places of liturgy; it does not give detailed liturgical norms, but refers to the legal principles contained in the liturgical books. Particular attention is paid to the altar, the ambo, the celebrant's chair, the baptismal font, the confessional, and the place for the reservation of the Most Holy Eucharist. The legislator's concern is for adequate preparation and a desire that the number of those taking part in the liturgical celebration is suitable.

1240

ADC 7 (abril 2018), 245-275: Diego Torres Sospedra: Aproximación a la regulación de los columbarios confesionales católicos desde el derecho del Estado. (Article)

T.S. examines aspects of Spanish law relating to columbaria, as sacred spaces for the housing of ashes following cremation.

1247-1248

KIP 7 (20) 2018, nr. 1, 139-148: Rafal Kaniecki: Come si deve partecipare alla Santa Messa per adempiere il precetto festivo? (Article)

K. examines certain questions regarding appropriate participation in the Holy Mass, based on canonical tradition and current legislation, including documents of the Holy See, the Popes, the various dicasteries and commissions of the Apostolic See, and the opinions of experts in canon law and moral theology. He looks at the obligation to fulfil the precept, and what is meant by "taking part" in the Mass, rather than simply "being present".

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1273-1289

QDE 31 (2018), 225-249: Matteo Visioli: Figure e competenze nell'amministrazione dei beni della diocesi. (Article)

The delicate task of administering diocesan goods involves various juridical figures, each having specific competences and functions. With regard to physical persons, V. studies in particular the diocesan bishop and the bursar (finance executive), linking to these two figures both the diocesan ordinary – specifically the episcopal vicar for administrative matters – and the director of the diocesan administrative office, who at times appears in the organizational structure of the diocesan curia. V. describes the juridical identities and functions of each of these roles as they appear in the Code and in other magisterial documents. The correct administration of goods in a diocese depends on a proper distribution of competences and an equal assumption of responsibilities, while respecting the prerogatives proper to each role.

1274

AA XXIII (2017, vol. I), 253-278: Javier E. González Grenón: La comunión presbiteral y el fondo común para el sostenimiento del clero. La experiencia de una iglesia particular. (Article)

There has been a renewed organization of diocesan economic structures since the end of Vatican II and the promulgation of the present Code of Canon Law. Among other recommended measures has been the establishment in each diocese of a common fund for the maintenance of clergy. G.G. places this in the context of ecclesial *communio*, particularly as reflected in a priestly *communio*. After a historical examination of the maintenance of clergy in the earlier centuries of the Church, he divides his article into the following sections: a consideration of the directives in the Decree *Presbyterorum Ordinis* and in the CIC/83; *communio* in the particular Church; diversity of circumstances within a particular Church; an evangelical way of life; common funds; the experience of one diocese in Argentina.

1276-1289

AA XXIII (2017, vol. II), 101-113: Yugi Sugawara: Gestión de los bienes temporales de la Iglesia local. (Article)

The administration of the Church's temporal goods is a task to be shared by pastors and faithful. The aim and purpose of those goods must be complemented by their correct administration, which in present-day circumstances will require the use of modern management structures and techniques. The essential and fundamental spiritual purpose of the Church's temporal goods must always be borne in mind as integral to their correct administration. Among other issues S. examines the alienation of goods, and the need for a designated administrator, diocesan finance officer and finance council. Among the tasks of any administrator are the returning of accounts, preparing a budget and inventory, and the cataloguing of property and goods. He concludes with the relationship between the bishop and diocesan finance officer and a parish entrusted to a clerical religious institute.

1281

QDE 31 (2018), 118-128: Mauro Rivella: Il decreto diocesano sugli atti che eccedono l'ordinaria amministrazione (can. 1281 §2). (Lecture)

R. begins by considering the notion of ordinary administration, which should be defined in the statutes of any given ecclesiastical body, as the basis for extraordinary acts. In doing so he uses the guidance of the Italian Bishops' Conference on the matter. Should the statutes not make appropriate provision, the episcopal decree described in canon 1281 §2 is needed to authorize any particular disposition. R. considers how the decree should be prepared, drafted (in the light of the model provided by the Italian Bishops), and finally made public.

1283-1284

QDE 31 (2018), 97-117: Carlo Redaelli: L'etica dell'amministratore dei beni ecclesiali. (Lecture)

R. observes that in two recent documents on the administration of goods (one from the Italian Bishops' Conference, the other from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life) scant attention was paid to ethical questions. He looks at how such questions might impact on administrators of both persons and things. He suggests that the first point is the need to observe procedural laws, and then to look at

both the aims and the means of actions, considering what it means to “act in the name of the Church”. He then looks at the ethical indications implicit in the Code, such as the obligations to act honestly and faithfully, with proper diligence, and with accountability. He concludes with reflections on the importance of ethical formation in this area for administrators and for the communities they serve, and on personal ethical demands made on the administrator.

1284

AA XXIII (2017, vol. I), 403-424: Jesús Miñambres: Autonomía y responsabilidad en la administración de los recursos de la Iglesia. (Article)

Among the principles of good administrative management are autonomy and responsibility. A just management in the use of the Church’s assets requires an appropriate form of administration (autonomy), together with rules that anticipate possible anomalies (responsibility), all of which combine to ensure a just and orderly management. M.’s article is divided as follows: managerial autonomy; autonomy as a principle of ecclesiastical organization; the management of disposable assets; juridical responsibility of administrators; juridical responsibility of the faithful; reparation for damage and losses.

1287

QDE 31 (2018), 88-96: Alberto Perlasca: “Bilancio” e comunicazione (can. 1287 §2). (Article)

P. begins by discussing the difficulties surrounding the introduction of the secular notion of “transparency” into the Church. He goes on to look at the accounting obligations imposed by the Code, suggesting that what the Code requires is only a statement of income and expenditure, not a full balance sheet. He suggests that the Code needs strengthening here, and points to both the local law of the Italian bishops and guidance from the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. He points out that the obligations to account to the superior and the faithful have different roots: in the one case, to allow the duty of supervision and visitation to be exercised, in the other, from a broader vision of justice. The obligation to account to the faithful also offers a principle of accountability for dioceses, which would otherwise have no superior to whom to account.

P. concludes by offering some suggestions as to how to communicate this information, favouring presentation over mere publication.

1287

QDE 31 (2018), 97-117: Carlo Redaelli: L'etica dell'amministratore dei beni ecclesiali. (Lecture)

See above, canons 1283-1284.

1295

SC 52 (2018), 223-253: Bryan V. Pham: Catholic Institutions and Chapter 11 Reorganization Bankruptcy: USA Civil Law and Canonical Considerations. (Article)

When civilly incorporated public juridic persons in the United States experience financial distress, the filing of Chapter 11 reorganization bankruptcy may be a viable option to manage their obligations to creditors while fulfilling the mandate required by canon law. Specifically, reorganization bankruptcy provides these Catholic institutions with a way to retain ownership and control of their assets and remain in operation in order to continue their ministries, while at the same time being in dialogue with creditors in order to propose a viable reorganization plan to repay creditors in an equitable fashion. As Catholic institutions that have been civilly incorporated, these institutions are governed by two distinct legal systems (civil law and canon law). Navigating these two complex bodies of laws can be a daunting task. Bringing together the major parts of the Chapter 11 reorganization bankruptcy process and canon law's stipulations regarding the ownership and the administration of temporal goods, P. seeks to highlight some of the critical areas and procedures that Church officials and administrators of civilly incorporated public juridic persons in the United States should take into consideration in relation to the filing of Chapter 11 reorganization bankruptcy.

CIC 1299-1310

Ius VIII 2/17, 229-258: Varghese Poothavelithara: Pious Wills and Pious Foundations in the Church: Common Canonical Norms. (Article)

See above, CCEO canons 1043-1054.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1399

ADC 2 (abril 2013), 211-231: Juan Ignacio Arrieta: El proyecto de revisión del libro VI del Código de Derecho Canónico. (Article)

The Secretary of the Pontifical Council for Legislative Texts presents the broad outlines of the reform of penal law in the Church, mentioning the reasons for the desired reform, the criteria followed in the project of reform, the methodology adopted, and some of the main legislative options decided upon, as well as certain problems and questions still needing to be resolved.

1311-1399

Comm 49 (2017), 331-369: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: series Altera – Adunationes X-XVIII^a (diebus 13 mensis decembris 1976 – 4 mensis iunii 1977 habitae). (Report)

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

1311-1399

Comm 49 (2017), 370-385: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Iure Poenali”: Schema conclusivum de iure poenali. (Report)

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

1311-1399

ELJ 20 (2018), 158-172: Rafael Domingo: Penal Law in the Roman Catholic Church. (Article)

D. provides a general account of the universal law of sanctions in the Catholic Church. The crisis of the Church caused by clergy sexual abuse of minors has revealed, among other things, the widespread well-intentioned but naive inclination to resort to penal law as opposed to any theology of mercy and forgiveness. Although D. argues that penal law has a proper

place in the Church, he considers that in a voluntary community that shares a homogeneous system of moral values without strong penalties involving deprivation of liberty – a community like the Catholic Church – moral and administrative sanctions could be more effective than penal sanctions. A distinction between administrative sanctions and penal sanctions, and therefore between administrative tribunals (should they be established) and penal tribunals, is highly recommended.

1321

AA XXIII (2017, vol. I), 79-102: Damián Astigueta: Las circunstancias agravantes de la pena. (Article)

See below, canon 1326.

1323-1326

AA XXIII (2017, vol. II), 261-273: Mariano N. Castex: La conducta pasional en el derecho penal canónico. (Article)

What is called a crime of passion is one that is carried out in extenuating, aggravating or exculpatory circumstances, a situation which is foreseen in canon law. Through research that includes philosophy, theology and his own experience in teaching legal forensic medicine, C. proposes a gradation of guilt, bearing in mind both canonical penal law and comparative criminal law.

1326

AA XXIII (2017, vol. I), 79-102: Damián Astigueta: Las circunstancias agravantes de la pena. (Article)

Criminal canon law has specific norms concerning the aggravating circumstances connected with the imposition of penalties. Among these are recidivism, abuse of authority and culpability bordering on *dolus*. However, since a delict is an external infringement of a law, the basis for determining these and other aggravating circumstances and their juridical relevance will always be imputability, responsibility and condign punishment. A. examines each of these issues.

1329

AnC 11 (2015), 195-216: Piotr Skonieczny: Sprawca aborcji: glos w dyskusji nad przestepstwem z kan. 1398 KPK (*The one who procures an abortion: a comment relating to the debate on the delict specified in canon 1398 CIC*). (Article)

See below, canon 1398.

1333-1334

Canonist 9/1 (2018), 40-56: Brendan Daly: The Suspension of Priests: Procedures to Impose and Remove the Penalty. (Article)

Unfortunately, penalties such as suspension are necessary in the Church. Priests do not always, in Saint Paul's words, lead a "life worthy of their vocation" (*Eph 4:1*). There was once little distinction made between expiatory and medicinal penalties, but careful distinctions are now made between them. For some offences, expiatory penalties, such as dismissal from the clerical state, are imposed primarily to repair scandal, and remedy the damage done to the Church by the offender. Suspension is a medicinal penalty with the primary aim of reforming the offending priest. The suspension is imposed after the priest has been warned and when all other actions such as fraternal correction have failed. Once the suspension has been imposed, it can have other benefits of repairing the scandal, and reducing the harm to the Church community. The specific details of the suspension are determined by the precept that the priest was given or by the decree that imposed the suspension. Suspensions continue until they are remitted by a competent Ordinary, or in specific circumstances by a priest in the sacrament of Penance. A suspension that prohibits the celebration of a sacrament is suspended when a member of the faithful is in danger of death and wishes to receive a sacrament. Also, a member of the faithful can receive a sacrament from a priest suspended by a *latae sententiae* (automatic) suspension that has not been declared, provided the member of the faithful is in good faith when he or she requests the sacrament. A priest who has received a *latae sententiae* suspension can still administer the ecclesiastical goods associated with the office that he holds: for example, a parish priest could still administer the ecclesiastical goods of the parish. Furthermore, any suspended priest retains the right to use the dwelling associated with the office that he holds.

1342

IC 58/115 (2018), 121-148: Miquel Pons Portella: Los supuestos de aplicación extrajudicial de penas en el Derecho Canónico. (Article)

The extrajudicial application of penalties is a distinctive feature of canon law. Since 1983 this process has experienced a significant resurgence as a result of numerous regulations outside the Code that have increased the number of cases in which a canonical offence may be punished by decree. There are now specific regulations relating to this matter in three Vatican Congregations, because in many cases the so-called administrative penal procedure offers significant advantages in terms of simplicity and efficiency. What is now needed is a study of the cases in which canonical offences may be punished by administrative means, so as to obtain a clearer vision of the Church's legal system as a whole and, at the same time, a better idea of what aspects might be improved.

1342

REDC 75 (2018), 199-233: Miquel Pons Portella: El procedimiento administrativo penal en el Derecho canónico del siglo XXI. (Article)

The administrative criminal procedure – that is, the application of penalties by an extrajudicial decree – is an ancient institution in canon law, but the CIC/83 places it after the judicial criminal process – a process which provides more safeguards and security but is also more complex. However, in recent decades the administrative criminal procedure has experienced growth through the approval of multiple norms outside the Code that have increased the complexity of this procedure, whose fundamental characteristics are supposed to be simplicity and speed. Its renewed relevance and its usefulness in resolving some of the most pressing problems facing the Church today call for an overall analysis of the administrative criminal procedure, emphasizing its future potential and the role it is called to play in the canonical juridical system of the 21st century.

1345

AA XXIII (2017, vol. II), 261-273: Mariano N. Castex: La conducta pasional en el derecho penal canónico. (Article)

See above, canons 1323-1326.

1362

Per 107 (2018), 327-357: Sara Paglialunga: La prescrizione nel diritto penale canonico. (Article)

See above, canon 197.

1365

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora*. (Article)

See above, canon 908.

1367

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora*. (Article)

See above, canon 908.

1378-1379

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora*. (Article)

See above, canon 908.

1387-1388

IC 58/115 (2018), 357-368: José Bernal Pascual: *Delicta graviora*. (Article)

See above, canon 908.

1389

AA XXIII (2017, vol. I), 309-334: Marcelo Gidi Thumala: La negligencia de la jerarquía eclesiástica frente a los casos de abusos sexuales cometidos por un clérigo. (Article)

A diocesan bishop in the exercise of his ordinary powers is required both theologically and by law to be attentive, thoughtful and caring for all the

members of the faithful entrusted to his care. Canon 1389 §2 and Pope Francis's *motu proprio As a Loving Mother* establish sanctions against a diocesan bishop who has acted negligently in exercising his ecclesiastical powers, particularly regarding cases of sexual abuse by clerics against minors. G. examines this subject under the following headings: the concept of negligence and negligent behaviour; imputability of negligence and its gravity; negligence in canon law; negligence in canon 1389 §2; responsibility in the penal forum; negligence in *As a Loving Mother*; responsibility in the administrative forum.

1392-1399

AA XXIII (2017, vol. I), 353-369: Ricardo D. Medina: Facultades especiales otorgadas a la Congregación para el Clero: motivaciones y procedimiento. (Article)

In 2009 Pope Benedict XVI granted a series of special faculties to the Congregation for the Clergy to facilitate a timely and speedy processing of cases relating especially to grave sexual abuse by clergy. These administrative processes include the novel introduction of the possibility of expulsion from the clerical state, based on the general norm of canon 1399. M. divides his article under the following headings: procedures for the application of the first and second of the special faculties; resignation from the clerical state *ad poenam*; delicts covered by the special faculties; delicts covered by the second of the special faculties; the third special faculty and abandonment of ministry for a period of five years.

1395

IC 58/115 (2018), 357-368: José Bernal Pascual: Delicta graviora. (Article)

See above, canon 908.

1395

NRT 140 (2018), 34-54: Éric de Moulins-Beaufort: Que nous est-il arrivé ? De la sidération à l'action devant les abus sexuels dans l'Église. (Article)

How does the Church get out of blindness when faced with the sexual abuse committed in her midst? De M.-B., auxiliary bishop of Paris, offers some

explanations for the drama of paedophilia, in the context of educational relationships, and suggests some pastoral action plans for Church leaders (ranging from sanction to prevention).

1398

AnC 11 (2015), 195-216: Piotr Skonieczny: Sprawca aborcji: glos w dyskusji nad przestępstwem z kan. 1398 KPK (*The one who procures an abortion: a comment relating to the debate on the delict specified in canon 1398 CIC*). (Article)

S. comments on abortion as understood in the CIC/83, with reference to some Polish cases. He presents canon 1398 (and the authentic interpretation of 1988) in the light of canon 1329, highlighting an incompatibility that needs to be corrected. He criticizes the term “*abortum*”, which should be rejected in any future modification of canon 1398. The same criticism can be applied to the notion of necessary accomplice in canon 1329 §2, which should also be removed. A future canon 1398 will need to be harmonized with a suitably modified canon 1329.

1398

KIP 7 (20) 2018, nr. 1, 201-219: Agata Jończyk: Aksjologiczne podstawy prawnej ochrony życia dziecka poczętego (*Axiological basis for the legal protection of the life of a conceived child*). (Article)

Throughout history many attempts have been made to answer the fundamental questions of when life begins and at what moment it becomes necessary to protect new life. Regarding protection of the unborn, Judaism follows the Old Testament, and the Catholic Church speaks of the sanctity of life based on the Gospel, reinforcing this teaching in several canons of the CIC/83. Other religions have also taken a stand on the question of protection of the unborn, including the Orthodox Church, Islam, Hinduism and Buddhism. Axiological assumptions have a dominant influence on how the system of protection of life develops, and are therefore of fundamental importance.

BOOK VII: PROCESSES

1403

CLSN 193/18, 64-76: John M. Cunningham: The Evolution of Ecclesiastical Legislation and the Role of the Archivist in the Diocesan Inquiry of the Canonisation Process. (Article)

C. surveys the entire corpus of ecclesiastical legislation regarding causes of canonization in order to determine the role of documentary evidence and to identify the task of archival experts as it emerged. He notes the introduction of a sound historical critical methodology in the 20th century with reference to the requirement of the decree *De servis Dei* in 1913 that causes entirely dependent on historical evidence collect each and every historical document related in any way to such causes, whether in manuscript form or typed, and whether in public or private archives. Of most importance in this connection was the introduction by the *Normae servandae in construendis processibus ordinariis super causis historicis* (1939) of a commission of experts in historical and archival matters to ensure that all documents which in any way made reference to the servant of God were gathered. The most recent legislation, the Apostolic Constitution *Divinus perfectionis magister* and the *Normae servandae in inquisitionibus ab episcopis faciendis in causis sanctorum* (1983), not only repeated the requirement of such a commission but extended that historical and archival requirement to all causes, recent as well as ancient.

1403

CLSN 193/18, 77-87: John M. Cunningham: Ecclesiastical Legislation, Archival Activity and the Cause of the Irish Martyrs. (Article)

The cause of the Irish martyrs extended over more than a century of ecclesiastical legislation. Throughout that entire period, the same requirement prevailed: that of collecting the writings of the Irish martyrs as well as all historical documents related in any way to their cause. During that period ecclesiastical legislation promoted the participation of experts in historical and archival research in relation to the discovery and collation of archival records in ancient and in recent causes. The introduction of a commission of experts responsible for the collection of all relevant material (see preceding entry) suggests an awareness of the need for a more effective discovery of archival records and was an explicit endorsement of the probative value of such records. The archival activity involved in the cause

of the Irish martyrs reveals the immensity of the task undertaken by the scholars and archivists who committed themselves to historical and archival activity in favour of the cause and indicates the vast scale of archival research that can be involved in the diocesan inquiry in order to comply with ecclesiastical norms.

1403

CLSN 193/18, 88-103: John M. Cunningham: Archival Principles and Practices Required in the Diocesan Inquiry of the Cause of the Irish Martyrs. (Article)

Collection of the material for the cause of the Irish martyrs required extensive archival research. The material itself then required an application of professional skills that was no less intensive. The skills applied included transcription, palaeographic chronology, assessment of the authenticity and value of the material gathered, its arrangement and description, and even advocacy. C. examines these aspects in turn, and also considers access, preservation, and adherence to ethical standards.

1403

Comm 49 (2017), 242-249: Pope Francis: Litterae Apostolicae *Maiorem hac dilectionem* de oblatione vitae a Summo Pontifice die 11 mensis iulii currentis anni motu proprio datae. (Document)

By this motu proprio Pope Francis establishes a new basis for canonization alongside the traditional ones of martyrdom or a life of heroic virtue, consisting in the free and willing offering of one's life in a heroic way out of charity. It sets out the criteria and textual changes required in the Apostolic Constitution *Divinus perfectionis Magister* of 25 January 1983. The text is given in both Latin and Italian. (See also *Canon Law Abstracts*, no. 120, p. 102).

1403

Comm 49 (2017), 299-304: M. Bartolucci: Articulus explanans motum proprium *Maiorem hac dilectionem* de oblatione vitae, ab Exc.mo D. Marcello Bartolucci conscriptus. (Article)

This article (in Italian), originally published in *L'Osservatore Romano* on 12 July 2017, describes the four ways now open to establish suitability for

canonization following the *motu proprio Maiorem hac dilectionem* (they are four because there is the little-known third way of “ancient cult”). B. explains how a single heroic act of self-offering out of love which leads to death can be distinguished from martyrdom and the long-term exercise of heroic Christian virtue. The Congregation for the Causes of Saints began to examine this question in January 2014, and B. sets out how this process continued until the point at which a recommendation was made to the Holy Father.

1403

Ius VIII 2/17, 123-139, 259-262: Cherian Thunduparampil: New Path for “Declared Sanctity”. (Editorial)

See preceding entries. T. comments on the *motu proprio*, the English text of which is given on pp. 259-262.

1403

REDC 75 (2018), 367-370: Carta Apostólica en forma de «Motu Proprio» del Sumo Pontífice Francisco «Maiorem Hac Dilectionem» sobre el ofrecimiento de la vida, 11.07.2017. (Document)

See preceding entries. The Spanish text is given of the *motu proprio*.

1420

REDC 75 (2018), 81-112: Julio García Martín: Algunas consideraciones sobre la confirmación en el oficio eclesiástico y el canon 1420, §5. (Article)

Confirmation in an ecclesiastical office is a form of canonical provision of a vacant office by means of a singular decree. The peculiarity of confirmation is that the electoral college first elects the candidate, who – if he accepts it – needs to request confirmation from the competent authority, which may grant or deny confirmation in accordance with the law, but not according to personal criteria. Canon law recognizes several offices for which provision is made according to this method. However, canon 1420 §5 (which provides that, when a see is vacant, the judicial vicar and associate judicial vicars do not cease from office, but on the coming of a new diocesan bishop need to be confirmed in office) is formulated somewhat imprecisely. Dealing as it does with confirmation without any previous election to offices that are

provided by free conferral, it can give rise to incorrect interpretations. Therefore it would be desirable to amend the wording of the canon.

1421

AA XXIII (2017, vol. II), 21-38: Erasmo Napolitano: Il giudice ecclesiastico. (Article)

The importance of the ecclesiastical judge is based on human, juridical and ecclesial qualities. These are the necessary elements which pertain to an office whose function is to search for the truth and which requires the exercise of wisdom, justice and charity. After an introductory section N. considers episcopal judicial power and the qualities required of an ecclesiastical judge.

1421

Ap LXXXX (2017), 207-230: Émile Kouveglo: I fedeli laici e l'esercizio della potestà nella Chiesa. Status quaestionis e ricerca di una chiave funzionale di lettura. (Article)

See above, canon 129.

1424-1425

Canonist 9/1 (2018), 11-39: Michael-Andreas Nobel: The Assessor in a Marriage Nullity Trial. (Article)

See below, canons 1671-1691.

1430

Canonist 9/1 (2018), 88-111: Patrick J. Mullins: Comparing the Roles of the Promoter of Justice in the Judicial Penal Trial and of the Queensland Director of Public Prosecutions. (Article)

See below, canons 1717-1728.

1442-1445

IC 58/115 (2018), 9-36: Eduardo Baura: El desarrollo normativo posterior a la Constitución Apostólica *Pastor Bonus* de los tribunales de la Curia Romana. (Article)

Apart from the Apostolic Penitentiary whose area of competence covers the internal forum, the Apostolic Constitution *Pastor Bonus* designates the Apostolic Signatura and the Roman Rota as tribunals of the Roman Curia. The Supreme Tribunal of the Congregation for the Doctrine of the Faith could also be included on this list. Without addressing other dicasteries that exercise some jurisdictions of a legal nature, B. studies the pontifical acts issued since *Pastor Bonus* that have shaped the structure and functions of these three tribunals. On the basis of the available information he notes a certain absence of formal requirements in the issuance of the acts, and a tendency to follow administrative procedures in imposing penalties. Lastly he reflects on the role of jurisprudence, highlighting the distinction between jurisprudential doctrine and general teaching, so as to clarify the role of the Roman Rota in this regard.

1445

IC 58/115 (2018), 321-354: Francisca Pérez-Madrid: La vigilancia de la recta administración de justicia por el Tribunal de la Signatura Apostólica. Comentario a algunos decretos recientes en materia disciplinar. (Comment)

P.-M. looks at the Apostolic Signatura's role of vigilance over judicial activity, and comments on five decrees of the Signatura related to the exercise of such vigilance. Each of these cases leads to the sanctioning of tribunal officials – the judicial vicar, the defender of the bond, or the notary – because of infractions committed in the exercise of their functions.

1445

Yves-Alain Ducass: Administrative Justice in the Catholic Church. (Book)

See below, canons 1732-1739.

1481-1490

Ap LXXXX (2017), 89-113: Paola Buselli Mondin: L'Avvocato come accompagnatore. (Article)

B.M. looks at the meaning of “defending” and “proving” in the marriage nullity process. The procedural question has now become an anthropological question, in the sense that the juridical problems and solutions of the process must be interpreted in the light of a new understanding of the marital relationship, based on the anthropology of the Christian vocation, and the pastoral care of the family. This new understanding revolves around four parameters: conversion, accompaniment, discernment and integration. These provide the key to interpreting the role of ecclesiastical advocacy, which is now defined by the specific needs of vocational accompaniment.

1484

Ap LXXXIX (2016), 371-411: Supremum Signaturae Apostolicae Tribunal: 1. Prot n. 47637/13 CA, *Dimissionis a consociatione* (D.na N. – Pontificium Consilium pro Laicis): a) *Decretum Praefecti*, 10 ianuarii 2014; b) *Decretum definitivum*, 22 octobris 2014; 2. Prot n. 49014/14 CA, *Reductionis ecclesiae in usum profanum* (Adv. N. et alii – Congregatio pro Clericis): a) *Decretum Secretarii*, 2 augusti 2014; b) *Decretum Congressus*, 27 martii 2015; Cristian Begus: *Adnotationes in Decreta*. (Decrees and comment)

See below, canon 1738.

1532

AnC 11 (2015), 63-77: Adam Bartczak: *Iusiurandum de veritate dicenda w kanonicznym procesie o nieważność małżeństwa* (*The oath to tell the truth in the marriage nullity process*). (Article)

The aim of the marriage nullity process is to discover the truth about marriage. An oath to tell the truth is inherent in the process. An oath is the invocation of the divine Name as witness to the truth. It cannot be taken except in truth, judgement and justice (canon 1199 §1). In the marriage nullity process the judge is to administer an oath to the parties to tell the truth or at least to confirm the truth of what they have said unless a grave cause suggests otherwise. The judge is to administer an oath to the witness. An oath to tell the truth is to strengthen the testimony of the parties and witnesses.

1562

AnC 11 (2015), 63-77: Adam Bartczak: Iusurandum de veritate dicenda w kanonicznym procesie o nieważność małżeństwa (*The oath to tell the truth in the marriage nullity process*). (Article)

See above, canon 1532.

1607-1618

AA XXIII (2017, vol. I), 57-77: Manuel J. Arroba Conde: Incidencias de la reforma procesal en la sentencia. (Article)

Although the recent reforms leading to a declaration of marriage nullity have not produced any changes in the process concerning the judicial sentence, nevertheless they have had an influence upon it. Collegiate tribunals and single-judge tribunals, as well as diocesan bishops in the *processus brevior*, are now finding their way in a renewed normative and ecclesial context. In every case the overriding objective of any judicial sentence, namely the attaining of moral certainty and the requirements and obligations necessary to achieve it, must always be foremost. A.C. treats this subject under the following headings: the continuing permanence and validity in the reformed process of the discipline regarding the judicial sentence; the epistemological understanding of the sentence in its hermeneutical context; some useful aspects for reaching a judicial decision in the renewed normative and ecclesial context; the principle of legality and judging with equity; moral certainty and the special contribution of the parties; a proper explanation of reasons for the decision and acceptance of the decision by the parties; obligations deriving from the sentence concerning family obligations and the imposition of a *vetitum*; the priority given to a prompt and timely decision.

1608

AA XXIII (2017, vol. II), 169-196: Hugo Adrián Ustinov: *Ex actis et probatis: dictar sentencia, una tarea comprometida*. (Article)

The assessment of proofs in marriage nullity cases is a very sensitive and delicate matter and demands respect for the guidelines the Church has established for the issuing of just sentences. One must keep in mind the intrinsically juridical aspect of marriage and the judicial nature of the marriage nullity process itself. The judge must take stock of his own reasoning process in order to overcome any trace of relativism or canonical

neo-positivism. The free appraisal of the proofs requires that the judge carry out a careful rational examination of the evidence that would allow him to reach the moral certainty required to issue a declaration of nullity. U. considers the following themes in his treatment of the subject: the marriage nullity process as a suitable way of establishing knowledge of the truth; overcoming canonical neo-positivism; the assessment of proofs; the indispensable need for moral certainty. He ends with a brief excursus on Benedict XVI's 2012 address to the Rota affirming the binding nature of papal pronouncements on canonical matters.

1671-1691

AnC 11 (2015), 177-193: Tomasz Rozkrut: Recepcja instrukcji procesowej *Dignitas connubii* w Polsce (*Reception of the instruction *Dignitas connubii* in Poland*). (Article)

R. discusses the enthusiastic reception which the Instruction *Dignitas Connubii* received in Poland at the time of its publication, and in the context of the Synods of Bishops of 2014 and 2015 offers some reflections on the reform of the canonical matrimonial process.

1671-1691

Canonist 9/1 (2018), 11-39: Michael-Andreas Nobel: The Assessor in a Marriage Nullity Trial. (Article)

N. presents the notion and function of an assessor, in the light of the provisions of the CIC/17, the Instruction *Provida Mater Ecclesia* (1936), the motu proprio *Causas Matrimoniales* (1971), the CIC/83, the Instruction *Dignitas Connubii* (2005), and the motu proprio *Mitis Iudex*. Although the law is silent on many issues concerning the assessor's involvement in a specific case, parallel norms on other tribunal officials may serve as guidelines. The involvement and function of an assessor, more or less optional in the ordinary procedure but mandatory in the briefer process, requires more precision from the supreme legislator. The advantages of employing an assessor in a process are to be recognized, especially when a judge is not entirely familiar with the context of the marriage in question. In such circumstances, to preserve justice and the norm that the salvation of souls is the supreme law in the Church, the importance of the function of an assessor within a process is not to be underestimated.

1671-1691

Comm 49 (2017), 276-279: Pope Francis: Allocutio Summi Pontificis ad eos qui, cursui de matrimoniali processu, a Tribunali Rota Romana apparato, interfuerunt, in Sala Clementina die 25 novembris 2017 prolata. (Address)

Pope Francis greets participants in a course on the new matrimonial procedure, organized by the Roman Rota. He emphasizes the “hands on” role of the diocesan bishop as judge, especially in the briefer process. The value of mercy demands that the bishop implement this as soon as possible. This together with a process that is without financial charge are the two pearls of which the poor have need.

1671-1691

REDC 75 (2018), 371-374: Discurso del Santo Padre Francisco a los participantes en el curso organizado por el Tribunal de la Rota Romana, Sala Clementina, 25.11.2017. Texto. (Address)

Spanish text of the Pope’s address to participants in a course on the new matrimonial procedure, organized by the Roman Rota (see preceding entry).

1671-1691

REDC 75 (2018), 13-18: Mirian Cortés Diéguez: La reforma del proceso de nulidad matrimonial. Algunas claves, riesgos y desafíos. (Article)

C.D. points out that the reform of the matrimonial nullity procedures presents two particular challenges: how to harmonize the new law with the other norms of the Code on processes (canons 1400-1655), in so far as these are not contrary to the new legislation; and how to harmonize the new law with the Instruction *Dignitas Connubii*, again to the extent that these are not in conflict. The reform in *Mitis Iudex* affects only the dynamic of the process of matrimonial nullity. It does not affect the rest of the discipline contained in Book VII, the grounds for nullity, or the essential properties of marriage. Nor does it modify the need for unity in jurisprudence, which requires that the lower tribunals follow the Tribunal of the Roman Rota.

1671-1691

REDC 75 (2018), 19-40: Francesco Coccopalmerio: La reforma del proceso canónico para la declaración de nulidad del matrimonio. Un

comentario a los *motu proprio* del papa Francisco *Mitis Iudex Dominus Iesus* y *Mitis et Misericors Iesus*, de 15 de agosto de 2015. (Article)

C. sets out the background to and reasons for the legislation reforming the matrimonial nullity process, analysing and commenting on its main features.

1671-1691

REDC 75 (2018), 43-79: Cecilio Raúl Berzosa Martínez: El obispo como juez, según las cartas apostólicas, *motu proprio*, *Mitis Iudex Dominus Iesus* y *Mitis et Misericors Iesus*. (Article)

B.M. addresses the questions *where are we?* – looking on the one hand at the bishop as legislator and the diocesan tribunals, and on the other hand at the reasons for the *motu proprio Mitis Iudex* – and *what is the way forward?* – focusing on what *Mitis Iudex* says of the diocesan bishop as judge. Finally B.M. sets out some of the characteristics of the episcopal response to these questions.

1671-1691

REDC 75 (2018), 173-198: Ángel David Martín Rubio: Agilización del proceso de nulidad matrimonial. (Article)

M.R. provides some of the historical background to the measures taken to make processes of declaration of the nullity of marriage more streamlined and flexible, paying special attention to the period between the Second Vatican Council and the Instruction *Dignitas Connubii*. He comments on the ways in which *Mitis Iudex* achieves that objective.

1671-1691

REDC 75 (2018), 235-272: Raúl Román Sánchez: Juez único, jueces laicos y asesores en el *motu proprio Mitis Iudex Dominus Iesus*. (Lecture)

R.S. sets out the main novelties in *Mitis Iudex* concerning the sole judge, lay judges and assessors. He analyses legislative, magisterial and doctrinal precedents, and examines aspects of the process such as the proximity of tribunals to the faithful, rigour in the manner of dealing with cases, and efficient use of time and personnel while at the same time taking care to ensure there is no reduction in juridical security.

1671-1691

REDC 75 (2018), 273-308: Francisco José Sánchez Sánchez: Modelos de decretos según el motu proprio *Mitis Iudex Dominus Iesus*. (Article)

S. proposes some new models of decrees following the procedural changes introduced by *Mitis Iudex*. The proposed models refer to the ordinary process and the *processus brevior*, as well as to other situations that can occur in one or other of these processes.

1671-1691

REDC 75 (2018), 309-327: Victor Suárez Gondar: La aportación del sínodo de los obispos (2014 y 2015) a la reforma del proceso de nulidad matrimonial. (Article)

S.G. analyses the influence of the 2014 and 2015 Synods of Bishops on the promulgation of *Mitis Iudex* and *Mitis et misericors Iesus*. He first looks at the way in which the Synod participates in the supreme authority of the Roman Pontiff, and then analyses the issues discussed at each Synod.

1671-1707

CLSN 192/18, 4-9: Peter Kravos: British and Irish Tribunal Statistics 2016. (Statistics)

Tables providing statistics for tribunals in Britain and Ireland in 2016, showing the numbers of 1. ordinary trials in first instance; 2. documentary trials in first instance; 3. cases using the “briefer process” before the bishop; 4. ordinary trials in second instance; 5. “separation of spouses”, “ratified and non-consummated” and “presumed death of spouse” cases.

1673

Ap LXXXX (2017), 207-230: Émile Kouveglo: I fedeli laici e l'esercizio della potestà nella Chiesa. *Status quaestionis* e ricerca di una chiave funzionale di lettura. (Article)

See above, canon 129.

1676

AA XXIII (2017, vol. I), 103-127: Paolo Bianchi: La scelta della forma processuale brevior nel can. 1676 §2: criteri e prassi concreta. (Article)

See below, canons 1683-1687.

1680

Ius Comm VI (2018), 137-183: Romanae Rotae Tribunal: Decreto coram Todisco, 23 junio 2016. Nulidad de matrimonio. Cuestión preliminar: admisión de la apelación / confirmación de la sentencia; Santiago Panizo Orallo: Comentario al Decreto. (Decree and comment)

The Rota was asked to decide an appeal against a first instance affirmative nullity decision. The case is of interest in that, although the appeal was lodged prior to *Mitis Iudex*, the case was heard after the new norms had entered into force, and therefore took into account that the possibilities facing the Rota were either to admit the appeal (and remit the case to an ordinary examination in second instance), or else – in view the abolition of the need for a double conforming sentence – to confirm the first instance decision. In his comment P.O stresses that from the procedural point of view this is a new situation. Among the conclusions he draws is that the appeal from now on will not be a merely formal affair (as it had tended to become in the past): the appeal tribunal will henceforth be required to evaluate the case for itself and reach its own moral certainty.

1683

ADC 7 (abril 2018), 81-107: José T. Martín de Agar: Aspectos sustantivos de la reforma del Motu proprio *Mitis Iudex*. (Article)

M. de A. examines whether and to what extent the reform of marriage nullity processes introduced by *Mitis Iudex* affects substantive aspects of matrimonial canon law. He sets out the main novelties introduced by *Mitis Iudex*, and analyses each of the circumstances listed in art. 14 of the *Ratio procedendi*, the presence of which would allow the use of the *processus brevior*. Even though these are not in themselves reasons for nullity, they can be an indicator of some grounds of nullity. In certain cases they represent a new formulation of an existing ground of nullity.

1683

Ap LXXXIX (2016), 509-544: Francesco Catozzella: La durata della convivenza coniugale. Valore probatorio alla luce della Giurisprudenza rotale. (Article)

Art. 14 §1 of the *Ratio procedendi* of *Mitis Iudex* mentions the brevity of the marriage as one of the circumstances which can allow the case to be dealt with by the briefer process. In the light of recent Rotal jurisprudence, C. investigates whether and under what conditions a short or a long period of conjugal life are evidence of the nullity or validity, respectively, of the marriage. He studies the topic with particular reference to exclusion of the *bonum sacramenti* and lack of capacity under canon 1095 2°-3°.

1683-1687

AA XXIII (2017, vol. II), 77-99: Luigi Sabbarese: La riforma del processo matrimoniale canonico tra snellimento e tutela del favor matrimonii. (Article)

Pope Francis's reform of the marriage nullity procedures contains a number of canonical innovations, the most notable being the *processus brevior coram episcopo*. The application of these reforms must always keep in mind the fundamental principle of both substantive and procedural law, namely that marriage enjoys the favour of the law. S. considers the contributions made by the 2014 Extraordinary General Synod of Bishops, the principal innovations introduced in the marriage nullity procedure, and the centrality of the diocesan bishop, with special reference to the *processus brevior*.

1683-1687

AA XXIII (2017, vol. I), 103-127: Paolo Bianchi: La scelta della forma processuale brevior nel can. 1676 §2: criteri e prassi concreta. (Article)

The reform of the process involved in the declaration of marriage nullity has a number of canonical innovations, the most significant of which is the *processus brevior* before the bishop. It is the judicial vicar who decides which procedure is to be used in each case. Since the reform is still in its early days and has had little time yet to settle in judicial praxis, an analysis of its concrete application in tribunal practice is undoubtedly needed. B. considers some cases which have come before the Lombard Regional Tribunal of Milan.

1683-1687

AA XXIII (2017, vol. I), 157-181: Alejandro W. Bunge: La aplicación del proceso matrimonial más breve ante el obispo. (Article)

B. presents the principal elements of the *processus brevior* before the bishop, highlighting those aspects necessary for their correct application. He responds to three basic questions: who is the competent judge for this reformed process?; in what circumstances can it be applied?; how is it to be carried out? He emphasizes the importance of the pre-judicial inquiry as laid out in the initial articles of the *modus procedendi* of *Mitis Iudex*. This practical examination of the *processus brevior* may be of use to tribunals still familiarizing themselves with the reformed process.

1683-1687

CLSN 192/18, 10-40: Paul Coyle: An Examination of the *Processus Brevior* or Briefer Matrimonial Process before the Bishop in the *motu proprio*, *Mitis Iudex*. (Article)

C. expresses concern that the way is being paved for marriage nullity to be dealt with by the administrative route, as is evidenced in the operations of the *processus brevior* in *Mitis Iudex* and its close connection to the administrative penal process, which represents a significant divergence from canonical tradition.

1683-1687

IC 58/115 (2018), 185-221: Aurora M^a López Medina: El Motu Proprio *Mitis Iudex* dos años después. Experiencias de su aplicación en España en materia de la investigación prejudicial o pastoral previa al proceso de nulidad matrimonial y la práctica del proceso *brevior*. (Article)

Drawing on the experience gained through applying the reformed marriage nullity processes L.M. addresses the issues that arise in relation to the pre-judicial or pastoral inquiry phases as provided for in *Mitis Iudex*, with particular emphasis on the implementation of the briefer process before the bishop.

1683-1687

KIP 7 (20) 2018, nr. 1, 221-235: Aleksandra Rybaczek: Specyfika wyrokowania w kanonicznym procesie skróconym o nieważność

małżeństwa (*Specificity of sentence processing in the briefer canonical process of nullity of marriage*). (Article)

The briefer marriage nullity process introduced by *Mitis Iudex* attributes to the diocesan bishop a very direct and decisive role which emphasizes his importance as first judge in the particular Church entrusted to him. On account of his pastoral office, the bishop is with Peter the greatest guarantor of Catholic unity in faith and discipline. In the briefer process the diocesan bishop, having consulted with the instructor and the assessor and considered the observations of the defender of the bond and, if there are any, the defence briefs of the parties, is to issue the sentence, if moral certitude about the nullity of marriage is reached. The bishop does not reach his decision based on a subjective opinion but on a judgment about what is certain and possible to prove on the basis of the evidence and arguments presented in the process. The only definitive decision the bishop may make is that the nullity of marriage is established, and the decision is executable if there is no appeal against it within fifteen days of the publication of the definitive sentence. There is no room for a negative sentence because when the bishop is not morally certain of the nullity of the marriage he issues a decree, and refers the case to the ordinary method.

1717-1728

Canonist 9/1 (2018), 88-111: Patrick J. Mullins: Comparing the Roles of the Promoter of Justice in the Judicial Penal Trial and of the Queensland Director of Public Prosecutions. (Article)

M. offers a practical explanation of the role of the promoter of justice in the penal judicial trial process outlined in the CIC/83. He compares and contrasts, in a practical way, the role of the promoter of justice with the statutory office of the Director of Public Prosecutions for the State of Queensland, a State within the federation of the Commonwealth of Australia.

1720

IC 58/115 (2018), 121-148: Miquel Pons Portella: Los supuestos de aplicación extrajudicial de penas en el Derecho Canónico. (Article)

See above, canon 1342.

1720

REDC 75 (2018), 199-233: Miquel Pons Portella: El procedimiento administrativo penal en el Derecho canónico del siglo XXI. (Article)

See above, canon 1342.

1732-1739

SC 52 (2018), 103-138: Justin E.A. Glyn: The Right to Administrative Justice in Religious Institutes. (Article)

See above, canon 596.

1732-1739

Yves-Alain Ducass: Administrative Justice in the Catholic Church. (Book)

After the Second Vatican Council clarified the rights and obligations of the Catholic faithful, Pope Paul VI, on 15 August 1967, created the *Sectio Altera* of the Supreme Tribunal of the Apostolic Signatura, in order to resolve disputes arising out of the exercise of ecclesiastical administrative power. D. points out that the 50th anniversary of the *Sectio Altera* in 2017 passed largely unnoticed. By means of the present work, in conjunction with the accompanying website www.canonistes.org, he aims at six objectives: 1. to promote canon law and justice in the Church; 2. to remind the hierarchy and the lay faithful of their respective rights and duties and of the ways of defending them; 3. to present the progress made in the area of justice in the Catholic Church over the last 50 years; 4. to illustrate its practical implementation through many examples of conflicts, friendly resolutions and case law; 5. to make a scientific contribution to the canonical world, from an unpublished database on administrative jurisprudence; 6. to contribute to social justice by promoting the administrative justice of the Church, by helping people in difficulty and by proposing ways of improvement. The book is published by “Canonists without Borders”, an international network of canonists, without a particular mandate from the Church, but sharing the desire to promote canon law and ecclesiastical justice, especially in developing countries. (For bibliographical details see below, Books Received.)

1737

QDE 31 (2018), 215-224: Alberto Perlasca: Can. 1737: il diritto di un gruppo di fedeli alla legittimazione attiva per proporre un ricorso gerarchico contro il decreto del proprio vescovo. (Article)

In the light of the 1987 authentic interpretation of canon 1737 P. examines the concept of juridical personality, distinguishing between active participation in a case and juridical capacity, and reflecting on the requirement of a *gravamen* as highlighted in the response. He evaluates the position of some scholars who think that the Pontifical Commission's response is more than a mere interpretation, as it redefines the margin of action recognized for a group of faithful, thereby altering the content of the canon.

1738

Ap LXXXIX (2016), 371-411: Supremum Signaturae Apostolicae Tribunal: 1. Prot n. 47637/13 CA, *Dimissionis a consociatione* (D.na N. – Pontificium Consilium pro Laicis): a) Decretum Praefecti, 10 ianuarii 2014; b) Decretum definitivum, 22 octobris 2014; 2. Prot n. 49014/14 CA, *Reductionis ecclesiae in usum profanum* (Adv. N. et alii – Congregatio pro Clericis): a) Decretum Secretarii, 2 augusti 2014; b) Decretum Congressus, 27 martii 2015; Cristian Begus: Adnotationes in Decreta. (Decrees and comment)

The Latin text and Italian translation are given of 1. a decree of the Prefect of the Apostolic Signatura rejecting a hierarchical recourse from a woman dismissed from an international private association; 2. in the same case, a definitive decree of the Signatura rejecting the woman's recourse against the decree of the Prefect on the grounds of violations of law *in procedendo* and *in decernendo*; 3. a decree of the Secretary of the Signatura rejecting a hierarchical recourse submitted by an advocate against a bishop's decision to reduce a church to profane use, since the advocate lacked a valid mandate in the case; 4. in the same case, confirmation by the *Congressus* of the Signatura of the decree of the Secretary. In his comment on the decrees B. examines the question of technical defence in hierarchical recourses, and the *ius postulandi*.

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 Agustiniانو
- 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 Communiois
- 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

AA	Anuario Argentino de Derecho Canónico, Buenos Aires – V. Rev. John McGee, Girvan, Ayrshire.
ACR	Australasian Catholic Record, New South Wales – V. Rev. Ian B. Waters, Melbourne.
ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – 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.
EA	Estudio Agustiniano, Valladolid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
Ius	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
KIP	Kościół i Prawo, Lublin – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
Logos	Logos: A Journal of Catholic Thought and Culture, University of St Thomas, St Paul, MN – Editor.
LS	Louvain Studies, Louvain – Abstracts supplied by publisher.
MFS	Marriage, Families & Spirituality (formerly INTAMS Review), Leuven – Abstracts supplied by publisher.

NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
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.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Peter O. AKPOGHIRAN: *The Catholic Formulary in Accordance with the Code of Canon Law*, vol. 1, *Curial Acts*, Guadalupe Book Publishers, New Orleans, 2014, 432pp., ISBN 9781500171384 (reviewed by John M. Huels, *SC 52* [2018], 255-256)
- Elias FRANK: *The Dissolution of Marriage Bond in the Discipline of the Church and its Application*, Urbaniana University Press, Rome, 2017, 160pp., ISBN 978-88-401-7062-6 (reviewed by Álvaro González Alonso, *IE XXX* [2018], 340-343) (see also *Canon Law Abstracts*, no. 118, p. 84)
- Kevin GILLESPIE: *Ecclesiastical Office and the Participation of the Lay Faithful in the Exercise of Sacred Power: Towards a Theological and Canonical Understanding of the Mutual Orientation in the Sign of Christ*, Tesi Gregoriani Serie Diritto Canonico 107, Editrice Pontificia Università, Rome, 2017, 489pp., ISBN 978-88-7839-354-7 (reviewed by John M. Huels, *SC 52* [2018], 263-265)
- Wilfried HARTMANN – Kenneth PENNINGTON (eds.): *The History of Courts and Procedure in Medieval Canon Law*, Catholic University of America Press, Washington, DC, 2016, xiv + 506pp., ISBN 978-0-8132-2904-1 (reviewed by W. Becket Soule, *ELJ 20* [2018], 214-216)
- Paweł KALETA: *Legal Aspects of the Management of Church Property*, Wydawnictwo KUL, Lublin, 2017, 204pp., ISBN 978-83-8061-403-1 (reviewed by John A. Renken, *SC 52* [2018], 265-266) (see also *Canon Law Abstracts*, no. 119, p. 90)
- Biju KALEZHATH: *Mission ad Gentes outside the Proper Territory of a sui iuris Church*, (Dharmaram Canonical Studies 19), Dharmaram Vidya Icshetram, Bengaluru, 2018, xi + 728pp. (reviewed by Benny Tharakunnel, *Ius VIII* 2/17, 263-266)
- Stanisław KAWA – Agnieszka ROMANKO – Mirosław SITARZ – Anna SŁOWINKOWSKA (eds.): *The Enrollment to the Catholic Church*, Libreria Editrice Vaticana, Rome, 2017, 165pp., ISBN 978-88-209-9993-3 (reviewed by John M. Huels, *SC 52* [2018], 266-267) (see also *Canon Law Abstracts*, no. 118, pp. 32-33)
- Atria A. LARSON: *Gratian's Tractatus de Penitentia: A New Latin Edition with English Translation*, Catholic University of America Press,

- Washington, DC, 2016, xlvi + 312pp., ISBN 978-0-8132-2867-9 (reviewed by *W. Becket Soule, ELJ 20 [2018], 106-108*)
- Thomas E. MORRISEY: *Conciliarism and Church Law: Studies on Franciscus Zabarella and the Council of Constance*, Ashgate, Farnham, 2014, 370pp., ISBN 978-1-4724-2387-0 (reviewed by *Paul Avis, ELJ 20 [2018], 108-110*)
 - Jacinta A. OPONDO: *Temporary Profession and Exclusion from Subsequent Profession (Cann. 655; 689): Theological-Juridical Study*, Tesi Gregoriana Serie Diritto Canonico 106, Editrice Pontificia Università, Rome, 2017, 448pp., ISBN 978-88-7839-352-3 (reviewed by *Justin E.A. Glyn, SC 52 [2018], 267-269*)
 - Philip L. REYNOLDS: *How Marriage Became One of the Sacraments. The Sacramental Theology of Marriage from its Medieval Origins to the Council of Trent*, Cambridge University Press, Cambridge, 2016, 1052pp., ISBN 9781107146150 (reviewed by *Francesco Catozzella, IE XXX [2018], 343-344*)
 - Riccardo SACCENTI: *Debating Medieval Natural Law. A Survey*, University of Notre Dame Press, Notre Dame (IN), 2016, 156pp., ISBN 9780268100438 (reviewed by *Petar Popović, IE XXX [2018], 348-351*)
 - Kevin SCHEMBRI: *Oikonomia, Divorce and Remarriage in the Eastern Orthodox Tradition*, Kanonika 23, Edizione Orientalia Christiana/Valore Italiano, Rome, 2017, 327pp., ISBN 978-88-97789-39-0 (reviewed by *Thomas Knieps-Port le Roi, LS 41 [2018], 203-205*)
 - Christopher W.B. STEPHENS: *Canon Law and Episcopal Authority: The Canons of Antioch and Serdica*, Oxford University Press, Oxford, 2015, xi + 288pp., ISBN 978-0-19-873222-8 (reviewed by *Paul Avis, ELJ 20 [2018], 103-106*)
 - Ann SUMNER HOLMES: *The Church of England and Divorce in the Twentieth Century: Legalism and Grace*, Routledge, Abingdon, 2017, x + 916pp., ISBN 978-1-848-93617-1 (reviewed by *Richard Lindley, ELJ 20 [2018], 100-102*)
 - John C WEI: *Gratian the Theologian*, Catholic University of America Press, Washington, DC, 2016, xviii + 354pp., ISBN 978-0-8132-2803-7 (reviewed by *W. Becket Soule, ELJ 20 [2018], 106-108*)

BOOKS RECEIVED

- Yves-Alain DUCASS: *Administrative Justice in the Catholic Church, Canonists without Borders*, Paris, 2018, 374pp., ISBN 978-2-95618888-1-0 [see above, canons 1732-1739]
- José FERNÁNDEZ SAN ROMÁN: *La relevancia del abandono de la fe y de la condición de censurado en la admisión al matrimonio. Estudio del iter redaccional de los cánones 1065 y 1066 en la Codificación de 1917 y de las demás fuentes hasta el Concilio Vaticano II*, IF Press, Rome, 2018, 624pp., ISBN 978-88-6788-144-4 [see above, Historical Subjects (1917 Code)]
- Elias FRANK: *I sacramenti dell'iniziazione, della penitenza e dell'unzione degli infermi. Commento ai canoni 834-1007 del Codice di Diritto Canonico*, seconda edizione, Urbaniana University Press, Rome, 2018, 212pp., ISBN 978-88-401-7066-4 [see above, canons 834-848]
- Claude JENTIN: *L'immatrité devant le droit matrimonial de l'Église*, Letouze et Ané, Paris, 2018, 432pp., ISBN 978-2-7063-0299-2 [see above, canon 1095]
- Manuel Juan PELÁEZ ALBENDEA (ed.): *Diccionario de Canonistas y Eclesiasticistas europeos y americanos (II). Semblanzas del año 1000 al 2018*, Editorial Académica Española / AV Akademikerverlag, Saarbrücken, 2018, 615pp., ISBN 978-620-2-13833-8 [see above, Historical Subjects (Classical period)]
- Jean-Pierre SCHOUPPE: *Diritto dei rapporti tra Chiesa e comunità politica. Profili dottrinali e giuridice*, Subsidia canonica 24, Pontificia Università della Santa Croce, Rome, 2018, 392pp., ISBN 978-88-8333-745-1 [see above, General Subjects (Relations between Church and State)]
- Grzegorz ZIELINSKI: *The Right to Freedom of Belief: a Conceptual Framework*, Coll. *Corona lateranensis*, n. 81, Lateran University Press, Città del Vaticano, 2017, 408pp., ISBN 9788846511478 [see above, General Subjects (Religious freedom)]