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

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

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

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GENERAL SUBJECTS

Comparative law

Ap XCI (2018), 33-82: Francesco Caponnetto: Mancata “romanizzazione” del Diritto inglese e relazioni proprietarie comparate. (Article)

C. argues that a number of different factors have led to a failure on the part of English law to absorb the Roman tradition, particularly in the area of property law.

KIP 8 (21) 2019, nr 1, 135-156: Daria Aleksandra Cicha: Unieważnienie małżeństwa cywilnego a stwierdzenie nieważności małżeństwa w procesie kanonicznym – analiza porównawcza (*Annulment of a civil marriage and declaration of nullity in the canonical process – a comparative analysis*). (Article)

Annulment and declaration of nullity of marriage are legal institutions in two separate legal orders but are based on similar premises. The purpose of both processes is to show whether a given marriage was validly entered into. As regards similarities, analogies can be seen in the grounds for an application for marriage annulment or for an application for a declaration of marriage nullity, *locus standi*, time limits for bringing an action (or *libellus*), and the consequences of a judgment annulling a marriage or declaring the nullity of a marriage. As regards the first two categories of criteria for the initiation of a process, the following should be specified: marital impediments and defects in the declaration of will. With respect to the former, the Church legislator provides for a broader catalogue of impediments, as in the case of defective declarations of will. The third category specifies different conditions for the two processes: under civil law, a defective power of attorney, and under canon law, lack of canonical form. However, it should be pointed out that despite these differences, the content of these criteria is in many respects analogous, even though they are differently systematized by the legislator. The precise determination of the differences is important since it helps to systematize the acquired knowledge and to highlight the specific characteristics of the two separate processes, which it would be a mistake to regard as identical.

KIP 8 (21) 2019, nr 1, 187-202: Agnieszka Smoluchowska: Obostrzenie wymiaru kary w prawie kanonicznym oraz polskim prawie karnym (*Aggravation of penalties under canon law and Polish criminal law*). (Article)

See below, canon 1326.

RDC 68/1 (2018), 7-19: Gabrielle Atlan: Les unions mixtes et la conversion. L'identité juive en question. (Article)

The question of mixed marriages within Judaism raises a major problem: that of Jewish identity (or Jewishness), and indirectly that of conversion. Studying the fundamental texts of the Jewish law shows that the process of adhering to Judaism has varied through time, and that the notion of mixed marriage has notably changed. From these various texts, the liberal tendency advocates a policy of openness and flexibility towards candidates to conversion, with an acknowledgement of the Jewish demography in the background, while the conservative and orthodox rabbinate call for a stricter interpretation, thus upholding a more restrictive vision of Jewishness.

RDC 68/1 (2018), 43-70: Moussa Abou Ramadan: Le mariage interreligieux dans la doctrine juridique musulmane classique et contemporaine. (Article)

The author describes the legal Sunni Muslim (Shafi'i, Hanafi, Hanbali and Maliki) position and the opinions of contemporary Muslim scholars regarding marriage between Muslims and non-Muslims. Although in many aspects the Islamic legal system has undergone changes, when it comes to religious identity, the rule has remained unchanged. However, as regards certain marriage prohibitions there does seem to be a relative flexibility, which is not to be equated with liberalism. Scholars agree that a Muslim woman cannot marry a non-Muslim, and that a Muslim man can only marry someone from the People of the Book ("*ahl al-kitāb*"), the definition of which knows some variations.

General Subjects (Comparative law / Compilations)

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Compilations

IC 59/117 (2019), 361-383: Joaquín Sedano: Crónica de Derecho Canónico 2018. (Compilation)

S. highlights the main juridical interventions of the Holy Father and the Roman dicasteries in 2018, as well as international agreements entered into by the Holy See. He also refers to the canonical activity of the Spanish episcopal conference.

Álvaro González Alonso (ed.): La relazione coniugale: crisi attuale e orizzonti di soluzione. (Book)

This book contains the proceedings of an Interdisciplinary Study Day on the Juridical Anthropology of the Family, held at the Pontifical University of the Holy Cross, Rome, on 19 April 2018, and organized by the Centre for Juridical Studies on the Family. It includes contributions from Sergio Belardinelli on sociological aspects of the contemporary crisis of the conjugal relationship, and on reconciling love, freedom and the family; Carlos Martínez de Aguirre on legal aspects of the deconstruction of marriage and the family, and proposals for a revitalization of Family Law; Héctor Franceschi on rediscovering the intrinsic dimension of justice in the conjugal relationship; Robert A. Gahl on the anthropology of the complementarity of the sexes; Mariolina Ceriotti Migliarese on the current crisis of the integration of husband and wife, and possible solutions; and José Granados on the dimension of justice in the sacraments and in the pastoral care of the family, in the light of *Amoris laetitia*. (For bibliographical details see below, Books Received.)

Álvaro González Alonso – Jaime Abascal Martínez (eds.): L'autorità genitoriale, limite o diritto dei figli? (Book)

This book contains the proceedings of an Interdisciplinary Study Day on the Juridical Anthropology of the Family, held at the Pontifical University of the Holy Cross, Rome, on 14 March 2019, and organized by the Centre for Juridical Studies on the Family. It includes contributions from Giulio Maspero on the *imago Dei* in the paternal-filial relationship; Raffaella Iafrate on the parent-child relationship today; Francesco Russo on the specific human characteristics of motherhood, fatherhood and filiation; María Fernández-Arrojo and Montserrat Gas-Aixendri on parenthood and filiation in European legal systems; Ilaria Zuanazzi on the parent-child relationship within canonical family law; Emilio Mordini on psychiatric aspects of the crisis of fatherhood; and Blanca Castilla de Cortázar on the gift of fatherhood in the teaching of St John Paul II and in the context of contemporary culture. (For bibliographical details see below, Books Received.)

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Ecclesiology

Ap XCI (2018), 149-165: Juan A. Estrada: Il rapporto costitutivo tra Chiesa e sua missione nel nuovo millennio. (Article)

E. highlights the most significant contributions of post-conciliar ecclesiology to the theme of the relationship between the Church and the contemporary world as initiated by *Gaudium et spes*. He mentions the change of perspective required to move from a “hierarchical” ecclesiology based solely on Christ to one founded also on the Holy Spirit. He emphasizes the identity of faith that each believer needs to nurture, in order to be a credible witness in a context which is very different from the past. Cultural and religious globalization requires of the Catholic Church a greater awareness of her faith and a powerful capacity to meet and dialogue

General Subjects (Ecclesiology / Ecumenism and interreligious dialogue)

with the whole of humanity, avoiding pre-established models or fixed ways of inculturating the Christian faith.

ETJ 22 (2018), 81-110: Joseph (Tajo) Valiamplackal: The Co-responsibility of Presbyters: A Theological Analysis. (Article)

See below, Code of Canons of the Eastern Churches (*General*).

IC 59/117 (2019), 387-433: Javier Otaduy Guerín: Canonística y eclesiología. Un libro de Carlo Fantappiè. (Bibliographical comment)

O.G. analyses a book by Carlo Fantappiè, *Ecclesiologia e canonistica*, (Facoltà di Diritto canonico San Pio X, Monografie 16, Marcianum Press, Venice, 2015, 439pp., ISBN 97-88-6512-419-2), which is a commentary on the relationship between ecclesiology and canon law in the modern and contemporary era, with special reference to the 19th and 20th centuries.

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Ecumenism and interreligious dialogue

BV 79 (2019), 141-152: Tomasz Jakubiak: Reception of Vatican Council II Decrees and the Choice of Godparents in the Latin Church. (Article)

See below, canon 874.

Comm 51 (2019), 54-67: Pope Francis: Documentum quoad fraternam necessitudinem hominum pro mundi pace et communi societate vitae. (Document)

This document is a joint statement by Pope Francis and the Grand Imam of Al-Azhar (in both Italian and Arabic) issued on the occasion of the papal visit to the United Arab Emirates. It emphasizes common values in the area of justice and peace.

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Family issues

IE XXXI (2019), 117-134: Carlos Martínez de Aguirre: El Derecho de familia en el mundo occidental: perspectiva y prospectiva. (Article)

Western Family Law has undergone a substantial evolution, affecting its two basic elements: marriage and filiation. M. describes this evolution, highlighting its principal phases and general direction, which have led to the deconstruction of Family Law. He then proposes a reconstruction of Family Law, based on filiation, which from the teleological point of view is the basic relationship in Family Law.

KIP 8 (21) 2019, nr 1, 51-59: Agnieszka Romanko: Podmioty zobowiązane do wychowania dziecka według Stefana Kardynała Wyszyńskiego. Wybrane zagadnienia (*Entities obliged to raise a child according to Cardinal Stefan Wyszyński. Selected issues*). (Article)

Cardinal Stefan Wyszyński frequently spoke of the upbringing of children. He distinguished three basic communities which had not only rights but above all specific duties in this regard: the family, the State (communities in the natural order) and the Church (a community in the supernatural order). He called these societies “educational authorities” and emphasized the necessity of their mutual cooperation in the service of every human being.

Álvaro González Alonso (ed.): La relazione coniugale: crisi attuale e orizzonti di soluzione. (Book)

See above, General Subjects (*Compilations*).

Álvaro González Alonso – Jaime Abascal Martínez (eds.): L'autorità genitoriale, limite o diritto dei figli? (Book)

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Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Human rights

AnCrac 50 (2018), 255-267: Magdalena Butrymowicz: Prawa mniejszości etnicznych w nauczaniu papieży. *Zarys problemu prawnego (Indigenous people's rights in papal teaching. History of the problem)*. (Article)

In the history of the struggle of the North American indigenous people for respect for their rights, the Catholic Church has always been portrayed as having contributed most to the violation of their fundamental rights, including the right to dignity and self-determination. The attitude of governments and of some other Christian denominations which supported the policy of assimilation, displacement and marginalization of the ethnic population is almost totally ignored. In the widely-held discussions in Canada and the United States, the voice of the Catholic Church which defended the indigenous people of the American continent is completely forgotten. The words of the Popes who demanded respect for the rights of the indigenous people and called for an end to the policy of dehumanization are ignored, or even denied. It is important to recall that from the very beginning the Catholic Church, through the Pope, protested against the violation of the rights of the indigenous people of North America and firmly condemned any actions on the part of the State power aimed at the assimilation of this population. It is in fact thanks to the work of missionaries, with the support of the Holy See, that the culture, language and tradition of the indigenous people of North America have been preserved. B. calls attention to the forgotten voice of the Popes in defence of the rights of the North American ethnic peoples.

Comm 50 (2018), 478-487: Ex Ephemeride *L'Osservatore Romano*: P. Gallagher: *Sviluppo umano e integrale e universalità dei diritti in un contesto multilaterale*, Interventus Exc.mi D. Paul Richard Gallagher, Secretarii pro Relationis cum Civitatibus iuxta Consilium Europeanum,

occurrente celebratione septuagesimi anni ab Iurum Humanorum Declaratione Universali. (Intervention)

The Secretary for International Relationships addresses the Council of Europe on the occasion of the 70th anniversary of the Universal Declaration of Human Rights. The theme is “the challenge of universality”. He identifies three challenges: an insufficiently inclusive model of social development; consequences arising from an increasing cultural pluralism; persistent and grave violations of human rights in various parts of the world.

KIP 8 (21) 2019, nr 1, 85-99: Miroslaw Sitarz: Prawa dziecka w Kodeksie Prawa Kanonicznego z 1983 roku. Wybrane zagadnienia (*The rights of the child in the 1983 Code of Canon Law. Selected issues*). (Article)

According to the CIC/83 a child is a minor before the completion of his or her seventh year, and is considered not to be responsible for itself. The rights of the child stem both from natural legal personality and juridical personality in the Church. The Code legislator regulates the rights of the child such as the right to life, the right to the sacraments and the right to an upbringing.

LJ 182 (2019), 79-103: Frank Cranmer – David Pocklington: Casebook. (Compilation)

Notes are given for various cases on a range of human rights issues decided in 2018 and 2019 by the European and United Kingdom courts.

QDE 32 (2019), 10-32: Francesco Grazian: Per un statuto giuridico del minore nella Chiesa. (Article)

G. begins with a consideration of the notion of person and of the position of minors in Scripture and Tradition, and then examines the different words that the Code uses for minors and the different ages which operate as legal thresholds. He then tries to identify the rights of minors as such, distinguishing between those that arise from natural law and those that are proper to the baptized. He identifies the right to life (or to be born having been conceived), to parents and a family (seen in the correlative duty to take care of those who are born), to education, to receive the sacraments, to act in

legal processes, to choose one's own state of life, and to be protected by appropriate penal law.

Law reform

IC 59/117 (2019), 9-49: Geraldina Boni: Il diritto di denunciare la mancanza di idoneità dei titolari degli uffici ecclesiastici. (Article)

With a view to aiding the good governance of the ecclesial community B. sets out from a *de iure condendo* perspective the explicit recognition of the right and duty of all Catholics to “denounce” the lack of suitability of ecclesiastical office-holders: either in the stage prior to their appointment, by intervening in the administrative phase of the appointment process, or after the appointment has been made, should there be any incongruity between the office-holder and the post.

Legal theory

Ap XCI (2018), 83-121: Paolo Gherri: Diritto canonico e Pastorale: la norma *missionis*. (Article)

In recent years the expression *norma missionis* has been used by some to refer to what in the second half of the 20th century went under the generic name of “the spirit of canon law”: a synthesis of the particular dynamics that give life to the law of the Church and provide it with the ability to respond to the needs of the times. G. analyses the term from a canonical and theological point of view.

Ap XCI (2018), 233-242: Maurizio Gronchi: Appunti sulla norma *missionis*. Tra *Evangelium Nuntiandi* ed *Evangelii Gaudium*. (Article)

In comparing Paul VI's Apostolic Exhortation *Evangelii nuntiandi* (1975) and Francis's *Evangelii gaudium* (2013) G. points out that the supposed contrast between pastoral activity and law in the Church has now been overcome by the structural necessity (= norm) of offering the Gospel as a resource for the concrete life of men and women, and not only for the eternal destiny of their souls.

EIC 59 (2019), 355-387: Andrea Favaro: Il principio di “affidamento” nell’indicativo del diritto: tra intenti operativi ed esiti nichilisti. (Article)

The principle of “legitimate expectation” is said to protect subjective situations consolidated by acts of public authorities that are capable of bestowing some advantage and of generating an expectation on the part of the recipient. F. critically examines this definition – which is not universally accepted – with particular reference to its relationship with the principle of “juridical certainty”.

FCan XIII/1 (2018), 7-21: Javier Canosa: Joseph Ratzinger / Benedicto XVI y la justicia administrativa en la Iglesia. (Article)

On the basis of three interventions of Joseph Ratzinger / Benedict XVI related to ecclesial administrative justice – as Cardinal, acting as *ponens* in a contentious-administrative case (1984); and as Roman Pontiff, promulgating the *Lex propria* of the Apostolic Signatura (2008) and delivering an address to the members of the Apostolic Signatura (2011) – C. offers some reflections on the contribution which such interventions have made to the development of this sector of canon law. They also reflect Joseph Ratzinger / Benedict XVI’s passion for truth and the understanding of the mystery of the Church.

FCan XIII/1 (2018), 105-107: Miguel Falcão: Direito e Justiça em S. Tomás de Aquino. (Article)

F. offers some brief reflections on what St Thomas Aquinas understood by *ius* and how this relates to the concepts of law and justice.

FThC VII (2018), 211-234: Michael Nobel: Canon Law – History and notion – and the concept of synodality (I). (Article)

In the first part of a two-part article N. comments on the meaning of law; theology and canon law according to L. Örsy; the history and sources of canon law according to B. Ferme; the two Codes of Canon Law for the one Church according to J. Abbas; and norms that exist outside the universal law.

IE XXXI (2019), 17-40: Eduardo Baura: Il rapporto tra diritto e norma. Considerazioni alla luce delle proposte di Michel Villey, Sergio Cotta e Javier Hervada. (Article)

On the basis of the contributions of the juridical philosophers Michel Villey, Sergio Cotta and Javier Hervada, B. looks at the distinction between *ius* understood as a *suum* that is owed – the object of the virtue of justice – and *ius* understood as a juridical norm in the sense of a rule of right conduct. He analyses the notions of *ius* and norm and the relationship between them, seeking to identify their causal connection. He concludes with some considerations concerning knowledge of the norm as an examination of the legal rule *sub specie iustitiae*.

IE XXXI (2019), 41-63: Massimo del Pozzo: L'applicazione del concetto di diritto alla dimensione giuridica nella Chiesa. (Article)

Villey, Cotta and Hervada focused their attention on the fundamental question of what law is. Beyond the objective and ontological conception of *ius*, all three authors, with different emphases, agree on the personal, historical and prudential aspects of law (which are also important in the canonical sphere). Only Hervada has made a significant contribution to canonical science itself, considering ecclesial law to arise from the intrinsic juridical dimension of the salvific goods. Hervada has also offered important reflections on the sacramentality and relational nature of *ius canonicum* and its constitutional structure, and has encouraged the epistemological renewal of canonical science.

Relations between Church and State

AnCrac 50 (2018), 281-302: Robert Szponder: Regulacja prawna zaręczyn w Polsce (*Legal regulation of engagement in Poland*). (Article)

S. looks at the institute of the promise to marry (engagement) in Poland, from the perspective of both private law and canon law.

CLSN 196/19, 15-39: Rik Torfs: Canon Law and the Recommendations of the Royal Commission. (Article)

See below, canon 1395.

Comm 50 (2018), 244-248: Ex Ephemeride *L'Osservatore Romano*: P. Paolin: *Il Pontificato di Paolo VI – Una diplomazia per la pace*, articulus ab Em.mo Card. Petro Paolin conscriptus. (Article)

With the demise of the Papal States the diplomatic relationships of the Holy See seemed to be an anachronism that would fade away, yet constantly more and more States enter into diplomatic agreements with the Holy See. Cardinal Parolin reflects on this phenomenon in the light of Pope Paul VI's energetic promotion of the diplomatic activity of the Holy See and his addresses to the Diplomatic Corps.

Comm 50 (2018), 253-291: Gian Piero Milano: *Relatio Promotoris Iustitiae tribunalis Status Civitatis Vaticanae, die 3 mensis Februarii 2018*. (Report)

Over the past five years there have been a number of changes in the law of the Vatican City State to bring financial practices into line with international standards. After setting out the basis for the laws of the Vatican City State M. reviews some of these areas. The adherence of the Holy See to the European monetary Convention brought Vatican legislation more into line with international regulations and also expanded its jurisdiction, for example establishing new offences against the criminal code. The organization of the Vatican has also become more international with involvement in various bodies such as Moneyval. Pope Francis has acted promptly in establishing new offences when the need has become apparent. M. summarizes the judicial activity of the Vatican City State in 2016-2017, outlining the number and types of cases involved.

Comm 50 (2018), 399-400: Pope Francis: *Conventio inter Sanctam Sedem et Rem Publicam Sancti Marini quoad institutionem Catholicae religionis publicis in scholis*. (Document)

This convention follows a 1992 agreement between the Holy See and San Marino with norms regulating the teaching of religion in State schools.

Comm 50 (2018), 401-404: Pope Francis: *Conventio ad tempus inter Sanctam Sedem et Rem Publicam Popularem Sinarum super episcoporum designatione.* (Document)

This is a statement about the provisional agreement between the Holy See and the Chinese Republic concerning the appointment of bishops that will be subject to periodic review. It lists the bishops ordained without pontifical mandate who have been readmitted to full communion, and deals with the specific situation of the diocese of Chengde which is created within the province of Hebei. In a final section the Secretary of State explains that the motivation of the Holy See is pastoral to foster reconciliation within the Catholic community in China.

Comm 50 (2018), 405-421: Pope Francis: *Lex n. CCLXXIV de gubernatione Civitatis Vaticanae.* (Document)

Pope Francis initiated a review of the governance structure of the Vatican City State in 2014 and authorized a systematic reorganization on 22 February 2017. The new statutes take effect on 7 June 2019.

Comm 50 (2018), 464-471: Ex Ephemeride *L'Osservatore Romano*: F. Lombardi: *Due secoli di rapporti, articulus explanans relationes inter Sinam et Sanctam Sedem a saeculo XIX ad hodiernum tempus, a Rev.mo Federico Lombardi conscriptus.* (Article)

L. sets out briefly the development of relationships between the Holy See and China over the past two centuries and the establishment of a hierarchy. The 1950s saw a breakdown in relationships with the establishment of the Patriotic Association and the ordaining of bishops without the approval of the Holy See. However some in more recent years sought recognition from the Holy See. Tensions remained but on 27 May 2007 Pope Benedict XVI published a letter addressed to the bishops, priests, religious and people of China emphasizing the importance of unity. He also abolished special faculties allowing the ordination of clandestine bishops in the hope of encouraging dialogue with the Chinese government. While there are still problems, more channels of communication have opened.

Comm 50 (2018), 475-477: Ex Ephemeride *L'Osservatore Romano*: P. Parolin: *Una visione alta del rapporto tra Chiesa e Stato nell'opera del*

cardinale Attilio Nicora, articulus ab Em.mo Card. Petro Parolin conscriptus. (Article)

P. reflects on the historical and cultural contribution of Cardinal Attilio Nicora in his work and writings on the relationship between Church and State in Italy in the context of the 1985 Concordat between Italy and the Holy See.

Comm 50 (2018), 488-501: Status Civitatis Vaticanae: Lex N. CCXLVII de normis respicientibus perspicuitatem, vigilantiam et informationem quoad res finantiarias promulgantur. (Law)

This law on transparency, vigilance and information in matters of finance modifies Law XVIII issued on 8 October 2013 and comprises 26 articles.

Comm 50 (2018), 502-508: Status Civitatis Vaticanae: Nota Explicativa super lege n. CCLXXIV de gubernatione Civitatis Vaticanae. (Note)

This note explains the origin and intentions of the newly issued Law CCLXXIV which restructures the governance of the Vatican City State, summarizing its general character and the structures provided.

Comm 50 (2018), 509-522: Status Civitatis Vaticanae: Lex N. CCLVII normas disponens de abusus in rebus mercatoriis. (Law)

While the Vatican City does not have a financial market all States are called to protect and promote the integrity of the international financial markets. The norms of this law are intended to prevent the abuse of privileged information and manipulation of the market and to improve safeguards for investors and trust in such markets.

Comm 50 (2018), 523-528: Status Civitatis Vaticanae: Decretum N. CCLXXVII Praesidentis Gubernatoratus Civitatis Vaticanae, quo instantissimae provisiones ad patrimonialia bona licite tuenda disponuntur. (Document)

This decree introduces measures to safeguard patrimonial goods, and sets out procedures and a penalty of six to twelve months' imprisonment as well as sequestration and confiscation.

Comm 51 (2019), 34-39: Pope Francis: Lex N. CCXCVII de puerorum aetate minorum et personarum vulnerabilium custodia. (Document)

This is the text of a Law introduced to provide better for the safeguarding of minors and vulnerable adults within the territory of the Vatican City State. In addition to the requirement to denounce any alleged offences to the promoter of justice, the law sets out in detail the way in which such allegations are to be investigated and adjudicated, support measures provided and also training of personnel.

IC 59/117 (2019), 317-322; also REDC 76 (2019), 451-456: Stato della Città del Vaticano. Legge N. CCXCVII sulla protezione dei minori e delle persone vulnerabili (26 marzo 2019). (Document)

Italian text of the Law referred to in the preceding entry.

Comm 51 (2019) 47-53: Pope Francis: Instructiones ad bene adimplendam legem de puerorum aetate minorum et personarum vulnerabilium custodia. (Document)

This Instruction contains a more detailed application of the safeguarding regulations introduced by Law CCXCVII.

IC 59/117 (2019), 323-329; also REDC 76 (2019), 443-449: Francisco: Linee guida per la protezione dei minori e delle persone vulnerabili per il Vicariato della Città del Vaticano (26 marzo 2019). (Document)

Italian text of the guidelines for implementing Law N. CCXCVII, approved *ad experimentum* for three years.

IC 59/117 (2019), 331-358: Gerardo Núñez: Nueva regulación para la protección de menores y personas vulnerables en el Estado de la Ciudad del Vaticano. (Article)

Commenting on the documents referred to in the preceding entries N. focuses on some particular procedural aspects concerning the obligation to report offences against minors and vulnerable persons; the relationship between this obligation and the seal of confession and other forms of secret; measures favouring the protection and accompaniment of minors; the new

service created within the Vatican City State for helping implement the new regulations; and some factors to bear in mind in pastoral work with minors.

Comm 51 (2019) 40-46: Pope Francis: Primaria lex officii Generalis Cognitoris. (Document)

These statutes set out the office and role of an auditor general in reviewing the accounts of the various entities of the Holy See.

Comm 51 (2019), 93-94: Secretaria Status: Cognitiones super Ecclesiam Catholicam in China. (Report)

The Secretariat of State reports briefly on the agreement between the Holy See and the People's Republic of China in September 2018 on the appointment of bishops, and the specific assignments given to those whose position has been regularized. It is part of an ongoing dialogue.

Comm 51 (2019), 117-125: Ex Ephemeride *L'Osservatore Romano*: Alloquium cum Cardinale Fernando Filoni super Ecclesiam Catholicam in China. (Interview)

Cardinal Filoni answers questions from a representative of *L'Osservatore Romano* on 3 February 2019. Pope Benedict XVI's Letter of 2007 analysed the development of the current situation of the Church in China and hinted at possible changes. Pope Francis takes this as a starting point but seeks to move things forward distinguishing between a closed patriotism and legitimate love of one's country, to heal longstanding wounds. So far only two dioceses have had the question of structures resolved, but the true aim is not just formal but real unity. It is a beginning, but inevitably there will be mistakes. Finally F. reflects on the future prospects for the Church and evangelization in China.

Comm 51 (2019), 156-198: Status Civitatis Vaticanae: Relatio Promotoris Iustitiae tribunalis Status Civitatis Vaticanae anno iudiciali inaugurando, die 6 mensis Februarii 2019. (Report)

The Promoter of Justice for the Vatican City State opens the new judicial year on 6 February 2019 with a report on the previous year's activity both in textual form and by means of a number of statistical charts.

EIC 59 (2019), 137-165: Bruno Fabio Pighin: A 100 anni dalla *Maximum illud*: il suo legame intrinseco con l'evangelizzazione in Cina. (Article)

A century after its publication, Benedict XV's Apostolic Letter *Maximum illud* (30 November 1919) retains its value, being considered the Magna Carta of contemporary Catholic missions. P. highlights that, despite having a universal scope, it has an intrinsic link with evangelization in China. The document was in fact prompted by the critical situation of missions in China, and had a significant impact on evangelization in that country. It was implemented under the direction of the first apostolic delegate *in Sinis*, Mgr. Celso Costantini, who was the strategist of the application of *Maximum illud* by means of the 1924 Shanghai Council, the *plantatio Ecclesiae* with native bishops and clergy, and what is nowadays called "Christian inculturation".

EIC 59 (2019), 167-183: Agostino Giovagnoli: La Chiesa in Cina sulle orme di Celso Costantini a una svolta storica. (Article)

The recent agreement between the Holy See and China can be understood in its historical context, beginning with the mission carried out by Celso Costantini, the first apostolic delegate in Beijing (1922-1933). He was responsible for a radical change that led, among other things, to the ordination of the first Chinese bishops and to a new relationship with the authorities of the largest country in Asia. A skilled diplomat, he tackled the great difficulties facing him by fostering Chinese patriotism and creating a local Catholic hierarchy as part of a larger design. The "Costantini line" constituted an essential reference point for the Secretariat of State and Propaganda Fide, which is still bearing fruit in the form of the Agreement signed in Beijing on 22 September 2018.

EIC 59 (2019), 185-213: Liu Guopeng: Chinese Catholicism: Self-Identification under the Double Tension of Universalization and Sinicization. (Article)

G. studies the evolution of political and religious dialogue between China and the Vatican since the founding of the People's Republic of China in 1949. The Chinese Catholic Church has to maintain a subtle and difficult balance for the sake of its survival and development.

EIC 59 (2019), 215-233: Bruno Fabio Pighin: L'accordo tra la Santa Sede e la Repubblica Popolare Cinese. Annotazioni giuridiche. (Article)

P. offers some reflections on the Agreement of 22 September 2018 between the Holy See and the People's Republic of China, on the appointment of diocesan bishops within the Chinese territory. He analyses the various phases leading up to the conclusion of the agreement, which represents a first step towards the normalization of Sino-Vatican relations.

EIC 59 (2019), 235-254: Stefano Testa Bappenheim: Ordinamento cinese in materia religiosa: cenni di somiglianza col sistema tedesco. (Article)

B. examines the way in which religion is regulated in the People's Republic of China, taking as his point of reference similar provisions of the legal system of the Federal Republic of Germany.

IC 59/117 (2019), 79-119: José Ignacio Rubio López: Jurisprudencia norteamericana sobre autonomía de las Iglesias y relaciones laborales: Doctrina de la "excepción ministerial". Parte I: Antes de *Hosanna-Tabor* (2012). (Article)

By applying the two religion clauses of the First Amendment (free exercise and non-establishment), the United States Supreme Court defended the autonomy of Churches through the definition of ecclesiastical abstention in *Watson v. Jones* (1879). A century later, as a development of this decision in the field of labour relations, the federal courts in the decision of *McClure* (1972) recognized a ministerial exception by which Churches would enjoy a sphere of autonomy in relation to their ministers. The US Supreme Court admitted the constitutionality of the ministerial exception in *Hosanna-Tabor* (2012), thus resolving a number of issues that had occupied the courts for four decades.

IC 59/117 (2019), 121-158: Jean-Pierre Schouppe: Hacia un régimen jurídico de las empresas de tendencia a la luz de la jurisprudencia europea. (Article)

The case law of the European Court of Human Rights (ECtHR) regarding ethos-based organizations is sufficiently well developed to enable the tracing of a European legal structure for companies based on a specific

(religious or philosophical) ethos. S. addresses the drafting of such a legal structure at the European level: the definition of an ethos-based organization, the rights and duties of employee and employer, the limits of an ethos as such, etc. However, he points out that some recent preliminary rulings by the European Court of Justice intensify the control that the Court intends to exercise; and two of these rulings appear to diverge in part from the position adopted by the ECtHR in this regard.

IC 59/117 (2019), 159-182: Stefan Mückl: La contratación del personal al servicio de las Iglesias y el sistema de tribunales para la resolución de conflictos laborales en Alemania. (Article)

Church labour law is of eminent practical importance in Germany. Approximately 1.5 million employees work in Church service. The Constitution expressly protects the right of “religious societies” to regulate and administer their affairs independently. On the basis of this right, Churches have created their own rules, which modify the general labour law to suit the particular characteristics of Church service. Up to now the case law of the Federal Constitutional Court has respected and defended the special features of Church labour law and has given high priority to the Churches’ own self-understanding. By contrast, the European Court of Justice, in two decisions given in 2018, has questioned the principles of the German system, ruling, on the one hand, that European anti-discrimination legislation should be applied more strictly to Church service, and on the other, that the courts should exercise more rigorous control over actions taken by Churches.

IC 59/117 (2019), 183-217: Ángel López-Sidro López: La responsabilidad civil y penal de los titulares de oficios eclesiásticos según el derecho estatal. (Article)

This study explores the question of the criminal responsibility of ecclesiastical office-holders in Spain, and describes the efforts that the Catholic Church has made in recent years to strengthen cooperation with the State, so that clerics guilty of crimes are also made answerable to civil authorities. It also looks at the subsidiary civil liability of the ecclesiastical entity in which the offending office-holder is incardinated.

IE XXXI (2019), 65-94: María Fernández-Arrojo: La inmatriculación de los bienes inmuebles de la Iglesia católica en el Derecho español. Reflexiones desde la jurisprudencia reciente. (Article)

F.-A summarizes the evolution of the system of registration of the immovable property of the Catholic Church under Spanish law. Historically, the Church has enjoyed a special regime for the registration of its property, which was seen to contradict the principle of secularism and equality between religious confessions as established by the 1978 Constitution. This prompted some legislative changes in the years 1998 and 2015. The period of transition and subsequent adaptation to the new regime has led to several legal conflicts that call into question the constitutional principles and the true reasons for such regulatory changes. F.-A. demonstrates how political activism has influenced and continues to influence the manner in which the assets of the Catholic Church are treated by Spanish law.

IE XXXI (2019), 95-115: Luca Marabese: Le potenziali sfide all'immunità del Romano Pontefice: una riflessione a partire dai delitti di abuso sessuale di minori da parte di chierici. (Article)

See below, canon 1404.

IE XXXI (2019), 245-274: Corte Suprema di Cassazione – prima sezione civile – 4 giugno 2018, n. 14247 (ud. 21 marzo 2018, pres. Schirò, rel./est. Campese). Con un commento di Alessandro Rosario Rizza, *Parrocchia e soggettività giuridica nell'ordinamento italiano*. (Civil judgment and comment)

See below, canon 515.

KIP 8 (21) 2019, nr 1, 231-247: Mykhailo Klapkiv: Die Auswirkungen des Konkordats zwischen dem Apostolischen Stuhl und Polen von 1925 auf die Eparchie Stanislaviv (*The impact on the Eparchy of Stanislaviv of the 1925 Concordat between the Apostolic See and the Republic of Poland*). (Article)

After the collapse of the Central Powers, the Ukrainian and Polish authorities tried to restore their own States. These attempts were essentially hindered by the ethno-political situation in Galicia in Eastern Europe, especially after the decision of the *Entente* on 15 March 1923 to append East

Galicia to Poland. The Ukrainian Greek-Catholic Church (UGCC) faced another opportunity and challenge – to cooperate with a new government under different circumstances. Such a geopolitical change led to a kind of legal nihilism concerning Church-State relations, which introduced selective justice. These legal relations were to be resolved by way of a ruling or concordat between the Apostolic See and the Polish State, tackling legal uncertainty, financial and economic difficulties, and the sociopolitical issues in society. In this preparatory process, the Byzantine-rite Church was led by Metropolitan Šeptysky, who spoke on behalf of the bishops of Stanislaviv and Przemyśl and the faithful. It was important for the UGCC to clarify the questions of ecclesiastical property, elections of bishops, baptismal certificates, education, and ecclesiastical structures. The agreement, signed on 10 February 1925, obliged all UGCC bishops, including Bishop Hryhorij Chomyšyn (1867-1945), to take an oath of allegiance to the Polish President and pledge their loyalty to the State.

LJ 182 (2019), 37-48: Robert Meakin: Charity Law Aspects of the Sex Abuse Crisis in the Catholic Church in England and Wales. (Article)

M. explores the problems arising from claims alleging sexual abuse brought against the Catholic Church. He begins by outlining how priests can now be regarded as employees for the purposes of vicarious liability, and goes on to examine the mix of canon law and civil law provisions determining the person or body to be held liable. He then looks at the duties of trustees in these cases and at the fact that charity law arguably forces the Church to look at ways of avoiding or mitigating liability to protect charity assets. Having examined the scope for possible conflicts of interest he concludes by noting that the sex abuse crisis exposes the tension between the Church in its pastoral role and as a trustee of charitable property.

LJ 182 (2019), 49-57: Paul Barber: R (ota Humanists UK) v Catholic Education Service [2018] EWHC 3427 (Admin): The Law on the Employment of Teachers in Voluntary Schools and Academies. (Article)

B. looks at the extent to which UK law allows in effect an exception to the law on religious discrimination when appointments are made of teachers in voluntary schools and academies. He traces the origins of the present law to the Education Act 1944, and then looks at the present position in the light of the general prohibition on discrimination in employment on religious grounds contained in the Directive on Equal Treatment in Employment and Occupation (2000/78/EC) and the Equality Act 2010. He then turns to the

(unsuccessful) challenge to the present law mounted by the Humanists UK in the above case.

Per 107 (2018), 601-629: Mary Jane Aririguzo: Towards the Establishment of Ecclesiastical Courts of Appeal in Nigeria. (Article)

The Constitution of Nigeria guarantees to its citizens freedom of thought, conscience and religion; yet it also contains a provision allowing the citizens to vindicate their rights in the Muslim Sharia courts. A. considers the impact of this provision on the secularity of the Constitution of the nation as a whole, and devotes particular attention to an attempt to introduce a Bill that would establish ecclesiastical courts of appeal for Christians. She teases out the advantages and disadvantages of such a new provision. Her initial conclusion is that the nation should amend its Constitution by removing the provision on Sharia courts. If this does not happen, she calls on Nigeria as a nation to guarantee equal rights to all citizens by establishing ecclesiastical courts of appeal, pointing out that these should not be sponsored by the nation since this would undermine the equity that characterizes the Constitution.

RDC 68/1 (2018), 71-106: Aurélie Lebel-Cliqueteux: Entre répression et rédemption. L'adultère, une affaire d'État. (Article)

L.-C. argues that the clemency of the Church, concerned above all with the salvation of souls and the sacredness of marriage, stands in sharp contrast to the implacable severity with which secular powers repressed conjugal infidelity, to the benefit of their own authority. Adultery is truly, she concludes, a State matter.

REDC 76 (2019), 331-359: Diego Torres Sospedra: Ley de la Jurisdicción Voluntaria vs Acuerdos de Cooperación: la adopción de la vía unilateral respecto del matrimonio de las minorías religiosas en España. (Article)

T.S. comments on recent Spanish legislation expanding the range of religious forms of marriage having civil effects.

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso

Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

Religious freedom

ADC 8 (abril 2019), 141-230: Fabio Vecchi: Il pluralismo confessionale “neutralista”: parametro dominante della legislazione ecclesiastica “transitoria” in Montenegro. (Article)

Like the other former republics of Yugoslavia, Montenegro has undergone a long institutional transition since the 1990s. The process of moving towards democracy, however, is a slow one, and the legislation on religious freedom offers clear evidence of the current difficulties, partly resulting from ideological and cultural factors. V. points out that this is an area to be addressed in a more positive manner prior to the entry of Montenegro into the European Union in 2025.

Canonist 10/1 (2019), 25-36: Sebastijan Valentan: Freedom of Religion in International Law. (Article)

V. presents a historical outline of the first human rights documents and the debate on their different understandings upon the adoption of the 1948 Universal Declaration of Human Rights (UDHR). He highlights the provisions on religious freedom contained in the UDHR and demonstrates the further development of human rights within the United Nations. He analyses the reality that freedom of religion has become an international human right and has been incorporated into a number of international conventions and documents. He shows that freedom of religion also forms the basis of many accepted international documents, and that this right cannot be limited to the private sphere, since the public expression of religion is an important part of this fundamental human right.

Ius Comm VII (2019), 99-109: Antonio M^a Rouco Varela: Libertad religiosa – Libertad de la Iglesia. XVII siglos después del Edicto de Milán. (Article)

The current cultural context – the intellectual and social fruit of philosophically relativistic ideologies – explains why the scope of

application of the right of religious freedom and of the Church's right to be free is reduced juridically and administratively to the private sphere of human relationships, especially when these rights conflict with ideologies that proclaim an ethical relativism free of all restraints other than those imposed by social and electoral majorities. In his 2011 address to the Bundestag, Pope Benedict XVI spoke of the relationship between positive and natural law and made clear the need to recover, both subjectively and objectively, reason and its capacity to know the truth: a reason which is open to the greater light of faith. This is the intellectual, cultural and spiritual path to keeping safe and creative the right to religious freedom and the Church's right to freedom in the service of the common good.

KIP 8 (21) 2019, nr 1, 203-218: Wioleta Wasil: Od bluźnierstwa do przestępstwa, czyli co tak naprawdę chroni państwo: Boga czy uczucia religijne? – studium historyczno-prawne (*From blasphemy to offence, or what does the State really protect: God or religious feelings? – a historical and legal study*). (Article)

The offence against religious feelings has its roots in the offence of blasphemy against God. Hence the religious foundation of that regulation is undeniable. In view of this, the suggestion that the offence in question is an expression of State secularity and has nothing to do with religion (in particular the Christian religion) should be rejected.

Verg 8 (2019), 293-321: Jorge Salinas Mengual: Influencia histórica del liberalismo en el magisterio pontificio decimonónico sobre libertad religiosa: ¿continuidad o ruptura con el Vaticano II? (Article)

The definition of the content of the right to religious freedom has evolved over time in the light of the changing relationship between the temporal and spiritual powers, but also influenced by ideologies that would circumscribe religion to the merely private sphere in an attempt to build a new society equating the progress of man with the development of science and the neglect of God. One of these ideologies, liberalism, has led to the development of clear guidelines from the Magisterium regarding the right to religious freedom. S.M. describes the ways in which the 19th-century Popes Gregory XVI, Pius IX and Leo XIII interpreted this right, analysing the extent to which we can talk about continuity or rupture in the history of the Magisterium on the right to religious freedom, especially in the context of the Second Vatican Council Declaration *Dignitatis humanae*.

Social issues

Canonist 10/1 (2019), 47-71: Brian Lucas: The not-for-profit sector: a Roman Catholic view. (Article)

L. looks at the Catholic understanding of the not-for-profit sector and its social value. He draws on an extensive literature that, collectively, has come to be known as Catholic Social Teaching.

Comm 50 (2018), 101-127: Congregatio pro Doctrina Fidei et Dicasterium ad Integram Humanam Progressionem Fovendam: *Oeconomicae et pecuniariae quaestiones, animadversiones quoad ethicum discrimen super quibusdam respectibus de hodierno regimine oeconomico ac pecuniario, die 17 mensis Maii 2018.* (Document)

Increasing attention to economic and financial themes impelled the Congregation for the Doctrine of the Faith (CDF) and the Dicastery for Promoting Integral Human Progress to prepare this statement to provide an adequate ethical basis for the regulation of these areas. All human activity is called to produce fruit. There had been an increase in material well-being in the second half of the 20th century but also of inequality between and within countries. The document explores basic issues such as the need to consider human beings in the context of community and not to measure progress simply in material terms. Questions of the Golden Rule and liberty also need to be considered. Safeguards are needed in a complex society. It is important to consider the right ordering of means and ends. The document then offers a number of more concrete guidelines on different aspects of financial and economic activity.

Comm 50 (2018), 237-240: Ex Ephemeride *L'Osservatore Romano*: L. Ladaria Ferrer: *Primato del bene commune, articulus explanans documentum Oeconomicae et pecuniariae quaestiones*, ab S. E. Mons. Luis Francisco Ladaria Ferrer, S. I. conscriptus. (Article)

The Prefect of the CDF responds to some surprise at the detailed nature of the joint document produced by the CDF and the Dicastery for Promoting Integral Human Progress on economic and financial questions (see preceding entry). The world of economic affairs is complex but involves moral issues. The document does not espouse any particular model or economic theory but points to the fundamental priority of human well-being, and challenges those involved in these areas to reflect on the fundamental

issues. A solidly-based vision of what it is to be human is necessary not only for a life worthy of human beings but also for market efficiency.

Comm 50 (2018), 241-243: Ex Ephemeride *L'Osservatore Romano*: P. Turkson: *Finanza al servizio delle persone*, articulus explanans documentum *Oeconomicae et pecuniariae quaestiones*, ab Em.mo Card. Petro Kodwo Appiah Turkson conscriptus. (Article)

See preceding entries. In his article on the joint statement on economic and financial questions Cardinal Turkson takes a slightly different approach, concentrating on finance at the service of the person with references to Pope Francis's Letter *Laudato si'*, the environment and social inclusion.

Comm 51 (2019), 76-81: Pope Francis: *Allocutio Summi Pontificis coram summo conventu iudicum panamericanorum de iure quod ad hominum societatem pertinet et de franciscana doctrina, die 4 mensis Iunii 2019*. (Address)

Pope Francis speaks to a conference of South American judges about social justice as a follow-up to their previous conference which focused on *Evangelii gaudium, Laudato si'*, and an address to a popular movement of the Holy Cross. He emphasizes that social justice cannot be achieved by mere exhortation but requires legal dispositions and practical measures.

Comm 51 (2019), 140-150: Ex Ephemeride *L'Osservatore Romano*: P. Parolin: *L'unità della famiglia umana da Papa Benedetto XV a Papa Francesco, allocutio Em.mi Secretarii Status in conventu internationali Speranze di pace tra Oriente ed Occidente*. (Address)

The Secretary of State addresses a conference in Milan on "Hopes for peace between East and West". The common good has become global. Citing *Lumen gentium* he explores the notion of the Church as a sacrament, a sign and instrument of the intimate union between God and humanity. He reviews the teaching of the Popes on the theme of the unity of the human family from the time of Pope Benedict XV onwards and concludes with special reference to China.

HISTORICAL SUBJECTS

1st millennium

EIC 59 (2019), 25-45: Péter Erdő: La nascita e la diffusione delle parrocchie. Modelli di missione e di cura pastorale locale nel primo millennio. (Article)

E. investigates the birth and development of the parish during the first centuries and in the high medieval period. His analysis highlights the fundamental role of this institution in the work of evangelization and in the development of Christian communities.

EIC 59 (2019), 255-277: Maurizio Martinelli: Il diritto missionario pre-tridentino. Spunti ricostruttivi. (Article)

Among the fundamental reference points of missionary activity, rooted as it is in the Gospel, are those of the freedom and the dignity of the believer. These considerations form the basis for a historical-juridical reconstruction of evangelization, a phenomenon which, from the very beginning, involved both a geographical-spatial dimension and a personal dimension. In this context M. looks at both the unfolding of evangelizing activity and the progressive formation of missionary law.

FThC VII (2018), 113-122: Szabolcs Anzelm Szuromi: Note sulle decisioni dei Concili di Toledo dei secoli VI-VIII nella disciplina ecclesiastica della «Hispania». (Article)

The decisions of the numerous councils of Toledo, in the territory of Hispania, between the sixth and eighth centuries, had a significant effect on the *Decretum Gratiani*, which formed part of the ecclesiastical discipline up to the time of the CIC/17. Those decisions continue to exercise an indirect influence up to the present.

FThC VII (2018), 149-159: Péter Erdő: La perdita dello stato clericale secondo la disciplina ecclesiastica fino al V secolo. (Article)

In the early centuries the clerical state was understood to refer to the juridical condition of all those who had received a stable liturgical function

in the Church. Current canon law establishes that clerics are only those who have received sacred orders, that is, deacons, priests and bishops, upon whom the sacrament leaves an indelible character (cf. canons 1008-1009). A person who loses the clerical state thus preserves his sacred order, but cannot exercise it except in extraordinary situations. In antiquity the clerical state was not a unitary and homogeneous concept, and the rights of the different categories were quite varied. There existed complete deposition or exclusion from the clergy, but the guarantees and procedural protection referred principally to bishops, priests and deacons, so that the limitation of the term cleric to these three orders is not foreign to tradition. Loss of the clerical state took several forms and had varying effects, but what seems clear is that exclusion from the clerical state was a more frequent and more easily applied penalty than it is today.

FThC VII (2018), 235-246: Szabolcs Anzelm Szuromi: The “Edict of Milan” – its composition and original meaning. (Article)

S. looks at the historical background to the Edict of Milan of 313 AD which guaranteed freedom of worship in the Roman Empire; the genre of the Decree; problems with the expression “*religio licita*”; the unity and date of the Decree; and the theological concept of Part I of the Decree.

FThC VII (2018), 301-314: Szabolcs Anzelm Szuromi: Idoneity for priesthood in the early canonical discipline (an overview based on the first centuries). (Article)

See below, canon 1052.

REDC 76 (2019), 37-118: Beatriz García Fueyo: Recepción del Derecho Romano-Canónico en la presunción legal de paternidad legítima codificada. (Article)

The presumption of paternity related to lawful marriage is an institute of Roman law which has been applied in other legal systems from medieval times to the present day. As it is a presumption *iuris tantum*, the paternity of the husband can, in certain circumstances, be challenged and rejected. G.F. shows how Roman law continues to influence European Civil Codes.

Verg 8 (2019), 159-174: Amparo Montañana Casaní: Influencia del cristianismo en el régimen jurídico del cautiverio de guerra en Roma. Especial referencia a las instituciones de derecho de familia: el matrimonio. (Article)

Christianity entered indirectly into the imperial legislation by promoting the adaptation of the imperial laws to Christian doctrine. The influence of Christian principles is evident in the legal treatment given to marriages of prisoners of war: there is a clear evolution from the classical principle *dirimitur matrimonium captivitate* to the indissolubility of marriage of prisoners of war.

Classical period

EIC 59 (2019), 25-45: Péter Erdö: La nascita e la diffusione delle parrocchie. Modelli di missione e di cura pastorale locale nel primo millennio. (Article)

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

EIC 59 (2019), 255-277: Maurizio Martinelli: Il diritto missionario pre-tridentino. Spunti ricostruttivi. (Article)

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

EIC 59 (2019), 279-297: Francesca Viola: La concordanza dei *contraria* nella teologia e nel diritto canonico del secolo XII. (Article)

V. carries out a critical re-examination of the main elements that favoured the evolution of canonical *sapientia* into a *scientia*. She aims to show that the classical historiographical theory of the dependence of Gratian's *Concordia discordantium canonum* on Abelard's *Sic et non* is no longer valid. She considers that Gratian's method of reconciling disagreements between *auctoritates* stems instead from the more general context of the cultural debate between theologians and canonists which began in the 11th century concerning the relationship between *ratio* and *auctoritas* and the concept of *miser cordia-iudicium*.

FThC VII (2018), 289-300: Joaquín Sedano: L' idoneità al presbiterato nel Decreto di Graziano. (Article)

See below, canon 1052.

IE XXXI (2019), 177-204: Thierry Sol: *Nisi deprehendatur a fide devius: l'immunité du Pape de Gratien à Huguccio.* (Article)

The commentaries of the decretists on the canon *Si papa* (D.40 c.6) reveal a certain ambivalence of thought, attempting to reconcile the need to give the Church the juridical means to deal with a Pope guilty of heresy or other crimes, and the desire to preserve, by virtue of divine right, the immunity of the Roman See. Many legal distinctions were proposed, some of which, despite their interest, were not immediately made use of. Other arguments were taken up by the later conciliarists, but it is difficult to establish a clear genealogy between the two periods.

16th-19th centuries

CLSN 195/19, 46-62; also ELJ 21 (2019), 137-152: Diarmaid MacCulloch: Richard Hooker: Invention and Reinvention. (Lecture)

Given here is the text of M.'s Lyndwood Lecture to the Ecclesiastical Law Society and Canon Law Society of Great Britain and Ireland, delivered at the Temple Church, London, on 7 November 2018. MacC. explores the many ways in which the writings of the 16th-century theologian Richard Hooker have been claimed and exploited to support often conflicting theological positions.

KIP 8 (21) 2019, nr 1, 219-230: Artur Katolo: Etymology of the Legal-Canonical, Medical and Theological Terms Used in the *Edict of the General Vicar of the Catania Diocese Concerning Caesarean Section and Bridal Blessing* by Vincenzo Maria Paternò. (Article)

K. provides an English translation of the 1742 decree of the Vicar General *Editto del Vicario Generale della Diocesi di Catania Intorno al Parto Cesareo, e Benedizione Nuziale* and explains the etymology of the canonical, legal, medical and theological terms used.

KIP 8 (21) 2019, nr 1, 249-270: Marcin Konarski: Reformy organizacji Kościoła rzymskokatolickiego we Francji w latach 1789-1791 (*Reform of the organization of the Roman Catholic Church in France 1789-1791*). (Article)

K. examines the process of reform of the organization of the Church in France implemented during the first period of the Revolution, when the National Assembly attempted to introduce State control (*étatisation*) of the Church. At this time there were no signs of overt de-Christianization or “atheization”. The reforms affected the organizational, property, and personal affairs of the Church, and culminated in the adoption of the Civil Constitution of the Clergy on 12 July 1790. However, this increased the dissatisfaction of clergy who had hitherto supported the reforms, and caused a rift within the Church. The legislation on ecclesiastical matters was condemned by Pope Pius VI and caused an increase in anti-revolutionary sentiment, especially at the local level. The solutions that were to be adopted in the subsequent years of the Revolution and under Napoleon’s rule would modify those of 1789-1791.

Verg 8 (2019), 293-321: Jorge Salinas Mengual: Influencia histórica del liberalismo en el magisterio pontificio decimonónico sobre libertad religiosa: ¿continuidad o ruptura con el Vaticano II? (Article)

See above, General Subjects (*Religious freedom*).

1917 Code

IC 59/117 (2019), 261-288: Carlos Salinas Araneda: Propuestas de reformas al derecho canónico presentadas por el arzobispo de Tarragona, Tomás Costa y Fornaguera, al iniciarse la codificación del derecho canónico de 1917. (Article)

Based on documents from the Vatican Secret Archives, S.A. presents and evaluates the proposals for the reform of canon law made by the archbishop of Tarragona in response to the Vatican Secretariat of State’s circular letter *Pergratum mihi* of 25 March 1904.

REDC 76 (2019), 241-269: Carlos Salinas Araneda: Propuestas de reforma al derecho canónico presentadas por el arzobispo de Burgos,

fr. Gregorio María Aguirre y García, OFM, al iniciarse la codificación del Derecho Canónico de 1917. (Article)

See preceding entry. Here S.A. presents and evaluates the proposals for the reform of canon law made by the archbishop of Burgos.

Verg 8 (2019), 201-245: Carlos René Salinas Araneda: Las observaciones del arzobispado de Tarragona a los proyectos de libros II y III del Código de Derecho Canónico de 1917. Introducción, transcripción y notas. (Article)

In the course of the first codification, the partial projects for the five Books that were to form the new Code were sent to the bishops for their observations. S.A. presents those made by the archiepiscopate of Tarragona to the projects for Books II and III, in response to the consultations of 1912 and 1914 respectively, and offers a first evaluation of them.

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

The XVI International Congress of the *Consociatio Internatialis Studio Iuris Canonici Promovendo*, held in Rome on 4-7 October 2017, focused on a comparison of the juridical culture within the Church with other kinds of juridical culture. Pope Francis, in his opening message to the Congress, spoke of the role of the CIC/17 in strengthening and protecting the Church's autonomy while at the same time indirectly contributing to a "healthy secularity" in State legal systems. The Congress looked at the historical and cultural context of the Church's first codification: the cultural foundations of the Church's legislation at the start of the 20th century (Mario Caravale), and the advantages and limitations of a codification (Carlo Fantappiè). To explain this choice it is necessary to go back to the ancient precedents: the relationship with Roman Law and Germanic Law (Peter Landau) and the dynamicity of the Church's legislation which has given rise to distinct juridical systems in different cultural environments: the common law and civil law (Ken Pennington). Other factors influencing the work of codification were the doctrine of *ius publicum ecclesiasticum* (Matteo Nacci), the preceding European codifications (Lorenzo Cavalaglio), and the requirements of the Christian East (Federico Marti). The celebration of

Vatican II gave rise to what the Pope described in his opening message as “a passage from an ecclesiology modelled on canon law to a canon law adapted to ecclesiology”. The Council led to a deepening in the epistemological status of canon law itself (Péter Erdő) as the fruit of a clearer vision of the essential characteristics of the Church, which in consequence has required new legal texts both for the Latin Church (Giorgio Feliciani) and for the Eastern Churches (Cyril Vasil’). The Congress reflected on present-day juridical challenges facing the Church, including Church unity in a context of cultural diversity and pluralism of thought, the relationship between the universal and particular dimensions of the Church, and episcopal collegiality (Javier Otaduy), as well as the relationship between the faithful and the hierarchy within the ecclesial community (María Blanco). Historical experience has also given rise to other questions concerning the codification: the suitability or otherwise of legal definitions (Chiara Minelli), the adoption of elements of the *ius vetus* (Maria D’Arienzo), and the importance of the lived experience of the ecclesial community (Thierry Sol). Two juridical topics which have been very much to the fore in the life of the Church in recent years are, first, the reordering of the matrimonial nullity processes, which the Congress looked at in the wider perspective of mercy and justice, both in their fundamental aspects (Carlos José Errázuriz M.) and from the procedural point of view (Manuel Jesús Arroba Conde); and second, the management and administration of ecclesiastical goods (Paolo Gherri) and supervision over the management and administration of such goods (Mauro Rivella), which requires among other things transparency (Diego Zalbidea). There were also presentations on matters in which the Church has varying experiences in different secularized cultural contexts, including education (Ulrich Rhode), the exercise of the office of governance (Carlo Cardia), the marriage institution (Ludovic Danto), and civil recognition of the Church’s organizational bodies and of her mission (Paolo Cavana). In his final address the President of the Congress, Luis Navarro, drew three conclusions relating to the need to “go beyond” the Code, in the juridical formation of canonists, the canonical formation of jurists, and the universal and exemplary vocation of canon law.

This collection of proceedings also contains papers from Norman Doe on Canon Law and Covenant in Anglicanism; Heinrich De Wall on an ecumenical perspective on canonical culture and other juridical Christian cultures (Orthodoxy, Anglicanism, Protestantism); Elie Raad on the history, theological foundations and cultural roots of Islam; Andrea Zanotti on canonical culture and Jewish juridical culture; Jesu Pudumai Doss on canonical culture and Indian juridical culture; Jean Paul Betengne on canonical culture and juridical cultures in Africa; Carlos Salinas Araneda on

Latin American codification and canonical codification; Vincenzo Buonomo on canonical culture and the international juridical order; Kurt Martens on canonical culture and legal systems in common law; Paola Buselli Mondin on ecclesiastical advocates in today's juridical culture; Javier Canosa on the contribution of the faithful to good ecclesiastical administration; Massimo del Pozzo on canonical constitutional law in the CIC/17; Francisco Junior De Oliveira Marques and Fernando Antônio Campos Viana on the goods of a religious under canon 668 and under Brazilian law; Elena Di Bernardo on Cardinal Roberti and the modern procedural culture; Jan Dohnalik on the internal forum and the Apostolic Penitentiary's observations on the CIC/17; Benedict N. Ejeh on particular Churches in mission territories; Costantino-M. Fabris on the notion of internal forum in the CIC/17 and the CIC/83; Francesco Falchi on the pastoral nature of ecclesial law and the encounter of canon law and juridical cultures in the teaching of Paul VI; José Fernández San Román on the admission to marriage of those who had notoriously abandoned the faith and those under censure, in the historical sources and in the 1917 codification; Mariangela Galluccio on the relaxation of the prohibition on mixed marriages in canon law and in Jewish law; Manuel Ganarin on the relationship between canonical codifications and the disciplinary tradition of the Church, and the contribution of authentic interpretations *per modum legis*; Montserrat Gas-Aixendri on the need for dialogue between canon law and theology to tackle the challenges of the pastoral care of families; Juan González Ayesta on two recent provisions of the Spanish Bishops' Conference to promote transparency; Wojciech Góralski on the reception of the CIC/17 in Poland; Raffaele Granata on the canonical codification in the systems of sources of law of the Church of England; Lucia Graziano on the codifying experience of the Catholic Church and dialogue among juridical cultures; Aurora M^a López Medina on the competition for the first professorial chairs after the CIC/17; Jesús Miñambres on legal ownership of ecclesiastical goods; Agostino Montan on the evolution of the norms on consecrated life in the modern juridical culture; Simona Paolini on the placement of *De religiosis* in the CIC/17; Miguel M. F. Repetto Rolon on public order in the CIC/17; Alessio Sarais on how the canonical codification is reflected in the law of the Vatican City State; Beatrice Serra on the reasons for the supremacy of *lex* in the Church's juridical experience; Szabolcs Anzelm Szuromi on Justinian Serédi's personal contribution to the codification of the CIC/17; and Ilaria Zuanazzi on leniency as a paradigm of the power of governance in the Church. (For bibliographical details see below, Books Received.)

20th century

EIC 59 (2019), 137-165: Bruno Fabio Pighin: A 100 anni dalla *Maximum illud*: il suo legame intrinseco con l'evangelizzazione in Cina. (Article)

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

REDC 76 (2019), 149-214: Justo García Sánchez: La diócesis civitatense, hace un siglo: año 1922. Manuel María Vidal y Bullón, Obispo-administrador apostólico. Una *relatio* con la recepción del Derecho romano. (Article)

From the end of the 16th century the bishops of Ciudad Rodrigo (Spain) fulfilled their canonical duty of presenting a five-yearly report on the diocese in Rome, although they usually did so through a procurator. The Concordat of 1851 suppressed the diocese, and appointed the bishop of Salamanca as apostolic administrator, until at the end of that century the diocese was given a proper apostolic administrator. One of those who later carried out this function was Manuel María Vidal y Bullón, who in 1922 delivered a very complex report in Rome, the first to follow the requirements of the CIC/17.

Second Vatican Council and revision of the CIC and CCEO

Comm 50 (2018), 292-298: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Tertia Plenaria Coadunatio Cardinalium membrorum Commissionis die 28 mensis Maii 1968 habita – Coetus de Codicis systematica ordinatione: Votum consultoris Stephani Kuttner. (Report)

Kuttner explores the question as to whether a revised Code ought to follow the systematization of the CIC/17 and if not, on what principles it should be based. He argues that the division of material into persons, things or actions adopted in Roman law is not necessarily appropriate for all legal systems. Equally he considers that the division in many legal systems between public and private law does not sit well with the Church. The adoption of the fivefold division from the Decretals also has its failings. It is easier to find fault than to identify a way ahead. There is no *a priori* ideal model. One should not look for perfection but an order that is practical, concrete and

understandable. For this reason one cannot simply adopt the order used in conciliar documents where the purpose was rather one of teaching and exhortation. Kuttner does however set out ten bullet points that he thinks would be helpful.

Comm 50 (2018), 299-310: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Tertia Plenaria Coadunatio Cardinalium membrorum Commissionis die 28 mensis Maii 1968 habita – Coetus de Codicis systematica ordinatione: Votum consultoris Alfonsi M. Stickler. (Report)

Stickler points to several difficulties – the question of a *Lex Fundamentalis*, a general confusion in the Synod of Bishops between the juridical and the theological, and the peculiar nature of law in the Church. He outlines the systematization developed through Gratian and the Decretals and contrasts this with the systematization by German canonists based on the distinctions between public and private law, constitutive and administrative law, subjects and objects, a threefold ministry, etc., which are not themselves consistent. The motivations for reform are basically threefold: to remedy defects, to adapt to modern conditions, and to reflect the teachings of Vatican II. No simple model can be found to respond adequately to all that should be included. S. suggests that the model should ignore the contrasting pairs mentioned above in favour of a way of bringing them together, and advocates the use of the threefold understanding of power. He does not favour a separate body of fundamental law. Finally he offers a skeleton of four books.

Comm 50 (2018), 311-360: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”, Sessio diebus 12-23 mensis Martii 1979 habita. (Report)

This session reflected on the general role of communicating the truths of the Gospel; whether non-Catholics should be considered heretics or schismatics; and the publication of Scriptural, liturgical and devotional texts, preaching, and the place of the homily.

Comm 50 (2018), 529-542: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De Codicis systematica ordinatione”: Quaestio “De ordinatione systematica novi Codicis Iuris

Canonici”. Adumbratum schema e.mis patribus commissionis proponitur. (Report)

This report sets out the situation as on 18 April 1968 with regard to three questions; the principles directing the reform of the Code; the schema of a *Lex Fundamentalis*; and the possibility of a provisional systematic order. There was general agreement that the old order should be abandoned. There were two options on the second point: a free-standing document for the whole Church or a section within the Latin Code. There was much less agreement on the third. An outline of a revised Code was offered based on the assumption that there would be a separate *Lex Fundamentalis*, with a query as to whether this was an acceptable structure.

Comm 50 (2018), 543-551: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De Codicis systematica ordinatione”: Relatio de votis consultorum et de discussione primae congregationi proponenda. (Report)

This report summarizes the positions of eight consultors who wished to see the schematization of the CIC/17 abandoned: A. Dordett; S. Kuttner; P. Lombardía; Bishop Lourdasamy; F. McManus; K. Mörsdorf; C. Munier; A. Stickler. It then lists the points on which they agree and those on which they disagree and ends with eleven questions that require further consideration.

Comm 50 (2018), 552-559: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De Codicis systematica ordinatione”: Votum consultoris Petrum Lombardía. (Report)

L. sets out his own proposal which would have organized the revised Code into ten books: norms; ecclesiastical hierarchy; associations; sacraments; sacred places, things and times; divine worship; Magisterium; temporal goods; delicts and penalties; processes.

Comm 50 (2018), 560-575: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De Codicis systematica ordinatione”: Votum consultoris Nicolaus Mörsdorf. (Report)

M. sets out his proposed systematization into seven books: norms; the constitutional law of the Church including its hierarchical structure; right of

association; spiritual ministry (Word, sacraments, worship and apostolate); temporal goods; penal law; processes. The text is in German.

Comm 50 (2018), 576-584: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De Codicis systematica ordinatione”: Conspectus de novo ordine systematico Codicis Iuris canonici consultoris Nicolaus Mörsdorf. (Report)

M. sets out his proposed structure for the revised Code in detail, dividing the seven books into parts, chapters, sections and articles. This text is in Latin.

Comm 50 (2018), 585-586: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Index (VII riunione, 26 novembre – 7 dicembre 1979). (Report)

The agenda and list of documents for discussion at the meeting held 26 November-7 December 1979 on the revision of the CCEO.

Comm 50 (2018), 587-602: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “*De educatione christiana*”. (Report)

This sets out, with a brief note on each, the 34 draft canons for the CCEO covering the subjects of Catholic schools, Catholic universities and ecclesiastical universities and faculties.

Comm 50 (2018), 603-613: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum ad recognoscendum “*De evangelizatione gentium*”. (Report)

This sets out 15 proposed canons on evangelization with brief notes on each but a more extended comment on canon 3 and its relationship with the proposed canons 62-64 of the *Lex Ecclesiae Fundamentalis*.

Comm 50 (2018), 614-619: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis

et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “De catechetica institutione”. (Report)

The text on catechetical formation originally proposed (*Nuntia* 3, pp. 72-73) was revised in the light of the Synod of Bishops (1977) and John Paul II’s Exhortation of 16 October 1979. The relator explains the changes in the new texts of the eleven proposed canons.

Comm 51 (2019), 199-210: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum consultoris P. Lombardía. (Votum)

L. proposes a format of ten books for the revised Code (abandoning the former schematization of “persons”, “things” and “actions”): norms; ecclesiastical hierarchy; associations; sacraments; sacred places, things and times; divine worship; Magisterium; temporal goods; delicts and penalties; processes.

Comm 51 (2019), 211-215: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum consultoris F. R. McManus. (Votum)

McM. thinks a schematization into books premature but identifies a series of topics: fundamental and constitutional law; disciplinary code; instructions and guidelines. From the point of view of content he suggests: witness of the Church; Christian way of life; sacramental and liturgical life; institutional life. Should penalties be needed at all they ought to be included with the obligations rather than in a separate place. He suggests using the threefold *munera* as a way of arranging the topics.

Comm 51 (2019), 216-220: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum consultoris A. Dordett. (Votum)

D. suggests nine books: the Church and People of God; hierarchy; associations; office of ruling; office of teaching; office of sanctifying; non-collegial institutes; delicts and penalties; processes.

Comm 51 (2019), 221-224: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica

Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis I. Colombo. (Votum)

C. confines his comments to two points. A fundamental law ought to be based solely on divine law, whether positive or revealed, so as to emphasize its immutability. In the case of physical persons there should be an ascending order: laity; “states of perfection”; sacred hierarchy. He provides a series of ticked boxes against the eight questions that had been posed.

Comm 51 (2019), 225-229: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis J. Döpfner. (Votum)

D. sets out his response to the eight questions posed as ticked boxes with brief comments on general norms and the People of God.

Comm 51 (2019), 230-241: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis F. Quiroga y Palacios. (Votum)

Q. sets out his response to the eight questions posed with ticked boxes but with more detailed replies to questions 1 (Fundamental Law), 2 (administrative acts affecting juridical persons), 3 (People of God), 4 (the three *munera*), 7 (safeguarding of rights in the Church) and 8 (proposed emendations to the structure).

Comm 51 (2019), 242-249: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis H. Florit. (Votum)

F. sets out a discursive reply to all eight questions and then his response in tick box form.

Comm 51 (2019), 250-259: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis M. de Fürstenberg. (Votum)

F. gives a fairly detailed response to most of the eight questions proposed as well as his response to each in tick box form.

Comm 51 (2019), 260-274: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus “De ordinatione systematica Codicis”: Votum et modi ab Em.mis Patribus Plenaria in Sessione diei 28 mensis Maii anno 1968 prolata: Votum cardinalis A. M. Larraona. (Votum)

L. sets out a detailed response to the eight questions asked and his response to each in tick box form.

Comm 51 (2019), 275-279: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “De oecumenismo”. (Schema)

In relation to the revision of the Eastern Code, G. Nedungatt sets out ten draft canons on the reception of non-Catholics into full communion, with a brief explanation of each.

Comm 51 (2019), 280-285: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “De admissione in Ecclesiae pleniorum communionem”. (Schema)

Here Nedungatt sets out a more fully argued schema of 13 canons on reception of non-Catholics into full communion.

Comm 51 (2019), 286-296: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “Professio fidei et alia”. (Schema)

Nedungatt sets out canons on the ministry of the Word (1-5 and 8-15) with brief comments and then a more developed exposition on the profession of faith and promise of fidelity.

Comm 51 (2019), 297-304: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Schema canonum a Relatore propositum pro revisione “De diaconissis”. (Schema)

This is a revised text of proposed canon 4 on deaconesses. The term “ordained” is not used, to avoid controversy, nor is it stated whether it is to be considered a major or minor order. Instead mention is made to appointment to a ministry – “*constituitur*”. Other things being equal they are to be regarded as equivalent to deacons but the liturgical and apostolic roles would be determined by the particular Churches. The exposition sets out a list of sources derived from various Oriental traditions and is accompanied by a brief note on the role of deaconesses in the Ethiopian Church by A. Ghebriel Stefanos.

Comm 51 (2019), 305-329: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Textus et postulationes in discussionibus perpensi. (Draft canons)

This comprises the texts of draft canons for discussion November-December 1979 covering: Christian education including Catholic schools and universities, ecclesiastical universities and faculties (32 canons); evangelization of the nations (12 canons); catechesis (12 canons); ecumenism (8 canons); admission into full communion (11 canons); deaconesses (2 canons).

Comm 51 (2019), 330-331: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”: Appendix – Circulus minor “De coetu de Magisterio Ecclesiastico”. (Report)

This is a short report of a sub-group that continued further discussion on the reception of non-Catholics into full communion.

FCan XIII/1 (2018), 63-74: Manuel Joaquim Rocha: 35 anos do Código de Direito Canónico. (Article)

R. briefly presents the history of the elaboration of the Code from John XXIII to John Paul II, reflects on the nature of law in the Church, and lists the changes to the CIC/83 introduced by John Paul II, Benedict XVI and Francis.

FThC VII (2018), 273-288: Nicolás Álvarez de las Asturias: L’idoneità per ricevere l’ordinazione sacerdotale alla veglia del concilio Vaticano II. (Article)

See below, canon 1052.

CODE OF CANONS OF THE EASTERN CHURCHES

General

ETJ 22 (2018), 81-110: Joseph (Tajo) Valiamplackal: The Co-responsibility of Presbyters: A Theological Analysis. (Article)

V. explores the theological basis of the co-responsibility of the Christian faithful in general, before explaining the consultative co-responsibility of presbyters in particular. Co-responsibility in the Church has its foundation in baptism. With particular regard to presbyters, the priest is an *alter Christus* acting in *persona Christi capitis Ecclesiae*. The *unum presbyterium* highlights the co-responsibility of presbyters and obliges the bishop in certain cases to constitute and sustain different ecclesiastical consultative organs whose purpose is to collaborate with the bishop in the governance of the eparchy.

ETJ 22 (2018), 50-80: Francis Eluvathingal: Restoration of All India Jurisdiction: Historical, Juridical and Ecclesial Implications. (Article)

E. discusses the context of the papal letter of 9 October 2017 to the bishops of India. From its beginning, the Syro-Malabar Church enjoyed jurisdiction over the whole of India, but this jurisdictional authority was lost in 1610 AD. After four centuries, jurisdiction for All India has now been restored. E. examines the historical, juridical and ecclesial implications of the restoration.

KIP 8 (21) 2019, nr 1, 61-83: Jerin Scaria: Analisi giuridica comparativa del fedele laico nel *Codex Iuris Canonici* e nel *Codex Canonum Ecclesiarum Orientalium* con particolare riferimento al codice del diritto particolare della Chiesa Syro-Malabarese. (Article)

In the present context of the universal Church, the “one *Corpus Iuris Canonici*” is becoming a concrete reality. The Church breathes with the two lungs of East and West, and the Eastern canons supplement those of the West: in particular when a canon refers to either the Latin Church or a Church *sui iuris*, and when the context makes clear that the case concerns relations with the Latin Church.

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

CCEO 595-666

Comm 50 (2018), 311-360: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus Studiorum “De clericis et de Magisterio Ecclesiastico”, Sessio diebus 12-23 mensis Martii 1979 habita. (Report)

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

CODE OF CANON LAW BOOK I: GENERAL NORMS

8

Comm 50 (2018), 433: Secretaria Status: Rescriptum “ex Audientia Ss.mi” quo promulgatur Constitutio Apostolica *Veritatis gaudium*, die 4 mensis Septembris 2018. (Document)

See below, canons 807-821.

17

ITS 56 (2018), 167-186: I. Amalraj: Canonical Perspective of *Mens Legislatoris*: Principles of Interpretation. (Article)

A. looks at four aspects of *mens legislatoris*: 1. the meaning of “mind” in the Bible, in philosophy and psychology, and in Roman law; 2. the concept of *mens legislatoris* in canonical literature; 3. the difference between *mens legislatoris* and *intentio legislatoris*; 4. the canonical significance of the *mens legislatoris* as a principle of interpretation.

36-47

FCan XIII/1 (2018), 41-61: Joaquim de Assunção Ferreira: Os actos administrativos singulares. (Article)

F. seeks to clarify the nature of administrative acts, dispelling any suspicion of arbitrariness in ecclesiastical administration. Commenting on canons 36-47, he explains the notion of an administrative act, its essential characteristics, criteria for its interpretation, and its juridical form. He emphasizes the need for written form for validity in certain cases. He examines the restrictions on the effectiveness of administrative acts resulting from the principle of legality, and goes on to look at administrative acts requiring an executor, illustrating the obligations of the executor by means of some practical examples.

97-98

KIP 8 (21) 2019, nr 1, 85-99: Mirosław Sitarz: Prawa dziecka w Kodeksie Prawa Kanonicznego z 1983 roku. Wybrane zagadnienia (*The*

rights of the child in the 1983 Code of Canon Law. Selected issues. (Article)

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

97-98

QDE 32 (2019), 10-32: Francesco Grazian: Per un statuto giuridico del minore nella Chiesa. (Article)

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

149

FThC VII (2018), 249-272: Antonio Viana: Significato dell'ideoneità per l'Ufficio Ecclesiastico secondo il Diritto Canonico. (Article)

See below, canon 1052.

184-186

REDC 76 (2019), 119-147: Julio García Martín: La pérdida del oficio eclesiástico por renuncia al cumplir la edad prefijada. (Article)

Resignation from ecclesiastical office for having reached the prescribed age limit was introduced by Vatican II for diocesan bishops and parish priests, in view of which Pope Paul VI set the age limit at 75. Paul VI applied the same criterion to superior prelates of the Roman Curia and later also to Cardinals, and established the age of 80 as the limit for holding an office and for being an elector of the Roman Pontiff. The CIC/83 adopted this principle as a general rule. Subsequent legislation in respect of the Roman Curia has also accepted this principle, and Pope Francis has clarified to some extent the effect of the reaching the age limit for resigning, and of the resignation itself.

189

Comm 50 (2018), 75-77: Pope Francis: Litterae Apostolicae *Imparare a congedarsi*, a Summo Pontifice die 12 mensis Februarii currentis anni motu proprio datae. (Document)

See below, canons 401-402.

BOOK II, PART I: CHRIST'S FAITHFUL

208-231

IC 59/117 (2019), 221-259: Massimo del Pozzo: I doveri fondamentali del fedele: caratteristiche e inquadramento sistematico. (Article)

Del P. explores the scope of the fundamental obligations of the faithful. He reflects first on canonical doctrine and the provisions of the Code in defining the features of such obligations: the obligatory nature of the law, the general scope of duty and, above all, the primacy or fundamentality of an obligation as such. He looks more specifically at obligations in relation to the liturgical-charitable, educational-formational and social-participatory fields, highlighting the main features in each area. Obligations are to be seen as complementary to rights, and cannot be understood as a limitation or restriction on the just recognition of such rights.

213

QDE 32 (2019), 10-32: Francesco Grazian: Per un statuto giuridico del minore nella Chiesa. (Article)

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

213

QDE 32 (2019), 33-46: Fabio Marini: Il diritto dei minori a ricevere i sacramenti, in specie l'Eucaristia e la penitenza. (Article)

M. begins by stressing that access to the sacraments is not simply a matter of morality but a legal right rooted in the *ius divinum*. He reviews the impact of the 1910 decree of Pope Pius X *Quam singulari* on the question of age, arguing that the use of reason remains the determining norm. He then links this to the duty of parents and pastors to provide catechetical education to prepare for the sacraments. He concludes with reflections on the impact of the sacraments in the Christian life.

230

FThC VII (2018), 249-272: Antonio Viana: Significato dell' idoneità per l'Ufficio Ecclesiastico secondo il Diritto Canonico. (Article)

See below, canon 1052.

232-264

Vid 83 1/18, 24-47: Rajakumar Joseph: Ministerial Priesthood and Integral Formation. Revisiting *Ratio Fundamentalis Institutionis Sacerdotalis* (The Gift of Priestly Vocation). (Article)

J. examines the 2016 *Ratio Fundamentalis Institutionis Sacerdotalis* concerning the seminary formation of candidates for the priesthood, highlighting its wisdom and vision. He comments on the four stages of integral formation (propaedeutic; philosophical studies; theological studies; pastoral) and the indispensable requirement of ongoing formation; and on the four dimensions of formation: human, spiritual, intellectual and pastoral. Priestly formation must be integral and holistic. It is not merely about self-sacrifice and service; it is about a way of being an authentic disciple on a missionary journey.

255

S 81 (2019), 122-139: Gustavo Cavagnari: The Pastoral Formation of the Candidates for the Priesthood in the Light of *Veritatis gaudium*. (Article)

See below, canons 807-821.

260-262

RMDC 24/2 (2018), 323-353: Marco Antonio Hernández H.: Funciones propias del Rector del Seminario. A la luz del Código de Derecho canónico y de la nueva *Ratio Fundamentalis*. (Article)

The Church has always felt a special concern for the formation of the clergy. Hence the importance of those who are entrusted by the diocesan bishop with the task of forming candidates for Order. Among these the role of the rector of the seminary has particular importance. According to canon 260, the rector "is responsible for the day to day direction of the seminary, in accordance with the norms of the Charter of Priestly Formation and the rule

of the seminary”. The 2016 *Ratio Fundamentalis Institutionis Sacerdotalis*, no. 134, presents him as a “priest distinguished by prudence, wisdom and balance, highly competent, who coordinates the educational endeavour in the governance of the seminary. With fraternal charity, he will establish a profound and loyal collaboration with the other formators. He is the legal representative of the seminary, both ecclesiastically and civilly.” H. looks at the role of the rector of the seminary in the light of the new *Ratio Fundamentalis*, highlighting the tasks and functions the rector of the seminary is called upon to fulfill.

290-292

FCan XIII/1 (2018), 93-103: Manuel Fernando Sousa e Silva: Dispensa das obrigações sacerdotais. (Article)

The sacrament of Order, like Baptism and Confirmation, confers character. This character is indelible, so that, once ordained, a priest or deacon remains so for ever. But it may be that the commitments undertaken at ordination become an unbearable burden, putting at grave risk the recipient's eternal salvation. The Church, as a caring mother, can dispense from these burdens in particular cases. This does not involve a process of nullity of ordination, but rather an administrative process that concludes with a dispensation. S. sets out the duties from which a cleric may be dispensed, and the effects of such dispensation. He describes the itinerary for obtaining dispensation from the priesthood, which – as with dispensation from the diaconate – is always reserved to the supreme authority of the Church. It is not a right, but rather a grace granted by the Holy Father, so as to make the journey of eternal salvation less harsh.

290-293

FThC VII (2018), 149-159: Péter Erdő: La perdita dello stato clericale secondo la disciplina ecclesiastica fino al V secolo. (Article)

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

294-297

IE XXXI (2019), 289-302: Carlos José Errázuriz M.: Reflexiones sobre la unidad esencial entre el carisma del Opus Dei y su dimensión institucional constitutiva. (Article)

E. examines the relationship of charism and institution in the personal prelature of Opus Dei. He points out the essential unity between the charismatic aspects and the institutional aspects in the ecclesial reality which was founded by St Josemaría Escrivá in Madrid in 1928 and which now extends across the whole world.

305

ADC 8 (abril 2019), 15-87: Carlos López Segovia: Instrumentos jurídico-canónicos para la vigilancia de las entidades eclesiales en las Iglesias Particulares. (Article)

Given the complexity of the Catholic Church's structure and the diversity of its various bodies and organisms it is necessary for the competent ecclesiastical authorities such as diocesan bishops to have tools which legally and objectively allow them to access information, for the purposes of their governmental duties, concerning the entities that function within the territory of their respective particular Churches. L.S. looks at the scope and content of this function of vigilance, in both a wide and a narrow sense, and ends with a suggestion concerning the means that the diocesan bishop could make use of in fulfilling this right and duty.

312

Comm 51 (2019), 95-100: Secretaria Status: Decretum Generalis sodalicii Caritas Internationalis. (Document)

This decree entrusts the regulation of *Caritas Internationalis* as a public juridical person to the Dicastery for Promoting Integral Human Development.

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

342

Comm 50 (2018), 180-236: Commissio Theologica Internationalis: *De synodalitate in vita ac munere Ecclesiae, die 3 mensis Maii 2018.* (Document)

In an address to mark the 50th anniversary of the establishment of the Synod of Bishops, Pope Francis spoke of “synodality” as God’s way for the Church in the third millennium. From 2014 to 2017 the International Theological Commission has studied the question of “Synod, Council and synodality”. The first chapter of its study looks at synodality in Scripture, Tradition and history. The second explores a theology of synodality with its roots in the Church as a people united by the Trinity, and the pilgrim nature of the People of God. It is an expression of the theology of communion and of its dynamism. Chapter Three moves on to its actualization within particular Churches (diocesan synods and synodality in parish life) and at regional level (particular councils, conferences of bishops, the patriarchates of Eastern Churches and regional gatherings of these), before considering the universal level – Ecumenical Councils and the Synod of Bishops. The final chapter explores the way ahead with a renewal of synodality.

342

Per 107 (2018), 545-571: Alan Modrić: *La sinodalità nel sistema giuridico della Chiesa.* (Presentation)

This presentation was given by M. during the 53rd annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, held at Brescia in June 2018. M. examines the theme of synodality in the Church. As a starting point, he takes the discourse of Pope Francis on 17 October 2015, marking the 50th anniversary of the establishment of the Synod of Bishops. Among recent documents considered, he highlights that of the International Theological Commission of 2 March 2018, *Synodality in the life and mission of the Church*. More specifically, then, he considers synodality and ecclesial communion, synodality and consultation within the Church, as well as how synodality is actually made real in the life of the Church – in the particular Church, in different groupings of particular Churches, and in the universal Church. He concludes by observing that Pope Francis has brought

new energy and vigour to the synodal process, adding that it is necessary to find new ways to include all categories of Christ's faithful in the process.

342-348

CLSN 195/19, 63-79: Pope Francis: Apostolic Constitution – *Episcopalis Communio* on the Synod of Bishops. (Document)

See following entry.

342-348

Comm 50 (2018), 375-394: Pope Francis: *Constitutio Apostolica de Synodo Episcoporum Episcopalis Communio* die 15 mensis Septembris 2018. (Document)

This Apostolic Constitution revises the statutes of the Synod of Bishops. Pope Francis sets out briefly the history of the Synod in its 50th anniversary year and requests from bishops a more effective involvement in the Church at the universal level. He speaks of the bishop as both teacher and disciple. The Synod provides a privileged means of listening to the People of God. In revising the statutes the Pope wishes to take into account a number of elements: the involvement of religious and other participants such as experts or invited guests; different types of sessions including liturgical celebrations; and the role and composition of the Secretariat. The Pope needs the counsel of his brother bishops, and the Synod is a manifestation of the communion of the Church. The substance of the dispositions falls under five headings: assemblies; preparation; celebration of the Synod; drawing together and giving effect to its conclusions; and the Secretariat. The Constitution takes effect on the day of its promulgation in *L'Osservatore Romano*. The text is in Italian.

342-348

Comm 50 (2018), 441-459: *Synodus Episcoporum: Instructio super celebratione Conciliorum Synodaliū et super muneribus Secretariae Generalis Synodi Episcoporum.* (Document)

The *motu proprio Episcopalis communio* reformed the statutes of the Synod of Bishops. This Instruction sets out the provisions in greater detail particularly with regard to the role of the Secretariat and the manner in which the Synod is to be conducted.

342-348

Comm 50 (2018), 460-463: Ex Ephemeride *L'Osservatore Romano*: M. Arroba Conde: *Anche la forma è importante*, articulus explanans Constitutionem Apostolicam *Episcopalis Communio*, a Rev.mo D. Manuel Jesús Arroba Conde conscriptus. (Article)

A.C. explains the rationale behind the form of the document *Episcopalis communio*. An Apostolic Constitution is used for norms at a higher level, and motu proprios for those of lesser importance. Pope Paul VI used a motu proprio *Apostolica sollicitudo* to establish the Synod of Bishops, but Pope Francis felt an Apostolic Constitution more appropriate for these reforms. One reason was etymological. It implied a decision made in a collaborative manner. The second was to emphasize its importance in the way ahead for the Church.

342-348

Comm 50 (2018), 471-474: Ex Ephemeride *L'Osservatore Romano*: A. Borras: *La questione della rappresentanza al Sinodo*, articulus explanans quaestionem de participatione in Synodo secundum Apostolicam Constitutionem *Episcopalis Communio* a Rev.mo D. Alphonse Borras conscriptus. (Article)

B. explores the question of representation at the Synod of Bishops. Canon law and doctrine are disciplines with different conceptual approaches. The question is made more difficult when one takes into account the secular democratic concept of representation with its presupposition of the sovereignty of the people. B. acknowledges that the difficulty is not confined to this document but is ultimately derived from *Christus Dominus*, no. 5. It is not about delegation. The text needs to be studied in detail in order to form a correct understanding of Pope Francis's intentions.

342-348

IE XXXI (2019), 275-288, 365-382: Juan Ignacio Arrieta: *Sinodalità e Sinodo dei Vescovi*. (Article)

Commenting on *Episcopalis communio* (the Italian text of which is given on pp. 365-382) A. looks at the institutional nature of the Synod of Bishops, the role of the General Secretariat, and other forms of synodal meetings.

342-348

Ius Comm VII (2019), 111-121: Lluís Martínez Sistach: La reforma del Sínodo de los Obispos. (Article)

With the promulgation of the Apostolic Constitution *Episcopalis communio* of 2018, reforming the make-up and activity of the Synod of Bishops, Pope Francis has achieved his dream of continuing to evangelize the current world, by reforming an important ecclesial structure in order to place the Synod at the service of mission, evangelization and ecclesial renewal: a programme he had expressed in his 2013 Apostolic Exhortation *Evangelii gaudium*.

342-348

NRT 141 (2019), 66-68: Alphonse Borras: *Episcopalis communio*, mérites et limites d'une réforme institutionnelle. (Article)

B. analyses the theological and canonical meaning of *Episcopalis communio*, starting from its title and its main elements: the function and nature of the Synod of Bishops, the typology of synodal assemblies, the daily running and role of the General Secretariat of the synod, etc. He picks out some merits and limits of this ecclesiological innovative text.

342-348

REDC 76 (2019), 361-381: Antonio Viana: *Episcopalis communio*. Un comentario a las nuevas normas sobre el sínodo de los Obispos. (Article)

V. notes that *Episcopalis communio* does not promote a re-foundation but rather a transformation of the Synod of Bishops. The most important question that now arises is the coexistence in the same institution of the principle of episcopal collegiality and that of synodality.

342-348

RMDC 24/2 (2018), 434-460: Francisco: Constitución Apostólica, *Episcopalis Communio*, sobre el Sínodo de los Obispos, 15 de septiembre de 2018. (Document)

Spanish text of the document.

350

Comm 50 (2018), 431-432: Secretaria Status: Rescriptum “ex Audientia Ss.mi” Summi Pontificis Francisci quo placuit adscribere in Ordine Episcoporum Cardinales Parolin, Sandri, Ouellet et Filoni eosdem omnino aequiparando cardinalibus titularibus ecclesiarum Suburbicarium, die 26 mensis iunii 2018. (Document)

While the College of Cardinals has increased notably in number in recent years the number of the Order of Bishops has remained the same. This rescript derogates from the provisions of the Code so as to grant the status of Cardinal Bishop to the four cardinals named with effect from 28 June 2018.

352

Comm 50 (2018), 431-432: Secretaria Status: Rescriptum “ex Audientia Ss.mi” Summi Pontificis Francisci quo placuit adscribere in Ordine Episcoporum Cardinales Parolin, Sandri, Ouellet et Filoni eosdem omnino aequiparando cardinalibus titularibus ecclesiarum Suburbicarium, die 26 mensis iunii 2018. (Document)

See above, canon 350.

353

QDE 32 (2019), 84-98: Fabio Franchetto: Il concistoro straordinario (can. 353 §3). (Article)

F. compares the ordinary and extraordinary consistories, seeing the key distinguishing feature of the extraordinary consistory as the participation of all the cardinals without distinction of age. He suggests that the teaching of Pope St John Paul II saw the functions of the extraordinary consistory as being an aid to the Pope and an expression of collegiality. F. looks at the themes treated by the extraordinary consistories of recent pontificates, and suggests that the distinction between a consistory and the Synod of Bishops is that the former is made up of cardinals alone.

360

Canonist 10/1 (2019), 37-46: Justin Glyn: Less than Meets the Eye: The Pontifical Secret and Analogous Provisions. (Article)

G. seeks to clarify what the pontifical secret is and is not, and considers both it and its analogues elsewhere in canon law in the light of common law equivalents which protect the right to a fair trial. He considers the potential for amending the secret in the light of recent demand for increased transparency in the Church, given what we now know about the systemic concealment of child sexual abuse within the Church.

360

CLSN 195/19, 40-45: Gordon Read: Suppression of the Pontifical Commission *Ecclesia Dei*. (Document and comment)

By means of the *motu proprio Ecclesia Dei* of 17 January 2019 Pope Francis established that the Pontifical Commission *Ecclesia Dei*, instituted on 2 July 1988 by Pope John Paul II, be suppressed with immediate effect, and the tasks of the Commission be assigned to a special section of the Congregation for the Doctrine of the Faith (CDF). In his comment on the document, R. points out that the work carried out by the former Pontifical Commission is now to be exercised in full by the CDF. G. also comments on the reaction of the Society of St Pius X.

360

Comm 50 (2018), 172-176: Dicasterium pro Laicis, Familia et Vita: Statutum Dicasterii pro Laicis, Familia et Vita, die 8 mensis Maii 2018. (Document)

This is the text (in Italian) of the Statutes of the newly formed Dicastery for the Laity, the Family and Life.

360

Comm 50 (2018), 177-179: Pontificia Commissio pro Tutela Minorum: Communicatus Pontificiae Commissionis pro Tutela Minorum, die 17 mensis Februarii 2018. (Document)

This press release sets out the membership, both new and reconfirmed, of the Pontifical Commission for the Safeguarding of Minors, with a brief

report of the task before them: to listen to those abused and to create a culture of safeguarding. It concludes with a link to a website for more details (www.protectionofminors.va).

360

Comm 51 (2019), 9-11: Pope Francis: Litterae Apostolicae, Motu Proprio datae, de Pontificia Cantorum Cappella. (Document)

Hitherto the singers of the papal chapel were part of the pontifical household but administered autonomously. This motu proprio places them under the jurisdiction of the Office of Liturgical Celebrations of the Supreme Pontiff.

360

Comm 51 (2019), 12-14: Pope Francis: Litterae Apostolicae, Motu Proprio datae de Pontificia Commissione Ecclesia Dei. (Document)

The Pontifical Commission *Ecclesia Dei* was established on 2 July 1988 to support the full ecclesial communion of followers of Archbishop Lefebvre. The responsibilities entrusted to them have changed as a result of the motu proprio *Summorum Pontificum* of 2007, the reorganization of 2009 (*Ecclesiae unitatem*) and the entrusting of dialogue with the Society of St Pius X to the Congregation for the Doctrine of the Faith (CDF) in 2017. This motu proprio suppresses the Pontifical Commission, integrating its competences completely with the CDF.

360

RDC 68/1 (2018), 157-175: Pierre-Marie Berthe: La suppression de la commission *Ecclesia Dei*: un choix théologiquement cohérent. (Article)

See preceding entry. B. considers that the transfer of competences to the CDF follows an evolution which started as early as 2009 with Pope Benedict's motu proprio *Ecclesiae unitatem*, but the motives behind it are principally theological, involving factors such as the minimum requirements for communion within the Church, the authorized interpretation of Vatican II, criticism of authentic Magisterium in pastoral matters, the harmonization of unity and diversity within the Catholic world, the culture of dialogue, and the implementation of a principle cherished by Pope Francis: "unity is superior to conflict".

360

IC 59/117 (2019), 51-77: Fernando Puig Sanahuja: Aspectos canónicos del servicio en la Curia romana. (Article)

Improving ecclesial governance entails improving the governance of persons. Service in the Roman Curia is marked by the distinction between the system of government and that of public service. The system of government consists predominantly of members of the clergy and, for this reason, is conditioned by the personal canonical status of the office-holder (cardinal, bishop, or priest). Some sources of dysfunction in the Roman Curia could be overcome by harmonizing the functions of government with the personal condition of the office-holder. The system of public service – consisting mainly of laity – which follows canonical criteria regarding both the suitability of candidates and their working conditions, could be improved by introducing good market practices.

362

Comm 51 (2019), 151-155: Ex Ephemeride *L'Osservatore Romano*: P. Parolin: Homilia Em.mi Secretarii Status in Missa ineuntis Conventus pontificiorum legatorum in Vaticano, die 12 mensis Iunii 2019. (Homily)

In his homily to a conference of papal legates at the Vatican the Secretary of State reflects on the role of the diplomatic service of the Holy See in working for a more just society, one that should be characterized by love. Referring to the First Reading (2 Cor 3) he states that it is a ministry that should reflect the glory of God, and that the messengers should allow themselves to be transformed by the message.

372

Comm 51 (2019), 101-116: Congregatio pro Doctrina Fidei: Normae complementares Constitutioni Apostolicae *Anglicanorum Coetibus*. (Document)

These norms replace those issued at the time of *Anglicanorum Coetibus*, revising them in certain points. Those baptized but not brought up as Catholics may complete their initiation as members of the Ordinariate. Likewise unbaptized persons may enter the Ordinariate through its evangelizing work. A new article 15 governs the use of the liturgical books proper to the Ordinariate. The text is given in both Italian and English.

372

REDC 76 (2019), 423-438: Normas complementarias a la Constitución Apostólica *Anglicanorum coetibus* de la Congregación de la Doctrina de la Fe, 19.03.2019. (Document)

See preceding entry. The text is given in both Italian and English.

372

RMDC 25/1 (2019), 205-213: Congregazione per la Dottrina della Fede: Norme complementari alla Costituzione Apostolica «*Anglicanorum Coetibus*», del 19 de marzo de 2019. (Document)

See preceding entries. The text is given in Italian.

377

Comm 50 (2018), 401-404: Pope Francis: *Conventio ad tempus inter Sanctam Sedem et Rem Publicam Popularem Sinarum super episcoporum designatione.* (Document)

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

377

Comm 50 (2018), 464-471: Ex Ephemeride *L'Osservatore Romano*: F. Lombardi: *Due secoli di rapporti*, articulus explanans relationes inter Sinam et Sanctam Sedem a saeculo XIX ad hodiernum tempus, a Rev.mo Federico Lombardi conscriptus. (Article)

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

377

Comm 51 (2019), 93-94: Secretaria Status: *Cognitiones super Ecclesiam Catholicam in China.* (Report)

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

377

Comm 51 (2019), 117-125: Ex Ephemeride *L'Osservatore Romano*: *Alloquium cum Cardinale Fernando Filoni super Ecclesiam Catholicam in China*. (Interview)

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

384

LJ 182 (2019), 25-36: Robert Ombres: *The Legitimate Expectation of Diocesan Clerics in Catholic Canon Law*. (Review article)

One of the most important mechanisms in canon law to express the bonds between the diocesan bishop and some of the clergy is incardination. Incardination embodies a whole set of values, it coordinates various duties and rights as between bishop and clergy, and it has many repercussions. From time to time, the secular courts as well as Church authorities have had to consider the status of the incardinated clergy, prominently so in situations of clerical sexual abuse of minors. O. reviews the hugely detailed and accomplished study by Dr Edward Morgan, entitled *Fathers and Brothers: The Legitimate Expectation of Diocesan Clerics in the light of Canon 384 of the Code of Canon Law* (see *Canon Law Abstracts*, no. 122, p. 124). There is a constant interplay between Catholic theology and canon law on the one hand and the common law on the other, with an emphasis on actual cases. The regulatory system of the United Kingdom's General Medical Council is considered as a helpful point of comparison.

387

QDE 32 (2019), 105-123: Gianfranco Ghirlanda: *Il ministero pastorale del vescovo nella diocesi: profili canonici*. (Article)

G. explores the canonical implications of the bishop's pastoral ministry under the threefold aspect of teaching, sanctifying and governing, with specific reference to his care of priests and seminarians, religious and lay people. He examines the pastoral visit, and looks at relationships of reciprocity with the laity, and structures of participation in the governance of the diocese.

401

REDC 76 (2019), 119-147: Julio García Martín: La pérdida del oficio eclesiástico por renuncia al cumplir la edad prefijada. (Article)

See above, canons 184-186.

401-402

Comm 50 (2018), 75-77: Pope Francis: Litterae Apostolicae *Imparare a congedarsi*, a Summo Pontifice die 12 mensis Februarii currentis anni motu proprio datae. (Document)

See *Canon Law Abstracts*, nos. 121, p. 51; 122, pp. 58-59. Pope Francis follows up a comment made in a homily at Santa Marta on 30 May 2017 in which he spoke of the need for preparation for retirement and flexibility over the age set. The text slightly modifies the provisions made in a rescript of 3 November 2014 with regard to bishops (§2) and the provisions of the Code with regard to heads and superiors of Dicasteries of the Holy See. Such persons are invited to present their resignation to the Holy Father having completed 75 years of age but their office is considered to have been extended until either the acceptance of the resignation has been communicated or a formal extension of their tenure has been granted whether for a definite or an indefinite period. The change took effect on the date of promulgation in *L'Osservatore Romano*.

411

Comm 50 (2018), 75-77: Pope Francis: Litterae Apostolicae *Imparare a congedarsi*, a Summo Pontifice die 12 mensis Februarii currentis anni motu proprio datae. (Document)

See above, canons 401-402.

515

EIC 59 (2019), 25-45: Péter Erdő: La nascita e la diffusione delle parrocchie. Modelli di missione e di cura pastorale locale nel primo millennio. (Article)

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

515

EIC 59 (2019), 47-77: Yvonnick Dacoury Zoni: Les paroisses rurales dans les diocèses de mission. (Article)

See below, canon 782.

515

IE XXXI (2019), 245-274: Corte Suprema di Cassazione – prima sezione civile – 4 giugno 2018, n. 14247 (ud. 21 marzo 2018, pres. Schirò, rel./est. Campese). Con un commento di Alessandro Rosario Rizza, *Parrocchia e soggettività giuridica nell’ordinamento italiano.* (Civil judgment and comment)

R.R. comments on a case in which the Italian *Corte di Cassazione* was asked to rule on the existence or otherwise of the parish as a juridical entity in Italian civil law.

517

EIC 59 (2019), 79-117: Marino Mosconi: Nuove forme di “collaborazione” tra più parrocchie in Italia: le “unità pastorali”. (Article)

M. analyses pastoral units in the light of the provisions of the law, documents of the Holy See, and local documents, in order to highlight the potential fruitfulness of such units and the conditions in which they may flourish. He identifies the essential elements of the parish, in order to understand, on the one hand, what are the fundamental aspects that enable a community of faithful to continue to be considered as a parish, and on the other, what are the areas that most clearly lend themselves to inter-parish development. He goes on to set out the elements that need to be present in order to allow us to speak properly of pastoral unity. In the light of the 2004 Directory for the Pastoral Ministry of Bishops *Apostolorum successores* he distinguishes pastoral unity from other forms of inter-parish cooperation. He proposes possible models of pastoral unity that can be implemented on the basis of current legislation.

517

EIC 59 (2019), 119-135: Giuseppe Comotti: Forme giuridiche di collaborazione tra parrocchie: profili civilistici. (Article)

Falling numbers of clergy and the inability of parishes to implement their own pastoral proposals unaided mean not only that recourse needs to be had to the different methods of pastoral care introduced by the CIC/83, but also that new organizational patterns of collaboration between parishes need to be devised and tested, especially in the context of charitable, educational and cultural activities. These forms of collaboration, in the absence of any detailed regulatory provision on the part of universal law, are governed mainly by particular canon law. C. considers the possibilities and limits in Italy in the light of civil law provisions.

526

EIC 59 (2019), 119-135: Giuseppe Comotti: Forme giuridiche di collaborazione tra parrocchie: profili civilistici. (Article)

See above, canon 517.

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

573

PS LIV 162 (2019), 219-240: Melanie S. Reyes: A Comparative Study of Sacred Bonds in Institutes of Consecrated Life. (Article)

In the course of history, different forms of consecrated life have emerged in the Church. Two of these, the religious and consecrated seculars, are recognized in the CIC/83 as institutes of consecrated life. Although distinct from one another, members of these institutes assume the practice of the evangelical counsels through vows or other sacred bonds. Religious take public vows whereas consecrated seculars have private vows, oaths, promises or consecration binding in conscience. R. compares and contrasts the vows of religious institutes and the vows or other sacred bonds of secular institutes with regard to their juridical nature and juridical effects on the canonical status of a person in the Church, on the status of the person in relation to the institute, and on the practice of the evangelical counsels; she then identifies the implications of the distinction. She concludes with some proposed practical matters for consideration, and some issues for clarification, particularly in relation to the nature of secular consecration.

573-730

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

578

ETJ 23 (2019), 73-93: Jossy Veliyan: Characteristics of the Founder of Religious Institutes. (Article)

Based on various Church documents, the practice of the Church and the reflections of theologians, V. attempts to establish a reliable list of criteria to identify the founders of religious institutes. These features will help to determine the essential elements that the founder contributes in the process of the foundation of a religious institute. Undoubtedly these will be of use

for all religious institutes whose beginnings are in the distant past and which have problems in determining who their founders are. As a result of the study, she applies these norms in the case of Women Third Order Carmelites Discalced, Kerala, to determine its charismatic founder.

604

Comm 50 (2018), 135-145: *Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae: Instructio Ecclesiae Sponsae Imago super “Ordo virginum”, die 4 mensis Iulii 2018 – extractus.* (Document)

This Instruction is issued in response to requests for guidance from diocesan bishops on how to implement the provisions for the order of virgins. Sections 44-73 are printed more or less in full. These cover the questions of communion and co-responsibility within the order of virgins in a diocese, the responsibility of the diocesan bishop, the pastoral care for the order, the possible support at the level of the conference of bishops, referral to the secretariat for the order of virgins within the Congregation, removal to another diocese, foundations and associations, and separation from the order. (See also *Canon Law Abstracts*, no. 122, p. 64.)

607

PS LIV 162 (2019), 219-240: Melanie S. Reyes: *A Comparative Study of Sacred Bonds in Institutes of Consecrated Life.* (Article)

See above, canon 573.

615

QDE 32 (2019), 64-83: *Una comunità claustrale di vita integralmente contemplativa: Vultum Dei quaerere e Cor Orans.* (Article)

The writers review critically the two recent pieces of legislation on female monastic life. They identify the important points as the autonomy of monasteries and the provisions the new law provides for affiliation and suppression, innovations in the structures for federations of independent monasteries (with concerns for the implications these have on enclosure and for moves towards centralization), relaxations in the rules on enclosure, and formation (with attention to the new possibility of a common house for formation).

634-640

VC LV 2/19, 138-165: José Rodríguez Carballo – Pier Luigi Nava: Economia a servizio del carisma e della missione. (Article)

A year after the publication of the document *Economy at the service of the charism and mission* issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (6 January 2018: see *Canon Law Abstracts*, no. 122, pp. 66-67), the Secretary and Undersecretary of that Congregation comment on the document's aims and its reception.

638

Comm 50 (2018), 428-430: Pontificium Consilium de Legum Textibus: Resposiones Particulares. (Replies)

The Pontifical Council for Legislative Texts replies to a professor who sought clarification on the correct interpretation of paragraphs 81 and 90 of *Economy at the service of the charism and mission*. The *Orientamenti* do not change the law but simply spell out in more detail what is required for acts of alienation, particularly with regard to the praxis of the Holy See. Where a request exceeds the level set by the bishops' conference for a region, authorization from the Congregation is required whether or not the goods concerned form part of the stable patrimony because the institute could still suffer harm. The reply then spells out in detail the steps that must be taken and the documentation required.

638

Per 107 (2018), 573-600: Lucjan Świto – Malgorzata Tomkiewicz: Le competenze della Sede Apostolica in materia di alienazione del patrimonio della Chiesa universale alla luce del Codice di Diritto Canonico del 1983. (Article)

S. and T. devote their attention to the administration of goods within the Church in general and, in particular, to the alienation of Church patrimony and the role which the Apostolic See has to play in the process. The immediate context of this study is the restructuring and reforming of the financial administration of the Apostolic See initiated by Pope Francis. The authors begin by examining the administration of patrimony in general, devoting attention to the relevant key canons (canons 638; 1277) in order to make clear the fundamental concepts at work. They then pass on to what is required by canon 1291 and the permission needed for the alienation of what

is designated as “stable patrimony”. They examine the permission that is needed from the Apostolic See for the alienation of other goods that are identified in canon 1292 §2. Finally, they consider the juridical formalities to be observed in seeking permission from the Apostolic See.

667

Comm 50 (2018), 130-134: Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae: Instructio *Cor Orans* Constitutionis Apostolicae “*Vultum Dei quaerere*” de mulierum vita contemplativa Congregationis pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae, die 15 mensis Maii 2018 – *extractus*. (Document)

Given here are excerpts from the Instruction *Cor orans* setting out various changes in the life of female contemplative religious following the Apostolic Constitution *Vultum Dei quaerere*, approved *in forma specifica* by Pope Francis. Topics included are: the autonomous monastery; federations of monasteries; separation from the world/enclosure; and its immediate application to all existing female monasteries of the Latin Rite with a requirement of compliance within one year.

667

IE XXXI (2019), 303-314: Grzegorz Ruranski: L’istruzione *Cor orans*: l’attuazione della riforma della vita contemplativa femminile. (Article)

The Instruction *Cor orans* is a help for those who need to apply the prescriptions of the Apostolic Constitution *Vultum Dei quaerere*. However the application of its provisions should not be done in such a way as to cause situations of injustice, but should respect the rights of nuns and monasteries. Monasteries of nuns are not all the same: they involve different charisms and traditions, and the hierarchy should help them with advice and juridical assistance.

667

QDE 32 (2019), 64-83: Una comunità claustrale di vita integralmente contemplativa: *Vultum Dei quaerere* e *Cor Orans*. (Article)

See above, canon 615.

694

Canonist 10/1 (2019), 10-15: Pope Francis: Apostolic Letter *Communis Vita* – The Modification of Canon 694 §1 and Canon 729; Anthony Malone: Commentary on Pope Francis’ Motu Proprio *Communis Vita*. (Document and comment)

The Pope adds to canon 694 §1, among the reasons for dismissal *ipso facto* from a religious institute, a prolonged illegitimate absence from the religious house lasting at least 12 consecutive months. A new §3 establishes that the dismissal is to be confirmed by the Holy See, or in the case of institutes of diocesan right, by the bishop of the principal see. The change also necessitates a modification of canon 729 with regard to secular institutes, to which the new provisions do not apply. M. comments on the nature of the document itself as well as its specific content.

694

CLSN 196/19, 10-14: Franciscus PP: Apostolic Letter, motu proprio, *Communis vita*, 19 March 2019. (Document and comment)

An English translation is given of the motu proprio, together with a brief comment.

694

Comm 51 (2019), 15-19: Pope Francis: Litterae Apostolicae, Motu Proprio datae, *Communis Vita*, quibus nonnullae normae Codicis Iuris Canonici immutantur. (Document)

This motu proprio amends the text of canon 694 §1 and canon 729 by adding an additional ground for automatic dismissal of religious (new number 3) based on unlawful absence from the house for 12 months as provided in canon 665 §2. Canon 729 is revised to make it clear that this new number does not apply to members of secular institutes. The text is given in both Italian and Latin and came into effect on 10 April 2019.

694

Comm 51 (2019), 126-129: Ex Ephemeride L'Osservatore Romano: J. Carballo: Nel segno della responsabilità condivisa, articulus explanans Litteras Apostolicas Motu Proprio datas Communis Vita, ab Exc.mo D. Iosepho Carballo conscriptus. (Article)

The Secretary of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life explains the motu proprio *Communis vita* adding a new ground for automatic dismissal from the religious life. In recent years in some places there has been a weakening of appreciation for the common life and instances of unlawful absence from community. The new clause makes absence for 12 months or more without permission a ground for automatic dismissal, subject to the process of verification in canon 694 §2. It includes not only those absent without permission but also those who fail to return once a period of exclaustation has expired. Such persons can find themselves in a position, financially or otherwise, not compatible with the religious life. The superior is under an obligation to try to recover them for community life but if this is unsuccessful cannot simply do nothing. Clearly this is not applicable to members of secular institutes who do not live in community and so canon 729 needed to be modified accordingly.

694

REDC 76 (2019), 419-421; also RMDC 25/1 (2019), 202-204: Carta apostólica en forma de Motu proprio del Sumo Pontífice Francisco *Communis vita* con la que se modifican algunas normas del Código de Derecho canónico, 19.03.2019. (Document)

Spanish text of the motu proprio.

694-704

RDC 68/1 (2018), 141-156: Parfait Blaise Louthé: Renvoi de religieuses en contexte congolais. *Kimuntu*, droit canonique et culture. (Article)

L. looks not so much at the novelty of the dismissal procedure as defined in the CIC/83 as at the implementation of this procedure within a well-defined culture, and its consequences regarding respect for charity and the dignity of the nun dismissed. She bases her study on an enquiry conducted among former nuns and on an analysis of the notion of *Kimuntu* in its customary, judicial and social dimensions in the *Kongo* culture within Congo-

Brazzaville. *Kimuntu* encompasses all the qualities of goodness, generosity, truth, justice, respect, solidarity and dignity.

712

PS LIV 162 (2019), 219-240: Melanie S. Reyes: A Comparative Study of Sacred Bonds in Institutes of Consecrated Life. (Article)

See above, canon 573.

729

Canonist 10/1 (2019), 10-15: Pope Francis: Apostolic Letter *Communis Vita* – The Modification of Canon 694 §1 and Canon 729; Anthony Malone: Commentary on Pope Francis’ Motu Proprio *Communis Vita*. (Document and comment)

See above, canon 694.

729

CLSN 196/19, 10-14: Franciscus PP: Apostolic Letter, motu proprio, *Communis vita*, 19 March 2019. (Document and comment)

See above, canon 694.

729

Comm 51 (2019), 15-19: Pope Francis: Litterae Apostolicae, Motu Proprio datae, *Communis Vita*, quibus nonnullae normae Codicis Iuris Canonici immutantur. (Document)

See above, canon 694.

729

Comm 51 (2019), 126-129: Ex Ephemeride *L’Osservatore Romano*: J. Carballo: *Nel segno della responsabilità condivisa*, articulus explanans Litteras Apostolicas Motu Proprio datas *Communis Vita*, ab Exc.mo D. Iosepho Carballo conscriptus. (Article)

See above, canon 694.

729

REDC 76 (2019), 419-421; also RMDC 25/1 (2019), 202-204: Carta apostólica en forma de *Motu proprio* del Sumo Pontífice Francisco *Communis vita* con la que se modifican algunas normas del Código de Derecho canónico, 19.03.2019. (Document)

See above, canon 694.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

Comm 50 (2018), 91-100: Congregatio pro Doctrina Fidei: Litterae *Placuit Deo* Congregationis pro Doctrina Fidei ad Ecclesiae Catholicae Episcopos conscriptae de quibusdam Christianae salutis respectibus, die 1 mensis Martii 2018. (Document)

The Congregation for the Doctrine of the Faith addresses the subject of salvation in this circular letter to bishops. It speaks first of the impact of cultural changes on the understanding of Christian salvation. Salvation is a human aspiration. God has always offered the means of salvation preparing the way for the coming of Christ. The Church as the Body of Christ is the place where we receive the salvation brought by Christ. Awareness of this gift of the fullness of life pushes us to announce this joy to all human beings as we look forward to his coming again.

747

Comm 50 (2018), 434-435: Congregatio pro Doctrina Fidei: Rescriptum “ex Audientia Ss.mi” quoad novam paragraphi n. 2267 Catechismi Ecclesiae Catholicae conscriptionem de capitali poena, die 1 mensis Augusti 2018. (Document)

By this rescript the wording of no. 2267 of the Catechism of the Catholic Church on capital punishment is changed so as to exclude the death penalty completely.

747

Comm 50 (2018), 436-440: Congregatio pro Doctrina Fidei: Epistulae ad Episcopos quoad novam paragraphi n. 2267 Catechismi Ecclesiae Catholicae conscriptionem de capitali poena, die 1 mensis Augusti 2018. (Document)

The Congregation for the Doctrine of the Faith explains in a letter to bishops the rationale behind changing the wording of no. 2267 of the Catechism of the Catholic Church. The push against the use of the death penalty was already present in the teaching of John Paul II and was continued in that of Benedict XVI. Pope Francis has now decided that the time has come for its

complete suppression as contrary to the inviolability and dignity of the person.

747

RMDC 24/2 (2018), 427-433: Congregación para la Doctrina de la Fe: Carta a los Obispos acerca de la nueva redacción del n. 2267 del Catecismo de la Iglesia católica “sobre la Pena de muerte”, 1º de agosto de 2018. (Document)

See preceding entry.

756-772

Canonist 10/1 (2019), 87-126: Michael Nobel: To Proclaim the Gospel Online – Challenges and Difficulties: Towards a possible Diocesan Protocol for Ministers of the Divine Word in the Online Environment. (Article)

N. studies the topic of the proclamation of the Gospel over the internet by ministers of the divine Word, focusing on the norms of the CIC/83. He looks at those who are entitled to exercise the ministry of the divine Word; possible diocesan requirements for ministers of the divine Word in an online environment; the intended audience; the content of such ministry; the platform chosen; the impact of the user on the ministry of the divine Word; the necessity for new strategies; and possibilities to be addressed in a diocesan policy.

770

AnCrac 50 (2018), 239-254: Jerzy Adamczyk: Wybrane formy przepowiadania słowa Bożego w parafii (kan. 770 KPK) (*Selected forms of preaching the Word of God in the parish (canon 770 CIC)*). (Article)

A. looks at forms of preaching of the Word of God (other than those of missions and parish retreats), adapted to local needs, which should be organized by parish priests in accordance with the directives of the diocesan bishop. In the first part of the article he describes the various forms of preaching the Word of God in the parish. In the second part he points out the sources and content of these “other forms” of preaching; and in the third he examines the most important types of “other forms” of preaching in the parish.

774

QDE 32 (2019), 33-46: Fabio Marini: Il diritto dei minori a ricevere i sacramenti, in specie l'Eucaristia e la penitenza. (Article)

See above, canon 213.

777

QDE 32 (2019), 33-46: Fabio Marini: Il diritto dei minori a ricevere i sacramenti, in specie l'Eucaristia e la penitenza. (Article)

See above, canon 213.

781-792

Ap XCI (2018), 167-183: Roberto Repole: Concezione ed evoluzione del concetto di missione. (Article)

Taking into consideration that the reality and the word “mission” have been compromised both by an idea of mission reduced to *missio ad gentes* and by a missionary practice in some way related to colonialism, and at times marked by violence, R. examines theological and magisterial renewal from the perspective of a Church that is of its nature missionary. He is critical of perspectives based on a merely instrumental vision of the Church, and offers instead an outline of a reconsideration of mission based on the paradigm of giving. The working out of a *norma missionis* calls for a more streamlined and agile universal law, which favours the local law of the individual Churches.

782

EIC 59 (2019), 47-77: Yvonnick Dacoury Zoni: Les paroisses rurales dans les diocèses de mission. (Article)

Z. deals with the theme of rural parishes in mission territories. He analyses the characteristics of those parishes and provides a description of their organization. He then addresses the main difficulties faced by these institutions in their respective socio-cultural contexts, proposing some possible solutions.

805

LJ 182 (2019), 49-57: Paul Barber: R (ota Humanists UK) v Catholic Education Service [2018] EWHC 3427 (Admin): The Law on the Employment of Teachers in Voluntary Schools and Academies. (Article)

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

807-821

CLSN 195/19, 9-28: Duane L.C.M. Galles: The Civil Law’s Influence on Church Property Law. (Article)

See below, canons 1254-1310.

807-821

Comm 50 (2018), 11-74: Pope Francis: Constitutio Apostolica de Universitatibus ac Ecclesiasticis Facultatibus *Veritatis gaudium*, die 29 mensis Ianuarii 2018. (Document)

This is the text in Italian of the Apostolic Constitution *Veritatis gaudium* of 29 January 2018 revising the governance of Catholic universities and ecclesiastical faculties. After an introduction the first part contains common norms setting out the purpose and remit of ecclesiastical universities and faculties, their governance structures, teachers, students, administrative personnel, studies and degrees, support and financial structures and collaboration between faculties. The second part contains special norms relating in particular to faculties of theology, canon law and philosophy. The text is followed by the introduction to the 1979 Apostolic Constitution *Sapientia christiana* and by a series of applicative norms issued by the Congregation for Catholic Education providing additional detail to the articles of the Constitution.

807-821

Comm 50 (2018), 433: Secretaria Status: Rescriptum “ex Audientia Ss.mi” quo promulgatur Constitutio Apostolica *Veritatis gaudium*, die 4 mensis Septembris 2018. (Document)

The text of the Apostolic Constitution *Veritatis gaudium*, approved by the Pope in December 2017, was to have been promulgated by publication in *Acta Apostolicae Sedis*, but on account of technical difficulties this did not

happen immediately and to avoid further delay it was declared by this rescript of 4 September 2018 that the Apostolic Constitution would enter into immediate effect with its publication in *L'Osservatore Romano*.

807-821

EIC 59 (2019), 5-24: Giuseppe Versaldi: Linee guida della Costituzione apostolica *Veritatis gaudium* per il rinnovamento delle Università e Facoltà Ecclesiastiche: conseguenze nel campo del Diritto Canonico. (Article)

V. offers some initial thoughts on the new legislation on studies in ecclesiastical faculties, with particular reference to studies of canon law in the light of the reforms carried out by Pope Francis in the matrimonial sphere.

807-821

FThC VII (2018), 161-210: Bruno Esposito: La nuova costituzione apostolica circa le università e le facoltà ecclesiastiche e le annesse norme applicative. (Article)

E. examines the reasons behind the Apostolic Constitution *Veritatis gaudium*, its structure, and its continuity or otherwise with the previous discipline, before analysing each of the changes it introduces. He then comments on some aspects of the Norms issued by the Congregation for Catholic Education for the correct implementation of the Apostolic Constitution.

807-821

Ius Comm VII (2019), 9-26: Giuseppe Versaldi: La Constitución *Veritatis Gaudium* para la renovación de las Universidades y Facultades eclesiásticas: consecuencias en el campo del Derecho Canónico. (Lecture)

The promulgation of the Apostolic Constitution *Veritatis gaudium* marks an important step for the renewal of ecclesiastical universities and faculties. Bringing the Gospel message into daily life and into the different states of Christian life is an essential service that canon law can offer when it is animated by the principles of charity and justice according to the truth.

807-821

KIP 8 (21) 2019, nr 1, 9-28: Wiesław Bar: Studia z prawa kanonicznego w odmętach reform (*Studies in canon law in the depths of reforms*). (Article)

The 2018 reform of higher education in Poland affects among other subjects the study of canon law. In parallel, canon law studies are being adapted to the norms of *Veritatis gaudium*. B. discusses “what and how to teach”, before looking at the panorama of places and levels of education. He focuses on the teaching of canon law in the light of Vatican II, including the basic principles of the current regulations, and drawing on his own experience. He believes that one cannot expect satisfactory results if the reform of canon law is introduced administratively, disregarding proper scientific councils of institutes or faculties. Having gone on to look at “where to study” in the concluding section of his article, he argues that solutions adopted by individual entities offering courses of study have and will continue to have a decisive influence on the future of canon law taught as an academic discipline; they will also have a bearing on fees and the accessibility of university courses to foreigners.

807-821

KIP 8 (21) 2019, nr 1, 29-50: Monika Menke: Pozycja prawna katolickich wydziałów teologicznych na terytorium Republiki Czeskiej od 1950 roku (*The legal position of Catholic theological faculties in the territory of the Czech Republic since 1950*). (Article)

In 1950, Catholic faculties of theology in the territory of the present-day Czech Republic were unilaterally excluded from university structures by statute, despite their widespread affiliation with universities from the outset. Until 1990, the only official theological faculty was the Saints Cyril and Methodius Faculty of Theology in Prague, with its seat in Litoměřice (a branch of which was partially located in Olomouc in 1968-1974 as an actually operating facility). The reincorporation of these faculties was not possible until 1990, after the Velvet Revolution. Since then there has been a gradual growth of theological faculties and a search for their unique place within Czech society. M. recapitulates the process of their isolation and reincorporation from a historical and canonical perspective. The Church’s establishment of theological faculties is one of the many manifestations of the autonomy of the Church and of religious organizations which is guaranteed by the current legal order of the Czech Republic.

807-821

S 81 (2019), 27-46: Mauro Mantovani: La “filosofia” del Proemio di *Veritatis gaudium*, vent’anni dopo *Fides et ratio*. (Article)

20 years after the publication of the Encyclical Letter *Fides et ratio* on the relationship between faith and reason, M. points out some significant elements concerning philosophical reflection and practice, and the relationship between philosophy and other sciences, according to the perspective of the four fundamental criteria “for a renewal and revival of the contribution of ecclesiastical studies to a Church of missionary outreach” (*Veritatis gaudium*, no. 4). He focuses on the first of these criteria, “that of contemplation and the presentation of a spiritual, intellectual and existential introduction to the heart of the kerygma, namely the ever fresh and attractive good news of the Gospel of Jesus Christ” (*ibid.*).

807-821

S 81 (2019), 47-71: Andrea Bozzolo: Trasformazione missionaria e rinnovamento degli studi nel Proemio di *Veritatis gaudium*. (Article)

B. analyses the introduction to *Veritatis gaudium* in order to highlight the theological and pedagogical vision of the pontifical document. He studies the theoretical principles that form the basis of the four criteria proposed by the Apostolic Constitution for the renewal of ecclesiastical studies demanded by the missionary transformation of a Church that “goes forth”: 1. the existential introduction to the heart of the kerygma; 2. wide-ranging dialogue as an intrinsic requirement for a culture of encounter; 3. inter-disciplinary and cross-disciplinary approaches carried out in the light of Revelation; 4. the urgent need for “networking” between institutions worldwide that cultivate and promote ecclesiastical studies.

807-821

S 81 (2019), 72-80: Salvatore Currò: Stare sulla frontiera e... oltre. La *Veritatis gaudium* in rapporto alle provocazioni culturali attuali. (Article)

C. focuses on the introduction to *Veritatis gaudium* and summarizes its content. The novel aspect of the document is not so much the organization of studies as the change of mentality it reflects, with its openness to experimentation and to investigating new content and methods so as to adapt to the present times.

807-821

S 81 (2019), 81-87: Riccardo Cinquegrani: La qualità di fronte ad alcune sfide introdotte dalla *Veritatis gaudium*. (Article)

C. analyses some innovations introduced by *Veritatis gaudium* within the higher education system of the Holy See. The new paradigm seems to open opportunities for a model of an academic institution in which the centrality of the student is characterized by a learning path that aims at the development of the whole person.

807-821

S 81 (2019), 88-100: Michele Pellerrey: La prospettiva didattica evocata dalla Costituzione Apostolica *Veritatis gaudium*. (Article)

P. explores the considerations of a didactical nature in *Veritatis gaudium*, taking into account the guidance provided over almost 40 years since the publication of the Apostolic Constitution *Sapientia christiana*. Particular attention should be paid to the individual learning processes. Hitherto the emphasis has tended to be simply on the content of what is taught.

807-821

S 81 (2019), 101-121: Mario Oscar Llanos: Docenti e istituti universitari pontifici per i giovani studenti. Sulla cornice della *Veritatis gaudium*. (Article)

In the light of *Veritatis gaudium* L. provides some suggestions for pontifical universities in their task of teaching young people amid today's cultural, spiritual and educational challenges.

807-821

S 81 (2019), 122-139: Gustavo Cavagnari: The Pastoral Formation of the Candidates for the Priesthood in the Light of *Veritatis gaudium*. (Article)

C. assesses the implications of *Veritatis gaudium* for the pastoral formation of candidates for the priesthood. The Apostolic Constitution appraises the role of Catholic universities and faculties in contributing to the pastoral conversion of the entire Church as envisaged in *Evangelii gaudium*, and affirms the decisive role of theological studies in preparing people for the

evangelizing mission. C. explores the multifaceted meaning of the term “pastoral” in *Veritatis gaudium*, and points out how the pastoral formation of candidates to the priesthood should take into consideration the three important aspects of the ministry of the pastor: knowing, doing, and being.

815-821

Comm 50 (2018), 146-171: Congregatio de Institutione Catholica (de Studiorum Institutis): Instructio de Iuris Canonici studiis secundum reformatum processum matrimonialem, die 3 mensis Maii 2018. (Document)

Following the provisions of the motu proprio *Mitis Iudex* and *Mitis et misericors Iesus* the Congregation for Catholic Education has issued this instruction to aid the teaching of the revised norms on matrimonial procedure. It sets out general principles, followed by more detailed provisions for academic institutions (faculties of canon law and their equivalents, departments of canon law within a theology faculty and chairs of canon law) and the course content for degrees and diplomas. It considers a different foundation level for those destined to be counsellors or advisors, whether at parochial level, second level, or as advocates (third level). Finally it explains how such courses are to be authorized. An outline curriculum is included.

815-821

Comm 50 (2018), 249-252: Ex Ephemeride L'Osservatore Romano: G. Versaldi: Studi di diritto canonico e riforma del processo matrimoniale, articulus ab Em.mo Card. Iosepho Versaldi conscriptus. (Article)

The Prefect of the Congregation for Catholic Education outlines the rationale for the revised structures for the study of matrimonial processes set out in the Instruction of 3 May 2018, and notes that the full text can be accessed at www.educatio.va.

816

AnCrac 50 (2018), 269-280: Piotr Kroczek: O niektórych uchybieniach legislacyjnych w nowym statucie Uniwersytetu Papieskiego Jana Pawła II w Krakowie (*Concerning some errors in the new statutes of the Pontifical University of John Paul II in Kraków*). (Article)

Legislation is an art. It requires a thorough knowledge of the principles of law and also of the technique of legal drafting. Because of the special importance of law in the Church, any criticism of the outcome of the Church legislator's activity should be seen as an expression of sincere concern for the good of the Church. From the perspective of law-drafting techniques, K. offers an analysis of the new statutes of the Pontifical University of John Paul II in Kraków which came into force on 8 June 2015. He concludes that the statutes were drafted with insufficient respect for the rules of good legislation and should be amended soon. (See also *Canon Law Abstracts*, nos. 112, p. 61; 118, p. 68.)

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

844

IE XXXI (2019), 151-175: Antonio S. Sánchez-Gil: *La communicatio in sacramentis e le coppie miste cattolico-riformate.* (Article)

According to the Magisterium of the Popes from Saint Paul VI to Francis, in the case of mixed marriages the existing general norms on the sharing of sacraments, in particular the Eucharist, must be observed. This was reaffirmed in *Amoris laetitia*, no. 247, even though during the Synod of Bishops on the family there were several proposals for special rules for such couples. Nevertheless, the provision in *Amoris laetitia* and the general norms themselves are, in practice, rendered void by certain forms of Eucharistic sharing in marriages between Catholics and members of reformed ecclesial communities. Such practices are approved and in some way promoted by the guidelines issued by certain episcopal conferences and by individual bishops, which clearly contravene the pontifical directive, the ecclesial norms on the matter, and in some cases the divine law on *communicatio in sacris* as set out in the Vatican II Decree *Orientalium Ecclesiarum*, no. 26.

BOOK IV, PART I, TITLE I: BAPTISM

874

BV 79 (2019), 141-152: Tomasz Jakubiak: Reception of Vatican Council II Decrees and the Choice of Godparents in the Latin Church. (Article)

The nature of the tasks of godparents in the Catholic Church seems to substantiate the view that affiliation to a non-Catholic Church or community renders an individual incapable of being entrusted with the role of a godparent in the Catholic Church. Such a possibility is not contemplated in the CIC/83. In view of numerous doubts concerning the matter, it is necessary to identify criteria to be used at the ecumenical level when entrusting non-Catholics with the role of a witness or godparent. J. attempts to identify norms in the legal system of the Catholic Church (in particular the Latin Church) which provide for the possibility of Christians who are not members of the Catholic community being admitted to the role of godparents or witnesses at baptism.

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

924

RMDC 24/2 (2018), 233-270: Luis de Jesús Hernández M.: La materia válida para confeccionar la Santísima Eucaristía. (Article)

With regard to the letter of the Congregation for Divine Worship and the Discipline of the Sacraments of 15 June 2017 on the importance of ensuring that only valid matter is used for the Eucharist (see *Canon Law Abstracts*, nos. 120, p. 74; 121, pp. 71-72; 122, p. 81), H. recalls those aspects which have been regulated by the supreme authority of the Church concerning the bread and wine to be admitted as valid matter for confecting the Most Holy Eucharist.

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

959

Comm 51 (2019), 72-75: Pope Francis: Allocutio Summi Pontificis coram participibus tricesimi (XXX) studiorum curriculi de foro interno, quod a Paenitentia Apostolica apparatus est, 29 mensis Martii 2019. (Address)

Addressing participants in the 30th course of studies on the internal forum, organized by the Apostolic Penitentiary, Pope Francis talks of the sacrament of reconciliation as a way of sanctification. For it to have this effect as a tender embrace of God there must be proper formation. The seal of the sacrament is essential in preserving the intimacy of this moment of growth.

959

REDC 76 (2019), 457-460: Discurso del Santo Padre a los participantes en el 30 encuentro sobre el foro interno de la Penitenciaría Apostólica, 29.03.2019. (Address)

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

983-984

REDC 76 (2019), 215-239: Thaddeus Mbadiwe Osuala: Sigilo sacramental y denuncia obligatoria del abuso de menores. Una mirada global. (Article)

M.O. looks at how to protect and safeguard both the welfare of minors in the Church and the sanctity of the sacrament of confession, and how to act in cases of conflict between civil laws and canon law with respect to the secret of confession when it touches on child protection. He takes a global look at the state of the protection of the sacramental seal at both the canonical and the civil level, and at the uneasy relationship between confessional secrecy and the policy of the protection of minors.

983-984

REDC 76 (2019), 463-476: Penitenciaría Apostólica: Nota sobre la importancia del foro interno y la inviolabilidad del sigilo sacramental, 29.06.2019. (Document)

The Apostolic Penitentiary recalls the importance and explains the concept of the sacramental seal. It also deals with the extra-sacramental internal forum and spiritual direction; professional secrets; and the criteria and limitations proper to any other communication. The Note is accompanied by the text of a presentation by the Major Penitentiary and the Regent of the Apostolic Penitentiary, dated 1 July 2019.

BOOK IV, PART I, TITLE VI: ORDERS

1052

FThC VII (2018), 249-272: Antonio Viana: Significato dell' idoneità per l'Ufficio Ecclesiastico secondo il Diritto Canonico. (Article)

V. reflects on the notion of suitability for office in canon law, looking in particular at the requirements for receiving sacred orders and for offices which may be entrusted to lay persons.

1052

FThC VII (2018), 273-288: Nicolás Álvarez de las Asturias: L' idoneità per ricevere l'ordinazione sacerdotale alla veglia del concilio Vaticano II. (Article)

Á. looks at the requirements for ordination in the CIC/17 and in the *Tractatus canonico-moralis de sacramentis* of F.M. Cappello (1951), before noting the new approach adopted by the Second Vatican Council.

1052

FThC VII (2018), 289-300: Joaquín Sedano: L' idoneità al presbiterato nel Decreto di Graziano. (Article)

S. looks at the question of the suitability of candidates for the priesthood in the *Decretum Gratiani*, focusing on the requirements of moral probity and intellectual formation.

1052

FThC VII (2018), 301-314: Szabolcs Anzelm Szuromi: Idoneity for priesthood in the early canonical discipline (an overview based on the first centuries). (Article)

From the fourth-century *Canones Apostolici* it is clear that for suitability for holy orders it is indispensable to know the true faith and to have a profound knowledge of the Bible. Without these the clergy could not fulfill their obligations. Most of the early sources speak of these requirements as applying to the three degrees of order. Over time, a clearer distinction came to be made between deacons, presbyters and bishops.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

CLSN 196/19, 83-101: Pius Collins: Canon 1055 and the Sacramentality of Marriage: An Examination of the *ius vigens*. (Article)

C. examines the sacramentality of marriage in canon 1055 and the inseparability of contract and sacrament, demonstrating that this is not merely a matter of positive ecclesiastical law but is the established doctrine of the Church. He discusses the sacramental dignity of marriage in canons 1099 and 1101 §2 with specific reference to the theological and canonical debates during the drafting of these canons.

1055

Comm 50 (2018), 78-81: Pope Francis: Allocutio Summi Pontificis ad Auditores, Administros Advocatosque Rotae Romanae coram admissos, die 29 mensis Ianuarii 2018. (Address)

In his address to the Roman Rota for 2018 Pope Francis reflects on the importance of conscience, first for judges in reaching their decision, then in the motivation of those seeking an investigation of their marriage, and finally more broadly in the formation of young people for marriage, an area emphasized in *Amoris laetitia* and one which is the responsibility of all the baptized.

1055

FCan XIII/1 (2018), 89-92: Papa Francisco: *A salvaguarda da consciência cristã. Discurso aos membros do Tribunal da Rota Romana, por ocasião da inauguração do Ano Judicial (29-I-2018)*. (Address)

Portuguese text of the Pope's address of 29 January 2018.

1055

RMDC 25/1 (2019), 109-142: Ana Isabel Romero U.: *El matrimonio en la misión de la norma y su implicación en la pastoral judicial*. (Article)

On the basis of recent Magisterium R. sets out the anthropological foundations of marriage and considers the work of those involved in

tribunals as a true ecclesial mission, which involves evaluating, in the light of truth, justice and evangelical charity, the weaknesses of those Christian spouses who, having failed in their attempt to build a conjugal project, today find themselves in an imperfect situation. This calls for a synergy among all those who, according to the canonical norms, are obliged to prepare couples to celebrate a true marriage, to help them maintain their state of life, to accompany them as they advance along the way of perfection and in their joys and hopes, but above all in their anguish and sadness – not only to comfort them but to alleviate their pains with the joy of the Gospel and always show them the path that leads to peace.

1055

Álvaro González Alonso (ed.): La relazione coniugale: crisi attuale e orizzonti di soluzione. (Book)

See above, General Subjects (*Compilations*).

1055-1165

Paul Robbins: Second Marriage in the Catholic Church. ‘Annulment’ and other Solutions. (Book)

This book is aimed at helping discover possible solutions offered by the Church for divorced Catholics who wish to remarry. It is divided into three main sections, the first of which examines the Church’s approach to marriage breakdown, its teaching concerning marriage, the concept of marriage nullity, and the reasons why a marriage might be declared null. The second section explains the processes used by the Church in order to determine whether or not a marriage is null, looking at the tribunal system, the parties, the proofs, and the procedural aspects. The third section explores what possibilities there might be when a declaration of nullity is not possible, including marriage dissolution (non-consummation, Petrine privilege and Pauline privilege) and a consideration of the “internal forum” solution. (For bibliographical details see below, Books Received.)

1056

Canonist 10/1 (2019), 3-9: Pope Francis: Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 29 January 2019; Anthony Kerin: Reflections on Pope Francis' Allocution to the Roman Rota. (Address and comment)

See below, canon 1063.

1056

CLSN 195/19, 80-82: Pope Francis: Rotal Address 2019. (Address)

See below, canon 1063.

1056

Comm 51 (2019), 68-71: Pope Francis: Allocutio Summi Pontificis ad auditores, administros advocatosque Rotae Romanae coram admissos, die 29 mensis Ianuarii 2019. (Address)

See below, canon 1063.

1061

FCan XIII/1 (2018), 23-39: Manuel de Pinho Ferreira: Dispensa do matrimónio e não consumado. (Article)

See below, canons 1697-1706.

1062

AnCrac 50 (2018), 281-302: Robert Szponder: Regulacja prawna zaręczyn w Polsce (*Legal regulation of engagement in Poland*). (Article)

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

1063

Canonist 10/1 (2019), 3-9: Pope Francis: Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 29 January 2019; Anthony Kerin: Reflections on Pope Francis' Allocution to the Roman Rota. (Address and comment)

Pope Francis focuses on unity and fidelity as indispensable and fundamental marital values, and highlights the need for remote, proximate and permanent marriage preparation. Marriage formation is not only the duty of pastors but also requires the active participation of the community in promoting marriage and in accompanying families with spiritual and formative support. The Pope invites us to ask the Holy Spirit to give the Church priests who are able to appreciate and value the charisms of spouses. Spouses who live in unity and fidelity are a precious pastoral aid to the Church. In his comment on the address K. points out that the Pope's statement in the address that "for marriage to be valid, each of the future spouses must establish full unity and harmony with the other" disturbed many people, but was not intended to suggest that absence of complete unity and harmony could be an invalidating ground in a nullity trial.

1063

Comm 50 (2018), 395-398: Pope Francis: Allocutio Summi Pontificis ad eos qui, cursui expolitoris institutionis super matrimonio ac familia, a tribunali Rota Romana apparato, interfuerunt, iuxta archibasilicam Sancti Ioannis Evangelistae in Laterano die 27 mensis Septembris anno 2018 prolata. (Address)

Pope Francis addresses those attending a course organized by the Rota to improve marriage preparation in the light of *Amoris laetitia*. Many problems arise from immaturity but also from a weak faith and lack of accompaniment. The Pope emphasizes the importance of ongoing catechesis in the Christian faith in this context, and accompaniment that goes beyond the period of marriage preparation and into the early years of married life.

1063

Comm 51 (2019), 68-71: Pope Francis: Allocutio Summi Pontificis ad auditores, ministros advocatosque Rotae Romanae coram admissos, die 29 mensis Ianuarii 2019. (Address)

In his Rotal Allocution for 2019 Pope Francis focuses on the centrality of unity and fidelity, and the importance of proper formation in the area of preparation for marriage. He uses the example of St Paul's companions Aquila and Priscilla to illustrate the concept of spouses working together.

1063

RMDC 25/1 (2019), 175-180: PP. Francisco: Alocución a la Rota Romana, 29 de enero de 2019. (Address and comment)

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

1077

RDC 68/1 (2018), 107-139: Marie-Élisabeth Fady: Le *vetitum* apposé à une sentence déclarant nul un mariage: entre difficultés canoniques et enjeux pastoraux. (Article)

The *vetitum* attached to a declaration of marriage nullity raises countless questions for canon law theorists and practitioners. The vagueness of the legislation and lack of clarity as to the nature of the *vetitum*, leading to difficulties in determining when the prohibition may be lifted, are the main questions that are still debated today. Furthermore, at the local level, between the two extremes of temerity and pusillanimity there is a wide variety of practices. Studies conducted among ecclesiastical tribunals in the United States, and F.'s own personal study of a French-speaking *officialité*, raise issues that are quite different from those mentioned in official commentaries on the Code. The wide gap between theory and practice leads to inconsistencies in the understanding and use of the *vetitum*. Nevertheless from both a canonical and a pastoral perspective, the *vetitum* plays an important role in the matrimonial procedure, in protecting the sacrament and persons, and in offering a path of conversion.

1086

CLSN 196/19, 40-82: Gerard Deighan: Formal Defection from the Catholic Church in the Archdiocese of Dublin 1978 to 2015. (Article)

D. examines the situation of those who wished to defect from the Catholic Church in the Archdiocese of Dublin between 1978 and 2015, arguing that if the Church truly loves her children she will respect and indeed facilitate their conscientious desire to defect, while hoping and praying for their return.

1095 2°-3°

ADC 8 (abril 2019), 231-245: Francisco A. Carrasco Cuadros: Sentencia de nulidad matrimonial del Tribunal Eclesiástico del Obispado de Jaén por adicción a la pornografía. (Sentence)

This sentence of the diocesan tribunal of Jaén, Spain, given on 20 September 2018, dwells on the influence of pornography addiction on the normal behavioural development of the individual, seriously disrupting his or her daily life, plans, responsibilities and family, social and work relationships. The individual is rendered powerless because of a *defectus discretionis iudicii* (canon 1095 2°), and is unable to assume the obligations that are essential in marriage, for reasons of a psychic nature.

1095 2°-3°

Canonist 10/1 (2019), 127-136: Elizabeth Ong: Attachment and Trauma and the Ministry of the Ecclesiastical Tribunal – Reflections. (Article)

Attachment involves an emotional bond which ties a person to one or two significant others, from childhood and throughout life. Trauma comes about through extreme physical or psychological stress, resulting in a person's normal processing and coping abilities being overwhelmed. O. discusses the relevance of these concepts to her work in the ecclesiastical tribunal of Christchurch, New Zealand, especially in the aftermath of the earthquakes and aftershocks which destroyed most of the city in 2011/2012.

1095 2°-3°

IE XXXI (2019), 205-244: Tribunale Apostolico della Rota Romana: Reg. Parisien. seu Sancti Dionysii in Francia – Nullità del matrimonio – Incapacità – Immaturità psico-affettiva. Sentenza definitiva – 19 luglio

2016 (147/2016) – Maurice Monier, Ponente. Con un commento di Álvaro González Alonso, *Immaturità psico-affettiva e incapacità per il matrimonio (can. 1095)*. (Sentence and comment)

Commenting on a Rotal case concerning grave lack of discretion of judgement and incapacity to assume the essential obligations of marriage for causes of a psychic nature, G.A. examines psychic incapacity in canon 1095, the concept of psycho-affective immaturity, and the canonical concept of immaturity. In practice, given the imprecision of the term immaturity, Rotal jurisprudence tends not to settle simply for determining whether or not there is immaturity and how grave it is, but also often looks into the cause of that immaturity, because if it is sufficiently grave to cause incapacity, there must be an explanation of how the individual has failed to reach that minimum of maturity that it would be reasonable to expect in any human person.

1099

CLSN 196/19, 83-101: Pius Collins: Canon 1055 and the Sacramentality of Marriage: An Examination of the *ius vigens*. (Article)

See above, canon 1055.

1099

Ius Comm VII (2019), 61-73: Antoni Stankiewicz: Breves anotaciones sobre las Reglas de procedimiento y sobre la relevancia jurídica de las circunstancias con referencia a la falta de fe personal en relación con la simulación del consentimiento en el proceso *brevior* (art. 14 §1 RP). (Article)

See below, canons 1683-1687.

1099

RMDC 24/2 (2018), 271-321: Mario Medina Balam: La sacramentalidad del matrimonio como objeto del error determinante de la voluntad y de la exclusión ante el proceso *brevior* de nulidad matrimonial. (Article)

See below, canons 1683-1687.

1099

RMDC 24/2 (2018), 401-423: Decisio R.P.D. Mauritio Monier, Sentencia definitiva del 22 de mayo de 2009, en RRDec, 101 (2016), 119-126, 418-433. (Sentence)

The Rota was asked to decide whether a marriage between two Baptists was invalid on the ground of error concerning the indissolubility of marriage on the part of the male petitioner. The sentence contains a discussion of the circumstances in which a tribunal can deal with marriages of non-Catholics, and the manner of dealing with such cases according to *Dignitas connubii*, before going on to examine the relationship of error to the matrimonial will or consent. For such error to invalidate consent there needs to be an intention to contract a dissoluble marriage, formed under the influence of the firm conviction that every matrimonial bond is dissoluble. In this particular case there was conclusive evidence of such a conviction on the part of the petitioner, as a result of his own family experience, reinforced by that of his religious community in which divorce had been treated as normal, which had made him come to regard every marriage as dissoluble.

1101

CLSN 196/19, 83-101: Pius Collins: Canon 1055 and the Sacramentality of Marriage: An Examination of the *ius vigens*. (Article)

See above, canon 1055.

1101

Ius Comm VII (2019), 61-73: Antoni Stankiewicz: Breves anotaciones sobre las Reglas de procedimiento y sobre la relevancia jurídica de las circunstancias con referencia a la falta de fe personal en relación con la simulación del consentimiento en el proceso *breavior* (art. 14 §1 RP). (Article)

See below, canons 1683-1687.

1101

REDC 76 (2019), 479-519: Tribunal de la Rota Romana: Sentencia de nulidad matrimonial. R.P.D. Xaverio Leone Arokiaraj. Templen.-Ampurien. Nullitatis matrimonii. (Sentence and comment)

The male petitioner had obtained two affirmative sentences, at first and second instance, on the ground of the exclusion of the indissolubility of marriage (the *bonum sacramenti*) on his part. The respondent wife lodged a plaint of nullity before the Rota, together with a request for a new proposition of the cause. The plaint of nullity was not accepted, but the new proposition of the cause was admitted in view of significant evidence that justice had not been properly administered. The Rotal sentence explains that if a marriage is to be declared null for exclusion of the *bonum sacramenti* a positive act of the will against indissolubility – not merely a habitual and generic will, or an erroneous opinion to the effect that divorce can be good in certain cases, etc. – must be proved: this is very difficult, though not impossible. The first two tribunals in this case too easily gave credence to the petitioner over the respondent, despite contrary evidence: in fact, some of the petitioner’s reasoning accepted by the lower tribunals was considered by the Rota to be absurd. The circumstances both before and after the wedding were clearly in favour of the bond, and the Rota gave a *non constat* verdict. (The petitioner, having already remarried following the second instance conforming sentence, lodged an appeal, the outcome of which is awaited.) There is an accompanying comment by Bernardo Torres Escudero which examines the plaint of nullity under canons 1619-1627; the new proposition of the cause under canon 1644; the elements of exclusion of the *bonum sacramenti*; proof of such exclusion; the Rota’s principal arguments in this case (weakness of the petitioner’s direct and indirect proofs and of his judicial confession; non-existence of a remote cause of simulation; lack of logic to support the simulation; the petitioner’s dubious credibility; the circumstances prior to and following the wedding); and the mistaken approaches adopted by the lower tribunals.

1101

RMDC 24/2 (2018), 271-321: Mario Medina Balam: La sacramentalidad del matrimonio como objeto del error determinante de la voluntad y de la exclusión ante el proceso *brevior* de nulidad matrimonial. (Article)

See below, canons 1683-1687.

1101

RMDC 25/1 (2019), 145-171: Decisio R.P.D. Juan Bautista Defilippi, Sentencia definitiva del 5 de diciembre de 2012, en RRT-Dec, 104 (2019), 354-369; 453-484. (Sentence)

In deciding a case based on exclusion of sacramentality on the part of the male petitioner the Rota set out the elements required for such exclusion, explaining what constitutes total and partial simulation of consent, and what evidence is required. This involves among other things assessing the credibility of the parties and witnesses; it is also important to investigate the remote cause or causes of the alleged simulation. In this case an affirmative decision was given.

1108

KIP 8 (21) 2019, nr 1, 157-168: Ginter Dzierżon: Specyficzny status w kanonicznym porządku prawnym związków cywilnych zawieranych przez katolików z pominięciem formy kanonicznej (*The special status of civil unions in the canonical legal order when contracted by Catholics omitting the canonical form*). (Article)

D. focuses on the question of the special status of civil unions contracted by Catholics without using the canonical form. Even though such a union is perceived in terms of *matrimonium inexistens*, nevertheless the possibility of validating such relationships is not excluded. It seems that the existing dichotomous solutions were introduced under the influence of the specific conditions in which the Church existed under the Pio-Benedictine Code. D. considers that this was the result of both doctrinal considerations (perceiving a civil union to be an improper marriage) and practical reasons, since some Catholics living in such unions wanted them to be regularized before the Church.

1117

CLSN 196/19, 40-82: Gerard Deighan: Formal Defection from the Catholic Church in the Archdiocese of Dublin 1978 to 2015. (Article)

See above, canon 1086.

1124

CLSN 196/19, 40-82: Gerard Deighan: Formal Defection from the Catholic Church in the Archdiocese of Dublin 1978 to 2015. (Article)

See above, canon 1086.

1124-1129

RDC 68/1 (2018), 21-42: Alphonse Ky-Zerbo: Mariages disparés et mariages mixtes dans la législation de l'Église catholique. Entre droit divin et droit au mariage. (Article)

The valid celebration of a marriage between a Catholic and a non-baptized person, or of a mixed marriage between a Catholic and a non-Catholic Christian, is allowed by the Catholic Church under certain conditions. They are there to protect the faith of the Catholic party and to help the transmission of the faith to the children of such unions. Following Vatican II the dispositions of the CIC/17 have been relaxed, with a view to maintaining a balance between divine law which requires that a baptized Catholic remain loyal to his or her faith, and the natural right to marriage (*ius connubii*) according to which everyone has the right to contract a marriage with the person of his or her choice. However, a number of issues still remain, despite the unquestionable evolution.

1136

QDE 32 (2019), 33-46: Fabio Marini: Il diritto dei minori a ricevere i sacramenti, in specie l'Eucaristia e la penitenza. (Article)

See above, canon 213.

1165

Comm 51 (2019), 89-90: Pontificium Consilium de Legum Textibus: Responsiones Particulares: Quaestio quoad dispensationem a normis canonicis processus sanationis in radice. (Reply)

The President of the Pontifical Council distinguishes between the prohibition on diocesan bishops from granting a dispensation from canonical form in the case of a marriage between two Catholics and the power to dispense from canonical form in the context of granting sanation of a marriage between two Catholics without the observance of canonical form.

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

1186

Comm 50 (2018), 128-129: Congregatio de Cultu Divino et Disciplina Sacramentorum: Decretum de celebratione Beatae Mariae Virginis Ecclesiae Matris in Calendario Romano Generali, die 3 mensis Martii 2018. (Document)

This decree establishes the liturgical celebration of Mary under the title “Mother of the Church” on the Monday after Pentecost as a memorial. It briefly sets out the development of this title which led to the inclusion of a votive Mass in the Roman Missal in 1975. Where such a celebration already exists in particular calendars on a different date and with a higher rank this may continue to be observed.

BOOK IV, PART III: SACRED PLACES AND TIMES

1247

KIP 8 (21) 2019, nr 1, 125-134: Rafał Kaniecki: Il precetto dell’astensione dal lavoro alla luce del can. 1247 del Codice di Diritto Canonico del 1983. (Article)

K. analyses the obligation to refrain from work on Sundays and holydays of obligation. He describes the origin and development of this obligation, beginning with the third commandment of the Decalogue and the conduct of early Christians. The first relevant civil law was introduced by Constantine in 321 AD and was subsequently adopted by the Church authorities. K. analyses the pre-1983 legislation in this area. Canon 1248 of the CIC/17 was very precise because it enumerated activities which one should avoid. Although this way of presenting the obligation was clear, it lost its theological and ecclesial dimension, and therefore needed to be updated. Finally K. looks at the current legislation, beginning with the Second Vatican Council and the documents of the Pontifical Commission for the Revision of the Code in order to be able to interpret canon 1247 of the CIC/83. He also takes into account various documents of the Holy See issued after the promulgation of the current Code.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

CLSN 195/19, 9-28: Duane L.C.M. Galles: The Civil Law's Influence on Church Property Law. (Article)

Among the obligatory courses for the JCL set forth in the Norms issued by the Congregation for Catholic Education for the correct implementation of the Apostolic Constitution *Veritatis gaudium* (see above, canons 807-821, and *Canon Law Abstracts*, no. 122, pp. 75-76) are the fundamental concepts of Roman law and the elements of civil law. G. explains why these secular law subjects are required. While canon law appears to provide many detailed norms on the administration of Church property, in fact it contains many gaps. For this reason, in canons 1254-1310 the Church has been particularly open to the adoption of the law of various peoples. Since canon law developed in relation to Roman or civil law it repeatedly looked to the civil law concepts in developing its patrimonial law. After the great codifications of the 19th century, Roman law lost this role and instead canon law looked to the (codified) civil law tradition, of which French law had been the leader. G. looks at the Roman and civil law concepts underlying the canons of Book V.

1254-1310

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

1271

Ius Comm VII (2019), 27-60: Velasio De Paolis: El óbolo de san Pedro y el canon 1271 al servicio del ministerio petrino. (Article)

The Church of Rome, as the see of Peter and his successors, as well as being a particular Church, also exercises, in the person of its bishop, a service to the universal Church: a primacy and a service that, with the passage of time, has come to be called a Petrine ministry, a primacy of love, because the Lord, before entrusting it to Peter, asked him if he loved him more than the

others; a primacy and a service marked by charity. This particular service which the Holy See renders to the universal Church is what justifies the contribution from the particular Churches to its financial needs. This, together with the rest of the offerings received, is what constitutes Peter's Pence.

1277

Per 107 (2018), 573-600: Lucjan Świto – Malgorzata Tomkiewicz: Le competenze della Sede Apostolica in materia di alienazione del patrimonio della Chiesa universale alla luce del Codice di Diritto Canonico del 1983. (Article)

See above, canon 638.

1284

CLSN 195/19, 29-39: Donal Morris: Temporal Goods and the Irish Church: Current Issues. (Article)

The Church is a community of believers who hold *bona temporalia*, for the use of its members in the pursuit of the mission of the Church. M. examines the provisions of the Charities Act 2009 (Ireland) and the CIC/83 in relation to the obligations placed on administrators of *bona temporalia* in the Church and the obligation to protect them in accordance with canon 1284 §2 2°.

1287

FCan XIII/1 (2018), 75-88: Sebastião Pires Ferreira: Prestação de contas ao Ordinário. Fundamentação teológico-pastoral. (Article)

The temporal goods which the Church, by inherent right, has power to acquire and make its own, solely and exclusively as means for serving the mission of the universal Church, through the action of the Holy Spirit, become "ecclesiastical goods" and form part of the "divine patrimony". The administration of such goods is subject to the rigour and fidelity imposed by the Code of Canon Law and the respective statutes (cf. canon 1257 §1), including the canonical requirement of "accountability to the Ordinary" as established by canon 1287 §1.

1287

IE XXXI (2019), 135-149: Jesús Miñambres: Rilevanza canonica dell'*accountability* degli amministratori di beni ecclesiastici. (Article)

The term “accountability” has entered the ecclesial parlance even of non-English speaking countries, and is used to refer to the requirement of explaining the choices made in the different areas of activity carried out for the benefit of the community. The term is frequently applied to the actions of administrators of ecclesiastical goods and the choices they make in their management of resources. M. sets out some juridical manifestations of accountability in the administration of ecclesiastical goods.

1291-1292

Per 107 (2018), 573-600: Lucjan Świto – Malgorzata Tomkiewicz: Le competenze della Sede Apostolica in materia di alienazione del patrimonio della Chiesa universale alla luce del Codice di Diritto Canonico del 1983. (Article)

See above, canon 638.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1399

REDC 76 (2019), 271-314: José Luis Sánchez-Girón Renedo: Nuevos desarrollos en el proyecto de reforma del derecho canónico penal. (Article)

The project for the reform of penal canon law announced by the Pontifical Council for Legislative Texts in 2010 led to a first draft in 2011 and a second in 2015. S.-G. compares the latter draft with the former, highlighting issues such as imputability, penalties, penal precepts, penal processes and the reasons for canonical penalties. Broadly speaking, the newer draft reflects a tightening up of the Church's penal law, with greater emphasis on the special rules for offences reserved to the Congregation for the Doctrine of the Faith. The reason behind the reform is the need to address certain problems which have been identified in the current Book VI, although there remain other issues still to be tackled.

1326

KIP 8 (21) 2019, nr 1, 187-202: Agnieszka Smoluchowska: Obostrzenie wymiaru kary w prawie kanonicznym oraz polskim prawie karnym (*Aggravation of penalties under canon law and Polish criminal law*). (Article)

Canon 1326 deals with circumstances that can result in a harsher punishment being imposed on an offender. S. compares canon law and Polish civil law in this area.

1331

REDC 76 (2019), 315-330: Moisés Tena-Malo: Comentario sobre las penas *latae sententiae*. (Article)

T.-M. reflects on the meaning of penalties in CIC/83, especially *latae sententiae* censures. He sets out the different types of offence and examines some aspects of the penalty of excommunication. He highlights the hierarchy's obligation of guarding the apostolic faith as its specific *missio*.

1362

Canonist 10/1 (2019), 72-86: Brendan Daly: Prescription: A Major Issue in Dealing with Sexual Abuse Cases. (Article)

The institution of prescription is a legal method of extinguishing a criminal action. After pointing out how it differs from a statute of limitations, B. examines the justification for prescription; prescription in the CIC/17 and CIC/83; prescription after the 2001 motu proprio *Sacramentorum Sanctitatis Tutela*; issues with dispensation from prescription; and the application of prescription to lay religious. He recommends that canon 1362 should state that there is no prescription for crimes of sexual abuse of minors.

1377

IC 59/117 (2019), 291-312: Supremo Tribunal de la Signatura Apostólica: Sentencia; Pilar Solá Granell: A propósito de la enajenación de bienes eclesiásticos sin la licencia prescrita. Comentario de la sentencia del Tribunal de la Signatura Apostólica de 3 de julio de 2004. (Sentence and comment)

A parish priest was discovered to have hidden a large amount of money from the diocesan authorities during his term of office. He was unable to produce documentation to show how most of this money had been spent. The bishop issued a penal decree depriving the priest of all faculties, rights and privileges, and withdrawing authorization for him to exercise his ministry either publicly or privately, in view of what the decree declared to be a violation of canon 1377 (alienation of ecclesiastical goods without the prescribed permission), aggravated by abuse of office (canon 1326 §1, 2º). Also, in view of the amount of money unduly appropriated and spent on his own interests, the priest was deprived of remuneration. The penalty was imposed for an indefinite period, until such time as he should recognize his responsibility and reinstate the missing amount. The priest presented a recourse to the Congregation for the Clergy, which declared that the bishop had not proved that the priest had alienated diocesan funds for his own interests, and even if there had been bad management and bad accountability, this of itself did not amount to embezzlement of funds. Consequently the Congregation ruled that the priest should have his ministerial faculties restored, that all penalties against him should be revoked, and that he should be readmitted to pastoral ministry in the diocese. The bishop was unwilling to accept this decision and eventually the matter was referred as a contentious-administrative case to the Apostolic

Signatura. The central question was whether the priest required “permission” to alienate the goods under canon 1377. As this is a disputed matter among canonical commentators, the Signatura concluded that it constituted a *dubium iuris*, in which case, in accordance with canon 18, it should be interpreted in the accused’s favour. Hence the Signatura upheld the decision of the Congregation for the Clergy, although it added that the bishop would be at liberty to pursue a claim of restitution from the priest under canon 1419 §2 (unless it could be decided by arbitration under canons 1713-1716); the bishop may also be able to make use of canons 1740-1741 (procedure for removal and transfer of parish priests) and canon 1389 (penal sanction for abuse of power and office).

1382

CLSN 195/19, 40-45: Gordon Read: Suppression of the Pontifical Commission *Ecclesia Dei*. (Document and comment)

See above, canon 360.

1382

RDC 68/1 (2018), 157-175: Pierre-Marie Berthe: La suppression de la commission *Ecclesia Dei*: un choix théologiquement cohérent. (Article)

See above, canon 360.

1388

KIP 8 (21) 2019, nr 1, 101-123: Krzysztof Kamiński: Zdrada tajemnicy sakramentalnej i sekretu spowiedzi w prawodawstwie kościelnym (*The breach of the sacramental seal and the seal of the confessional in Church legislation*). (Article)

Using the concept of offence as a starting point, K. elaborates on the issue of direct or indirect violation of the sacramental seal, as referred to in canon 1388 §1 of the CIC/83. He also discusses the offence that consists of recording by means of any technical device or disseminating to the media, with malicious intent, what was communicated by a confessor or penitent within a sacramental confession, real or false.

1390

Ius Comm VII (2019), 125-213: Romanae Rotae Tribunal. Sententia coram Jaeger, 28 junio 2016. Penal; Juan Manuel Cabezas Cañavate: Comentario a la Sentencia. (Sentence and comment)

A priest had, over a period of three years, written and published a book in digital format in which he made accusations against his bishop and other priests and laity, with a view (as he saw it) to purifying the Church and thus contributing to a reform of morals among the clergy. In penal proceedings against him for numerous offences arising out of his comments, the first instance tribunal found the weight of evidence against him (which he did not contest) to be conclusive, and accordingly issued a sentence imposing a variety of penalties and penances. He appealed against the sentence to the Rota. The Rotal judgment involves several issues of interest, including a consideration of the offences of exciting hatred of or contempt for religion or the Church through the means of social communication (canon 1369), publicly inciting hatred or animosity against the Apostolic See or the Ordinary (canon 1373) and calumnious denunciation of an offence to an ecclesiastical superior (canon 1390 §2); the question of the permissible use of canon 1399 in order to impose penalties for offences not specifically mentioned by the law (cf. canons 221 §3, 1321 §1: the Rota in fact disapproved of the way in which the first instance tribunal had linked canon 1399 to canons 273 [a cleric's obligation to show reverence and obedience to his Ordinary] and 285 §1 [a cleric's obligation to shun everything unbecoming to his state]); imputability and the relevance of extenuating and aggravating factors (canons 1321-1326) including abuse of ecclesiastical power (canon 1389 §1); freedom of speech and the unlawful expression or communication of opinion (canons 212 §3, 1330); penalties for defamation and their cessation (canons 1390 §2, 1349, 1336, 1346, 1347, etc.). While praising the judgment, C.C. in his comment states that in situations such as this the competent ecclesial authority ought to investigate whether there is at least reasonable cause to suspect that the allegations made by the detractor may in fact be true. If that were to be the case, it would be unfair to punish only the detractor while allowing others who had perhaps committed more serious offences – and whose conduct in some way inclined the detractor to make his defamatory remarks – to remain unpunished.

1395

Comm 50 (2018), 82-84: Pope Francis: Litterae Summi Pontificis Francisci Episcopis Chiliensibus post Relationem ab Exc.mo D. Carolo J. Scicluna traditam, die 11 mensis Aprilis 2018. (Letter)

Pope Francis responds to the report produced by Archbishop Scicluna into the handling of child abuse allegations in the Church in Chile. He thanks all those involved for the way in which the inquiry has been conducted and states his intention to call the Chilean Bishops to Rome to discuss the report's conclusions.

1395

Comm 50 (2018), 177-179: Pontificia Commissio pro Tutela Minorum: Communicatus Pontificiae Commissionis pro Tutela Minorum, die 17 Februarii 2018. (Document)

See above, canon 360.

1395

CLSN 196/19, 4-9: Franciscus PP: Apostolic Letter, motu proprio, *On the protection of minors and vulnerable people*, 26 March 2019. (Document and comment)

By this motu proprio Pope Francis wishes to strengthen the institutional and regulatory framework to prevent and combat abuses against minors and vulnerable people in the Roman Curia and the Vatican City State. The CLSN editorial comment on the document points out that it does not introduce any new law but is in essence a general executory decree binding the Roman Curia and other institutions connected with the Holy See, the Papal Diplomatic Service, and the agents and personnel of the Holy See and the Vatican City State.

1395

Comm 51 (2019), 20-22: Pope Francis: Litterae Apostolicae, Motu Proprio datae, de puerorum aetate minorum et personarum vulnerabilium custodia. (Document)

Latin text of the motu proprio.

1395

IC 59/117 (2019), 313-315: also REDC 76 (2019), 439-441: Francisco: Lettera apostolica in forma de Motu proprio sulla protezione dei minori e delle persone vulnerabili (26 marzo 2019). (Document)

Italian text of the motu proprio.

1395

RMDC 25/1 (2019), 214-221: PP. Francisco: Carta Apostólica en forma de motu proprio «Sobre la Protección de los Menores y de los Adultos vulnerables», del 26 de marzo de 2019. (Document)

Italian text of the motu proprio with Spanish translation.

1395

IC 59/117 (2019), 331-358: Gerardo Núñez: Nueva regulación para la protección de menores y personas vulnerables en el Estado de la Ciudad del Vaticano. (Article)

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

1395

CLSN 196/19, 15-39: Rik Torfs: Canon Law and the Recommendations of the Royal Commission. (Article)

T. looks at the relationship between canon law and secular law in the light of the Australian report of the Royal Commission into Institutional Responses to Child Sexual Abuse, published on 15 December 2017. He highlights some key issues for renewal in canon law, arguing that the relationship between canon law and secular law is one of collaboration, of working together on specific points. This requires full recognition of human rights with respect for both legal systems, without the Church being exempted from the laws of the State.

1395

Canonist 10/1 (2019), 16-24: Pope Francis: Apostolic Letter in form of Motu Proprio *Vos Estis Lux Mundi*. (Document)

See following entries.

1395

Comm 51 (2019), 23-33: Pope Francis: Litterae Apostolicae, Motu Proprio datae, *Vos Estis Lux Mundi*. (Document)

This motu proprio has two parts. The first contains general dispositions requiring clergy and members of institutes of consecrated life and of societies of apostolic life to report to the appropriate Ordinary any information received concerning allegations of sexual abuse against minors or vulnerable adults. It also indicates the responsibility of ecclesiastical authorities to provide appropriate support for those affected. The second part puts in place the procedure to be followed when such allegations are made against cardinals, bishops, papal legates and others with equivalent pastoral responsibility such as personal Ordinaries or supreme moderators of institutes of consecrated life, societies of apostolic life or monasteries *sui iuris*. These provisions were approved on a trial basis for three years taking effect on 1 June 2019.

1395

Comm 51 (2019), 130-133: Ex Ephemeride *L'Osservatore Romano*: P. Iannone: Nota explanans Litteras Apostolicas Motu Proprio datas *Vos estis lux mundi*, ab Exc.mo Philippo Iannone conscripta. (Note)

I. explains that at the end of a conference in February 2019 on the safeguarding of minors Pope Francis emphasized that there could be no cover-up of such offences, and in March promulgated mandatory reporting for the Vatican City State. Derived from this the motu proprio *Vos estis lux mundi* introduces similar legislation for the universal Church and also procedures for handling allegations made against bishops and others in similar positions of authority. Although the obligation to report falls only on clergy and religious the machinery is there for anyone to make such a report. Every diocese must have such a mechanism in place within one year. It extends to the conduct of authority figures as mentioned. An innovation is to give responsibility in this area to the metropolitan and also to set a time limit

of 90 days for the completion of the investigation. Moreover it states clearly that this in no way prejudices any requirements of State law in this regard.

1395

Comm 51 (2019), 134-139: Ex Ephemeride *L'Osservatore Romano*: I. Arrieta: Praesentatio apud Sala Stampa Sanctae Sedis Litterarum Apostolicarum, Motu Proprio datarum *Vos estis lux mundi*, ab Exc.mo D. Ioanne Ignatio Arrieta conscripta. (Press release)

The Secretary of the Pontifical Council presents the motu proprio *Vos estis lux mundi* to a press conference, explaining the background, general provisions and procedure in the case of bishops, and highlighting the role of the metropolitan and the cooperation of the laity.

1395

RMDC 25/1 (2019), 222-235: PP. Francisco: Carta Apostólica en forma de motu proprio «Vos estis lux mundi», del 7 de mayo de 2019. (Document)

Spanish text of the motu proprio.

1395

LJ 182 (2019), 37-48: Robert Meakin: Charity Law Aspects of the Sex Abuse Crisis in the Catholic Church in England and Wales. (Article)

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

1395

RMDC 25/1 (2019), 181-201: Encuentro «La protección de los Menores en la Iglesia» (Vaticano, 21-24 de febrero de 2019). (Addresses)

Spanish text of the Holy Father's introductory address at the February 2019 conference on the safeguarding of minors, setting out points for reflection (21 February); his intervention during the conference itself (22 February); and his more lengthy concluding address (24 February) in which he outlines the principal areas on which the Church now requires to focus her attention in combating the sexual abuse of minors.

BOOK VII: PROCESSES

1402

Ap XCI (2018), 11-29: *Supremum Signaturae Apostolicae Tribunal: Sententia definitiva. Adnotationes in Sententiam.* (Sentence and comment)

See below, canons 1619-1627.

1404

IE XXXI (2019), 95-115: Luca Marabese: *Le potenziali sfide all'immunità del Romano Pontefice: una riflessione a partire dai delitti di abuso sessuale di minori da parte di chierici.* (Article)

M. investigates C.T. Washington's 2017 doctoral thesis on the potential challenges of international law to the immunity of the Roman Pontiff. A comparison of canon law, which has evolved to the point of granting the Bishop of Rome absolute immunity in the exercise of his primatial office, with international law, which though acknowledging the Pope's immunity as a Head of State interprets it in an ever more restrictive way, calls for revised canonical legislation in this matter, bearing in mind the constant trend of courts to hold the Roman Pontiff accountable for crimes committed by members of the clergy.

1420

Comm 51 (2019), 91-92: *Pontificium Consilium de Legum Textibus: Responsiones Particulares: Quaestio quoad munus et functiones Vicarii Iudicialis adiuncti in processu declarationis nullitatis matrimonii.* (Reply)

In this reply (in English) the Secretary of the Pontifical Council for Legal Texts clarifies the relationship between judicial vicar and adjutant judicial vicar. Both exercise judicial power in the name of the bishop and so the adjutant judicial vicar exercises his judicial power independently, but in administrative matters he is to act under the direction of the judicial vicar but validly acts in his place, e.g. in the context of *Mitis Iudex*. Clearly it is advisable for both to have a clear understanding of their mutual duties and expectations.

1432

RMDC 24/2 (2018), 355-398 and RMDC 25/1 (2019), 7-107: Antonio Espinoza Mendoza: La incompatibilidad entre el oficio de Consultor y el oficio de Juez o de Defensor del vínculo en la misma causa. (Article)

See below, canons 1447-1449.

1445

FThC VII (2018), 9-19: Frans Danneels: Several competences, but one sole dicastery: the supreme tribunal of the Apostolic Signatura. (Lecture)

The Supreme Tribunal of the Apostolic Signatura is placed at the highest level of the administration of justice by reason both of its judicial and of its administrative competences. It finds its unity in that it is concerned for the observance of the law in judicial proceedings, in administrative-contentious causes, and in its administrative function concerning ecclesiastical tribunals. That it is concerned for the law, that is, for legitimacy, does not mean at all that it defends the law for the sake of the law itself, but that it defends the law in order to protect justice. That it finds its unity in spite of its various competences, without confusing them, is explained by the fact that this unity is limited by care for the law, by the defence of legitimacy. Moreover, it is appropriate that its various competences should be exercised by a single dicastery, since the same staff can thus intervene in its various fields of competence without fragmenting them, thereby acquiring vast experience on the actual administration of justice in the Church. This vast experience helps the Apostolic Signatura as Supreme Tribunal to fulfill better its delicate task, while on the other hand its nature as a Supreme Tribunal strengthens its administrative interventions in so far as they originate from a highly qualified tribunal.

1447-1449

RMDC 24/2 (2018), 355-398 and RMDC 25/1 (2019), 7-107: Antonio Espinoza Mendoza: La incompatibilidad entre el oficio de Consultor y el oficio de Juez o de Defensor del vínculo en la misma causa. (Article)

In the light of art. 113 §2 of the Instruction *Dignitas Connubii* and arts. 2-3 of the Procedural Rules attached to *Mitis Iudex*, E.M. looks, in a two-part article, at the incompatibility of the offices of judge and defender of the bond with that of the person who advises the spouses in the pre-judicial or

pastoral inquiry or provides the service of information or family mediation. Both the judge and the defender of the bond must refrain from exercising their office in a particular matrimonial cause if they have previously acted as advisers to one of the spouses, especially giving technical advice. This is to avoid putting at risk the impartiality of the administration of justice, or at least the suspicion of it. The *ratio legis* is the safeguarding of the dialectical nature of the judicial process and the adversarial nature of the proceedings. Although the law does not prohibit the other offices of the ecclesiastical tribunal (judicial vicar, instructor, stable advocate, expert, promoter of justice) as incompatible with that of the adviser, E.M. believes that there may also be incompatibility if these are exercised in the same matrimonial cause; hence ethical considerations should lead those officials to refrain from exercising their office.

1478

QDE 32 (2019), 10-32: Francesco Grazian: Per un statuto giuridico del minore nella Chiesa. (Article)

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

1478

QDE 32 (2019), 47-63: G. Paolo Montini: La difesa dei diritti dei minori in giudizio (can. 1478 §§1-3). (Article)

M. opens by offering more precise definitions of some of the key terms, and looking at situations not envisaged by canon 1478, before giving as a general principle that minors act in legal processes through parents, guardians or curators. He examines how the judge should respond when a minor appears in a case, with particular attention to cases where problems arise about parents or guardians. He then looks at the exception of cases concerning spiritual matters, suggesting how the minor might act in these, and suggests that this canon can be applied to penal cases, as well as to hierarchical recourses and contentious-administrative recourses.

1483

Ius Comm VII (2019), 75-95: Roberto Serres López de Guereñu: La formación canónica de los abogadas según la Instrucción sobre los estudios de derecho canónico a la luz de la reforma del proceso matrimonial. (Article)

The Instruction *The Study of Canon Law in light of the Reform of the Matrimonial Process* of the Congregation for Catholic Education (see above, canons 815-821, and *Canon Law Abstracts*, no. 122, pp. 74-75) addresses the question of the academic formation of all those who intervene in the marriage nullity process, in the light of the new requirements introduced by the motu proprio *Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus*. Among them are advocates who act in the ecclesial judicial sphere and in the pre-judicial phase as counsellors, and who require a specific canonical preparation to enable them to carry out their function competently. This formation will enable them to understand the significance of the canonical marriage process, the purposes of the recent reforms, and the scope and specific application of the canons. The advocate will thus be more aware of the ecclesial *munus* he or she is called upon to perform.

1619-1627

Ap XCI (2018), 11-29: Supremum Signaturae Apostolicae Tribunal: Sententia definitiva. Adnotationes in Sententiam. (Sentence and comment)

The Apostolic Signatura published a 2007 decision *coram* Vallini in which it reaffirms, bearing in mind the specific laws applicable to the Tribunals of the Apostolic See (cf. canon 1402), the absolute incompetence of the Roman Rota to “declare” the nullity of the Rota’s own sentences, whether by way of a *querela nullitatis* (canons 1619-1627) or by a *retractatio* under canon 1626.

1619-1627

REDC 76 (2019), 479-519: Tribunal de la Rota Romana: Sentencia de nulidad matrimonial. R.P.D. Xaverio Leone Arokiaraj. Templen.-Ampurien. Nullitatis matrimonii. (Sentence and comment)

See above, canon 1101.

1628

Per 107 (2018), 663-682: Acta Tribunalium Sanctae Sedis. Romanae Rotae Tribunal. Coram Erlebach, Decretum turni diei 8 februarii 2018. (Decree)

In February 2014, the petitioner accused his marriage of nullity on the grounds of his own grave lack of discretion of judgement (canon 1095 2°) and the respondent's incapacity to assume the essential obligations of marriage (canon 1095 3°). At the joinder of the issue, the doubt was formulated according to the petition. When the instruction of the case was completed, the petitioner's advocate asked for the joinder of the issue to be broadened to include the respondent's grave lack of discretion of judgement (canon 1095 2°); in return, the respondent's advocate opposed the motion and asked for the inclusion of the petitioner's incapacity to assume the essential obligations of marriage (canon 1095 3°). The judges finally reformulated the doubt to include all four grounds of nullity. On 20 December 2016, the first instance tribunal gave an affirmative decision on the sole ground of the petitioner's incapacity to assume the essential obligations of marriage (canon 1095 3°), whereupon the petitioner appealed the decision to the Apostolic Tribunal of the Roman Rota. Here the *ponens* formulated the doubt as follows: 1. Has the petitioner the right to appeal against a first instance decision in favour of nullity; and, if so, 2. is such an appeal to be admitted against this sentence concerning the ground of nullity on which the case was decided *or* is the first instance sentence to be confirmed on that ground? In the law section on both issues, the *ponens* examines the current law (i.e. after *Mitis Iudex*) on the right to appeal and devotes his attention to whether or not any such appeal should be admitted. In the end, the right to appeal was upheld, but the appeal was not admitted and the first instance decision was confirmed.

1644

REDC 76 (2019), 479-519: Tribunal de la Rota Romana: Sentencia de nulidad matrimonial. R.P.D. Xaverio Leone Arokiaraj. Templen.-Ampurien. Nullitatis matrimonii. (Sentence and comment)

See above, canon 1101.

1645

EIC 59 (2019), 299-353: Supremo Tribunale della Segnatura Apostolica: Prot. n. 41767/08 CG, Diocesi N., *Iurium*, Ricorso contro il decreto rotale del 19 luglio 2008 (Pontificia Università X – Capitolo Y – Arciconfraternità Z); Manuel Ganarin: *Quaestio de iure appellandi*, duplice decisione conforme, esecutività della sentenza definitiva passata in giudicato. Note in margine alla *restitutio in integrum* ammessa in una causa *iurium* avverso un decreto decisorio di rito *videntibus omnibus* della Rota Romana. (Sentence, decrees and comment)

The text is given of a definitive sentence and two executory decrees of the Apostolic Signatura in a complex case concerning patrimonial property rights. The case was decided at first and second instances by different *turni* of the Roman Rota. At a later date, by means of a decree adopted *videntibus omnibus*, that is, in the presence of all the Rotal judges, the Rota decided that there was no right of appeal against the second instance sentence, since it was in conformity with that of the first instance (cf. canons 1641-1642). The Apostolic Signatura, however, admitting a recourse against the said Rotal decree, and having obtained from the Holy Father the faculty of judging on the merits of the case, rejected the second Rotal sentence, and admitted a *restitutio in integrum* against the Rotal decree. Two executory decrees were subsequently issued by the Signatura to ensure the proper fulfilment of the execution of its own sentence. In his comment on the case G. notes some aspects of the case which were of particular significance, such as the legitimate solution of the *quaestio de iure appellandi* and the manner of overcoming “obstacles” standing in the way of execution of a sentence from which there is no longer any appeal (cf. canons 1375, 1611 2°, 1651, 1655 §2).

1671-1691

REDC 76 (2019), 17-36: José Manuel Ferrary Ojeda: La reforma procesal *Mitis Iudex Dominus Iesus*. Aportaciones más relevantes y puesta en marcha de la misma. (Article)

Mitis Iudex not only introduces changes directly connected with the dynamic of the process but also provides innovative elements related to the preparation of the case. F.O. looks at the background to *Mitis Iudex*, with specific references to *Evangelii gaudium*, the Pontifical Commission for the reform of the process, the Synod of Bishops, and the post-synodal Exhortation *Amoris laetitia*. He then focuses on two particular aspects: the

pre-trial phase and the briefer process. After looking at some practical aspects he offers some considerations in respect of the reception and difficulties in implementing the reform.

1671-1691

RMDC 24/2 (2018), 355-398 and RMDC 25/1 (2019), 7-107: Antonio Espinoza Mendoza: La incompatibilidad entre el oficio de Consultor y el oficio de Juez o de Defensor del vínculo en la misma causa. (Article)

See above, canons 1447-1449.

1671-1691

Jesús Miñambres (ed.): Diritto canonico e culture giuridiche nel centenario del *Codex Iuris Canonici* del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017. (Book)

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

1671-1691

Paul Robbins: Second Marriage in the Catholic Church. ‘Annulment’ and other Solutions. (Book)

See above, canons 1055-1165.

1671-1707

CLSN 195/19, 3-8: Peter Kravos: British and Irish Tribunal Statistics 2017. (Statistics)

Tables providing statistics for tribunals in Britain and Ireland in 2017, 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; and 4. ordinary trials in second instance.

1682

RDC 68/1 (2018), 107-139: Marie-Élisabeth Fady: Le *vetitum* apposé à une sentence déclarant nul un mariage: entre difficultés canoniques et enjeux pastoraux. (Article)

See above, canon 1077.

1683-1687

Ius Comm VII (2019), 61-73: Antoni Stankiewicz: Breves anotaciones sobre las Reglas de procedimiento y sobre la relevancia jurídica de las circunstancias con referencia a la falta de fe personal en relación con la simulación del consentimiento en el proceso *brevior* (art. 14 §1 RP). (Article)

In accordance with the Magisterium of the Roman Pontiffs, the provision of art. 14 §1 of the Procedural Rules accompanying *Mitis Iudex* refers to the defect of faith which can generate (*gignere potest*) simulation of matrimonial consent or error that determines the will concerning the unity, indissolubility or sacramental dignity of marriage; it does not, on the other hand, speak of a defect of faith that *ipso iure* generates those invalidating factors.

1683-1687

KIP 8 (21) 2019, nr 1, 169-186: Wojciech Góralski: *Processus brevior coram Episcopo – czy zupełnie nowum?* (*Processus brevior coram Episcopo – a complete novelty?*). (Article)

The *processus matrimonialis brevior coram Episcopo* introduced by *Mitis Iudex* is a special type of marriage nullity process that may apply in cases where the request is made by both spouses, or by one of them with the consent of the other, and is supported by particularly obvious arguments. In addition to the speed and simplification of the procedure, this process demonstrates the special care and vigilance of the diocesan bishop in relation to his faithful who are concerned about their marital status. An abbreviated process held before a bishop, while constituting a significant novelty in relation to the legislation in force before 2015, is deeply rooted in the canonical tradition, dating back to the first centuries of Christianity. G. first presents the ancient institution of *episcopalis audientia*, introduced by Emperor Constantine's edict and sustained by imperial legislation; he then discusses the judicial authority of the medieval bishop, showing that the

evolution of the justice system, under which officials emerged, did not exclude in any way the personal exercise of jurisdiction by a bishop; and finally he presents the bishop as a judge in the period from the Council of Trent to the CIC/83. The extraordinary nature of the abbreviated trial before a bishop on the one hand implies a far-reaching simplification of the procedure, and on the other indicates the central role of the bishop in judicial ministry, which he performs as supreme judge in his particular Church. The abbreviated process before the bishop is more a return to antiquity than an absolute novelty. There is a significant analogy between the institutions of *episcopalis audientia* and *processus brevior*. Pope Francis did not merely want to harmonize other methods of exercising the *potestas iudicandi* (in the case of obvious invalidity of marriage) with the already existing procedures, but above all to restore a more authentic and profound meaning to the mission of the diocesan bishop.

1683-1687

RMDC 24/2 (2018), 271-321: Mario Medina Balam: La sacramentalidad del matrimonio como objeto del error determinante de la voluntad y de la exclusión ante el proceso *brevior* de nulidad matrimonial. (Article)

According to Pope Francis, lack of faith is one of the circumstances that may allow the use of the briefer process for cases involving error determining the will and simulation of consent. M.B. explains the issue of lack of faith in the baptized contracting parties and its influence on the validity of sacramental marriage. After establishing the premise of the inseparability between contract and sacrament in the marriage of two baptized persons, he sets out the recent Magisterium of Popes John Paul II, Benedict XVI and Francis on the relationship between faith and the validity of matrimonial consent. He then focuses on error determining the will and simulation of consent regarding the sacramentality of marriage, in the light of Rotal jurisprudence. He concludes that it is not advisable to use the briefer process for such cases because of the complexity of their interpretation and the difficulty of their verification. In addition, the Rotal jurisprudence of the first decade of the 21st century shows that such cases, apart from being infrequent, usually end in a negative judgment. It is better for them to be examined through the ordinary matrimonial nullity process.

1687

Ap XCI (2018), 187-218: Federica Inches: Il ruolo del Difensore del vincolo nella riforma del Codice di Diritto Canonico del 1983 col m.p. *Mitis Iudex* del 2015. (Article)

The reform of the marriage nullity process introduced by *Mitis iudex* has a significant, albeit indirect, impact on the defender of the bond, as a public party called upon to guarantee the effectiveness of the adversarial process in a trial whose judicial nature has not been altered. In particular the abrogation of the obligation of two conforming sentences requires the defender of the bond to carry out his role in a vigilant and active way, in the awareness that the first instance decision may be the only one in which the truth concerning a particular marriage can be ascertained. This has a significant effect on the new *processus brevior* in which, given the necessary agreement between the private parties, the public party is the only one able to express any arguments aimed at rejecting the request presented by the petitioner. Even in the absence of any further instance, the indissolubility of the marriage may continue to be protected through the effective presence of the defender of the bond, which in any type of judgment guarantees *rationabiliter* a proper argument of the case.

1697-1706

FCan XIII/1 (2018), 23-39: Manuel de Pinho Ferreira: Dispensa do matrimónio e não consumado. (Article)

The process for dispensation from a ratified and non-consummated marriage, which is administrative in nature, is clearly distinguished in Book VII of the Code from the judicial process for the declaration of nullity of marriage. A difference from the CIC/17 is that the present canon 1061 §1 includes the requirement that consummation be *humano modo*, which adds complexity to the question of determining when a marriage is merely ratified.

1732-1739

Per 107 (2018), 631-662: Giovanni Parise: Circa alcune questioni afferenti al giudizio contenzioso amministrativo canonico. (Article)

P. seeks to shed light on a few particular issues related to the contentious-administrative trial in the Church: the difficulty of having recourse within the established time-limits; the stipulation that the parties may only be

present in the trial through legal representatives; the rejection of the petition at the outset of the procedure by the Secretary of the Apostolic Signatura; the burden of proof in the contentious-administrative trial; clarification as to who constitutes the party having recourse and who constitutes the party against whom recourse is sought. He examines each of these issues in the light of the practice of the Apostolic Signatura and the published insights of present and former officials of the Supreme Tribunal.

1733-1735

ADC 8 (abril 2019), 89-140: Francisco José Zamora García: Incidencia de los cánones 1733-1735 en la solución de los litigios administrativos. (Article)

Canons 1733-1735 of the CIC/83 contain two new legal provisions. The first is intended to avoid the need for a hierarchical resource (canon 1733). The second, in case the first does not prove effective, aims to ensure that the hierarchical recourse is properly prepared (canons 1734-1735). Both provisions form part of the administrative justice which is at the heart of the Church.

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 Communio
- 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

ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
AnCrac	Analecta Cracoviensia, Krakow – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
ETJ	Ephrem’s Theological Journal, Satna, India – Abstracts supplied by publisher.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
FThC	Folia Theologica et Canonica, Budapest – Editor.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
ITS	Indian Theological Studies, Bangalore – Editor.
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.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.

QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Abstracts supplied by publisher.
S	Salesianum, Rome – Abstracts supplied by publisher.
VC	Vita Consacrata, Rome – Editor.
Verg	Vergentis: Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.
Vid	Vidyajyoti, Delhi – Editor.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Mark HILL: *Ecclesiastical Law*, 4th edition, Oxford University Press, Oxford, 2018, 521pp. ISBN 9780198807568 (reviewed by John Duddington, *LJ* 182 [2019], 76-78)
- Kevin Otieno MWANDHA: *Doubt of Law. Juridical and moral consequences*, Libreria Ateneo Salesiano, Rome, 2016, 245pp., ISBN 978-88-213-1196-3 (reviewed by Javier Otaduy, *IC* 59/117 [2019], 464-467)

BOOKS RECEIVED

- Álvaro GONZÁLEZ ALONSO (ed.): *La relazione coniugale: crisi attuale e orizzonti di soluzione*, Pontificia Università della Santa Croce (Subsidia Canonica 26), Rome, 2019, 152pp., ISBN 978-88-8333-806-9 [see above, General Subjects (*Compilations*)]
- Álvaro GONZÁLEZ ALONSO – Jaime ABASCAL MARTÍNEZ (eds.): *L'autorità genitoriale, limite o diritto dei figli?*, Pontificia Università della Santa Croce (Subsidia Canonica 27), Rome, 2019, 210pp., ISBN 978-88-8333-842-7 [see above, General Subjects (*Compilations*)]
- Jesús MIÑAMBRES (ed.): *Diritto canonico e culture giuridiche nel centenario del "Codex Iuris Canonici" del 1917. Atti del XVI Congresso Internazionale della Consociatio Internationalis Studio Iuris Canonici Promovendo, Roma 4-7 ottobre 2017*, EDUSC, Rome, 2019, 938pp., ISBN 978-88-8333-811-3 [see above, Historical Subjects (*1917 Code*)]
- Paul ROBBINS: *Second Marriage in the Catholic Church. 'Annulment' and other Solutions*, Amazon Fulfilment, Wrocław, 2019, xi + 155pp., ISBN 9781791753153 [see above, canons 1055-1165]