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

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GENERAL SUBJECTS

Comparative law

AnCrac 51 (2019), 313-341: Cătălina Mititelu: The Oikonomia and its application in the See of the Confession. (Article)

Within confession in the Orthodox Churches, *oikonomia* (clemency) is perceived both as a “saving condescension” and as a “canon of love for man”. Thus the confessor should always be conscious that by *oikonomia* – which is above all an act of “redeeming condescension” – he can effectively help the sinner, and that, by this act, he is following in the footsteps of Christ, who out of divine love for mankind, made of Himself a redeeming offering for the sins of the whole of mankind. From an analysis of the text of the canonical legislation of the Eastern Orthodox Churches, corroborated by canonical doctrine, M. notes that *acribia* (strictness of canonical law) and *oikonomia* have been used in the Church since the beginnings of its existence, but, within the place of confession, the application of the principle of *oikonomia* has always prevailed.

EIC 60 (2020), 113-135: Andrea Bettetini: Il riconoscimento civile della personalità giuridica ecclesiastica nel diritto italiano con riferimenti al diritto comparato. (Article)

B. examines the recognition of the juridical personality of Catholic religious entities in the Italian legal system. He then looks at the situation in some European legal systems of common and civil law. Specifically in relation to England and Wales he refers to the courts’ view that the Catholic Church is regarded as an unincorporated association with no legal personality: hence the need for dioceses, etc., to make use of charitable trusts.

SC 54 (2020), 265-290: Aurimas Rudinskas: The Procedure for Administrative Recourse: A Comparative Study of the Latin and Eastern Codes. (Article)

See below, CCEO canons 996-1006.

Compilations

IC 60/119 (2020), 317-370: José Ignacio Rubio López: Crónica Judicial de Derecho Eclesiástico en los Estados Unidos de Norteamérica (2017-2019). (Compilation)

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

IC 60/119 (2020), 371-393: Joaquín Sedano: Crónica de Derecho Canónico 2019. (Compilation)

In this review of the more significant canonical developments in 2019, S. mentions the writings and documents of the Roman Pontiff, including his motu proprio suppressing the Pontifical Commission *Ecclesia Dei* (17 January 2019: see *Canon Law Abstracts*, nos. 123, pp. 58-59; 124, p. 60); the statutes setting out the office and role of an auditor general in reviewing the accounts of the various entities of the Holy See (21 January 2019: see *Canon Law Abstracts*, nos. 123, p. 17; 124, p. 19); the Pope's address to the Roman Rota (29 January 2019: see below, canon 1063); the motu proprio *Communis vita* modifying canons 694 and 729 (26 March 2019: see below, canon 665); three documents relating to the protection of minors in the Vatican City State (26 March 2019: see *Canon Law Abstracts*, nos. 123, pp. 16-17; 124, p. 102; and below, canon 1395); the motu proprio *Vos estis lux mundi* (7 May 2019: see below, canon 1395); the announcement that the Pope had authorized the organization of diocesan and parish pilgrimages to the Marian shrine of Medjugorje (12 May 2019: hitherto only private pilgrimages were allowed); the announcement of a new pontifical delegate for the Marian shrine of Lourdes (6 June 2019); a rescript modifying certain articles of the motu proprio *Sacramentorum sanctitatis tutela* (3 December 2019: see below, canon 1395); an instruction clarifying the question of confidentiality in cases of *graviora delicta* (6 December 2019: see below, canon 1395); a chirograph approving the revised Statutes of the Institute of the Works of Religion (8 August 2019: see below, canon 360); a motu proprio setting a renewable five-year term to the office of Dean of the College of Cardinals (21 December 2019: see below, canon 352); and various decrees of erection and reorganization of ecclesiastical circumscriptions in the Latin and Eastern Catholic Churches.

The review goes on to mention the more significant documents and activities of the Roman Curia in 2019, including a decree of the Secretariat of State entrusting the regulation of *Caritas Internationalis* as a public

juridical person to the Dicastery for Promoting Integral Human Development (22 May 2019: see below, canon 360); new complementary norms for the apostolic constitution *Anglicanorum coetibus*, issued by the Congregation for the Doctrine of the Faith (19 March 2019: see below, canon 372); a decree of the Congregation for Divine Worship and the Discipline of the Sacraments on the liturgical memorial of St Paul VI (25 January 2019); the erection by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life of the *Regnum Christi* federation and approval of its statutes (31 May 2019); a clarification by the Pontifical Council for Legislative Texts of the implications of the reference to canon 1548 in article 3 §1 of *Vos estis lux mundi* (3 September 2019: see *Canon Law Abstracts*, no. 124, p. 109); the sending of the draft of a new apostolic constitution regulating the Roman Curia to episcopal conferences, synods of Oriental Churches, dicasteries of the Roman Curia, conferences of major superiors, and some pontifical universities, following a meeting of the “Council of Cardinals” (8-10 April 2019); and a Note of the Apostolic Penitentiary on the internal forum and the inviolability of the sacramental seal (29 June 2019: see *Canon Law Abstracts*, nos. 123, p. 87; 124, pp. 82-84).

The following section of the review is dedicated to the diplomatic activity of the Holy See during 2019, including relations with Venezuela; relations with China; an agreement with the Republic of Italy by which recognition is given to degrees awarded by institutes of higher education erected or approved by the Holy See; the entry into force of a framework agreement with the Central African Republic; the commemoration of the 25th anniversary of diplomatic relations with the State of Israel; ratification of a 2017 framework agreement with the Republic of the Congo; an accord with Burkina Faso; a Holy See-Vietnam Joint Working Group; and an agreement with Angola. At the end of 2019 the Holy See had diplomatic relations with 183 countries, in addition to the European Union and the Sovereign Military Order of Malta.

Details are also provided of documentation and activity of the Spanish Episcopal Conference in 2019.

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l’institution ecclésiale catholique aujourd’hui. Perspectives comparatives. (Compilation)

In several European countries the current religious context is that of secularization. This raises the question of the relationship of baptized

General Subjects (Compilations)

Catholics to the Church. Whether in terms of belonging to or of severing relations with the Church, such behaviour is assessed in the light of the Church's teaching and worship and of her exercise of authority. The bonds of the profession of faith, the sacraments, and ecclesiastical governance express union with Christ within the visible Church and constitute the maximum expression of membership of and adherence to the ecclesial institution. If membership of the Church through baptism is inalienable, the baptized themselves react in different ways nowadays in expressing this belonging, through ways of behaving that are linked, on the one hand, to a feeling of forming part of a group which is in the process of shrinking, and on the other, to secularization and religious individualism. Adopting an interdisciplinary and comparative approach, which considers the situation in Germany, Spain, France, and Italy, the contributions gathered in this book constitute a reflection on the different relationships of the baptized to the ecclesiastical institution – ranging from membership of the Church to abandonment of it – and set out the ways, characterized by humility and hope, in which the ecclesial institution attempts to respond.

The principal contributors are **Luc Perrin** on Vatican II and dechristianization; **Thibault Joubert** on the different levels of belonging to the Church; **Philippe Vallin** on the “creative minorities” referred to by J. Ratzinger; **Alphonse Borrás** on ecclesial incorporation and the baptized person's duty of communion; **Yann Raison du Cleuziou** on forms of Catholic engagement; **Valérie le Chevalier** on those faithful whose practice of the faith is weak; **Alphonse Ky-Zerbo** on the different canonical classifications of the breaking of relations with the Church; **Anne Bamberg** on the reasons leading some people to leave the Church silently, and how canon law should respond; **Klaus Becker, Isabelle Jonveaux, Francesco Brancaccio, and Miguel Rodríguez Blanco** on the behaviour of the baptized in relation to the ecclesial institution in Germany, France, Italy, and Spain, respectively; **Burkard J. Berkmann, Henri-Jérôme Gagey, Federico Grosso, and Isabel Cano Ruiz** on the response of the ecclesial institution in Germany, France, Italy, and Spain, respectively. (For bibliographical details see below, Books Received.)

Inés Lloréns (ed.): La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull'antropologia giuridica della famiglia.
(Book)

This volume collects together the texts of the 3rd Interdisciplinary Study Day on the Juridical Anthropology of the Family, organized by the Faculty

of Canon Law of the University of the Holy Cross, Rome, 2020. The overall theme is the “family dimension of the school” and the need to rediscover the inseparable link that ought to exist between family and school, so as to provide infants, children, and later adults, with the integral formation they need in order to become good citizens and good parents, and attain to the perfection to which they are called as persons. The contributors are José Tomás Martín de Agar on the school as a prolongation of the family in the Magisterium and discipline of the Church; Paola Premoli de Marchi on the parent-child educational relationship, from an anthropological-philosophical perspective; Javier Escrivá-Ivars on the participation of the family in the European educational systems; Giuseppe Zanniello on the influence of the family-school relationship on the education of children/pupils, from a pedagogical perspective; Emanuela Confalonieri on the influence of the family on the behaviour of children at school; and Alfonso Aguiló on promoting the rights of the family in the school environment. (For bibliographical details see below, Books Received.)

Ecclesiology

ITQ 85 (2020), 352-369: Massimo Faggioli: From Collegiality to Synodality: Promise and Limits of Francis’s ‘Listening Primacy’. (Article)

Synodality is a key term to understand Pope Francis’s ecclesiology. F. analyses Francis’s use of synodality in the major documents, the speeches, and in the most important moments of his pontificates, especially in the synods of bishops. He highlights the promise and accomplishments of Francis’s synodality especially in terms of the conversion of the papacy into a listening primacy. He also raises some issues about the limits of Francis’s theology and practice of synodality in the global Catholic Church of today, and in particular whether there can be a synodal reform of the Church without new institutions of synodality.

Per 108 (2019), 621-669: Gianfranco Ghirlanda: La Cost. ap. *Episcopalis communio*: Sinodo dei Vescovi e sinodalità. (Presentation)

This is the text of G.’s presentation to the 54th Annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, held in Brescia in June 2019. He examines the Apostolic Constitution *Episcopalis communio* of 18 September 2018 by which Pope Francis reformed the

Synod of Bishops. He begins by distinguishing synodality and collegiality: in the teaching of Pope John Paul II, synodality concerns the whole Church, while the collegiality of the bishops is included within the broader category of synodality. This is a distinction taken up by Pope Francis in *Episcopalis communio*. Here the *sensus fidei* takes on a new importance. In this perspective, the Church can be seen as an inverted pyramid and as a communion of concentric circles. The reform of the Synod of Bishops now foresees the active engagement of the People of God in the preparatory phase and the implementation phase. G. sees that this renewed vision of the Synod has serious ramifications for ecumenism.

QDE 33 (2020), 107-127: Matteo Visioli: I sacramenti della Chiesa: una rilettura teologico-giuridica. (Article)

See below, canon 843.

Law reform

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

See below, canon 524.

Legal theory

AnC 15 (2019) 2, 9-38: Nicolae V. Dură: About “Justitia” (Righteousness) and “Aequitas” (Equity). The contribution of Lactantius († 325) in the specifying of the content of the two constituent elements of the “Jus”. (Article)

An analysis of Lactantius’s work *Justitia* reveals that for Lactantius, *justitia* (justice) and *aequitas* (equity) were primarily moral virtues with theological-philosophical and juridical implications and consequences: hence the moral obligation upon any legislator to take them into account in the application of justice.

FCan XIV/1 (2019), 89-93: Papa Francisco: A importância da Justiça num mundo em mudança. (Address and comment)

The Portuguese text is given of Pope Francis's address to the Italian Association of Magistrates on 9 February 2019, in which he presents justice as the quintessential cardinal virtue: it is not "an order already realized to be preserved, but a goal towards which to strive every day". The Pope encourages the magistrates to be inspired by high moral standards, reminding them that they are models to all citizens and in particular to younger people. He refers also to those magistrates who have suffered and lost their life in the faithful execution of their duties. The text of the address is accompanied by a brief comment from Miguel Falcão.

FCan XIV/1 (2019), 107-115: Miguel Falcão: A Justiça, no Catecismo da Igreja Católica. (Article)

F. deals with the Catholic teaching on justice, as presented in the *Catechism of the Catholic Church*. Justice, one of the cardinal virtues, appears as the will to give God and others what is their due. Righteous is he who keeps the commandments of the Law of God, which correspond to the natural law proper to all mankind. In relation to others, the duties of justice flow from the general principle, "Do not do to others what you would not wish to be done to you", and are detailed in seven commandments, each with its own object. The classic forms of justice are commutative, distributive and legal, which are all intertwined. Any breach of justice implies the duty of reparation. Current social justice seems to encompass the three classical forms in so far as they affect the common good, protected by social authority. It is related to the duty of solidarity. Justice alone is not enough and can even become unjust; it needs to be complemented by charity. But the first act of charity is justice, or respect for the other. What pertains to justice can be demanded by oneself and by society; what pertains to charity cannot. But both are required by the Creator.

IC 60/119 (2020), 7-14: Pietro Parolin: A proposito della legalità. (Address)

Given here is the text of P.'s address on 28 March 2019 at the launch of *Ad Normam Iuris. Paradigmi della legalità nel diritto canonico*, by Beatrice Serra. The book investigates the elements which are needed for identifying the constitutive nucleus of the concept of legality within the canonical sphere, so as to be able to describe the significance which the notion of legality acquires in Church law.

Ius Comm VIII (2020), 25-51: Velasio de Paolis: Actualidad del derecho penal de la Iglesia. (Article)

The weakness of the Church's penal law and its lack of application are due to the crisis of canon law itself. If law (including penal law) is not appreciated in the life of the Church, and if it is ignored and not applied, it is because it is not known; and it is not known because it is not appreciated. Penal law ensures peaceful coexistence within the anthropological vision from which it arises and which it protects, but the effectiveness of the canonical order lies not in the severity of its sanctions, but in the set of values that it proclaims and proposes, particularly the reference to the conscience of the individual and the responsibility of the individual before God and the community. At stake is the person's life and eternal salvation: the meaning of that person's life for ever.

Relations between Church and State

AnC 15 (2019) 2, 39-60: Malgorzata Moras – Piotr KroczeK: Podmiot związku wyznaniowego jako zamawiający: wybrane zagadnienia (*Religious entity of religious associations as the public purchaser: selected issues*). (Article)

In Poland, Churches and other religious associations also participate in business trading in the area of public procurement, acting as the public purchaser. This article addresses some of the more problematic issues which this entails.

BV 80 (2020), 103-129: Dejan Pavec: *Lex specialis: Zakon o pravnem položaju verskih skupnosti v SR Sloveniji* (“*Lex specialis*”: *The law of a legal status of religious communities*). (Article)

P. studies the law governing the legal status of religious communities in the Socialist Republic of Slovenia from the year 1976 and the consequences that it had for the Catholic Church in Slovenia. The most important regulation prohibited the organizing or carrying out of activities defined as common or of special social importance, the most important of these being educational and charitable activities.

EIC 60 (2020), 113-135: Andrea Bettetini: Il riconoscimento civile della personalità giuridica ecclesiastica nel diritto italiano con riferimenti al diritto comparato. (Article)

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

ELJ 22 (2020), 2-14: Norman Doe: Welsh Church Act 1914: A Century of Constitutional Freedom for the Church in Wales? (Article)

The approach of the centenary of the disestablishment of the Church of England in Wales offers a good opportunity to reflect on legal aspects of the life of the Church in Wales since 1920. Religious equality had been the principal stimulus for the Welsh Church Act 1914. This statute, together with the release of the Welsh dioceses by the Archbishop of Canterbury to form a separate Anglican province, necessitated the formulation of a Constitution for the Church. Innovation was avoided, and continuity protected. “Vestiges of establishment” continued, in burial and marriage, as the result of political expediency. The original structure of the Constitution continues to this day – a complex of various instruments. Change has been piecemeal. The Church still has no modernized body of canon law and its soft law has increased dramatically. However, understandings about the purposes of the Constitution have changed, and the demand for constitutional change has quickened recently, particularly since the Harries Review of the Church in Wales in 2012.

ELJ 22 (2020), 138-155: Christopher Grout: The Seal of the Confessional and the Criminal Law of England and Wales. (Article)

G. examines, from an Anglican perspective, the concept of the “inviolability” of the seal of the confessional. In England and Wales there is no primary legislation which clearly and coherently deals with the question of the admissibility of matters said in private confession before courts and tribunals. This is in contrast with the United States of America, where every State has enacted statutory provisions which provide safeguards to admissibility, albeit to differing degrees. Recent developments in Australia have, conversely, involved the enactment of legislation making it a crime for a priest to withhold, in certain circumstances, matters said in the course of private confession. In 1990 the existing case law on the subject was found by the English courts to be contradictory, with judgments appearing to be based upon personal opinions as opposed to legal analysis. G. examines

developments in legislation and case law since that time, seeking to determine whether it is right to assume that, even if not adequately protected by legislation, things said or done in furtherance of private confession are likely to be excluded from secular criminal proceedings.

ELJ 22 (2020), 156-193: Peter Collier: Safeguarding in Church and State over the Last 50 Years: ‘From Ball and Banks to Beech via Bell’. (Article)

C. describes the changes in criminal law and procedure that he saw take place during 50 years of practice, turning a criminal justice system in which it was difficult to prosecute cases involving multiple child witnesses into one much better adapted to cases alleging sexual assault and the needs of vulnerable witnesses. He reviews, decade by decade, the major developments in people's understanding and perception of the prevalence of physical and sexual abuse, touching on a number of high-profile events. He traces the development of the Church of England's safeguarding policy, noting how it tracks the development of secular policies. In parallel he identifies a number of significant cases of sexual abuse by clergy which were/are the subject of “lessons learned” reviews. A note of caution is however sounded arising from two specific cases, in particular the danger of not following well-established investigative procedures but jumping to judgement. He concludes by suggesting how investigation and fact-finding might take place in the future.

IE XXXII (2020), 17-68: José Tomás Martín de Agar: Derecho y relaciones iglesia - sociedad civil. (Article)

Church-State Relations is a subject that forms part of the official curriculum of canon law faculties, where it has come to replace the *ius publicum externum*, from which it has in part inherited its theoretical apologetic character of affirming and defending the freedom of the Church in the fulfilment of her mission. It is typically presented as a canonical subject, yet without specifying its sources, its content, or its object as a science. Thus it is worth asking whether it is indeed a juridical matter and, if so, what kind of law it involves. M. de A. addresses the question of the scientific and didactic status of the subject, in the context of the past and present of Church-State relationships. Current positions on the matter refer to the Magisterium of the Second Vatican Council, in particular *Lumen gentium*, *Gaudium et spes* and *Dignitatis humanae*. Some authors however take into account that the CIC/83 has maintained a considerable number of the *iura*

nativa that the CIC/17 attributed to the Church as a *societas iuridice perfecta*, a concept superseded by the conciliar ecclesiology. Others, while affirming the juridical nature and scientific autonomy of the subject, look to secular law for solutions to the legal problems posed by Church-State relations, in particular that of religious freedom.

IE XXXII (2020), 69-94: Marco Canonico: Nullità matrimoniali canoniche ed ordine pubblico italiano. (Article)

C. examines the recognition by Italian law of ecclesiastical decisions of matrimonial nullity, with particular reference to the requirement that there should be no conflict with public order. He highlights the guidance offered by case law on the matter.

IE XXXII (2020), 95-131: Arnaldo Morace Pinelli: Il problema della configurabilità della responsabilità oggettiva delle diocesi e degli ordini religiosi per gli abusi sessuali commessi dai loro chierici e religiosi. (Article)

M.P. studies the applicability of the principle of strict liability under Italian law in relation to the responsibility of bishops and religious superiors for sexual abuses committed by clerics and religious. The principle does not apply if damage is caused outside of the Church's pastoral and charitable activity.

KIP 9 (22) 2020, nr 1, 65-81: Oleksandr Bilash – Tetyana Karabin: Taxation of Religious Organizations in Ukraine. (Article)

The authors examine the taxation of religious organizations, enterprises, and other institutions established by religious organizations in Ukraine.

KIP 9 (22) 2020, nr 1, 83-100: Jaroslaw Krzewicki: Relacje Kościół-Państwo w Polsce wobec COVID-19 (*Relations between Church and State in Poland in the case of COVID-19*). (Article)

The actions taken by the Polish government in relation to the Covid-19 pandemic had the side-effect of violating religious freedom. The problem mainly related to restrictions on the number of people who could attend church services, with questions being raised as to the constitutionality of actions taken in good faith. The State's actions were linked to a well-

justified goal, and were thought adequate and necessary. However, K. argues that they also involved the arbitrary and disproportionate imposition of restrictions on the Church, the scale of which lacked clear and convincing justification. Moreover, the restrictions introduced were not based on respect for the autonomy of the Church. The pandemic showed that both Church and State need to draw conclusions that will allow them to deepen in and develop fruitful cooperation for the benefit of individuals and society.

KIP 9 (22) 2020, nr 1, 133-141: Wioletta Dudzicz-Rzeszowska: The Seal of Confession in Polish Criminal Law – Substantive and Procedural Aspects. *De lege ferenda* Postulates. (Article)

D.-R. explores the position of a sacred minister in the context of the sacramental seal under Polish criminal law.

Li Jingren: Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian. (Book)

See below, canons 298-329.

Religious freedom

AnC 15 (2019) 2, 81-100: Piotr Steczkowski: Dopuszczalność krytyki ideologii gender w kontekście prawa do swobodnego pełnienia misji przez Kościół katolicki w Rzeczypospolitej Polskiej (*Admissibility of criticism of gender ideology in the context of the right to free mission of the Catholic Church in the Republic of Poland*). (Article)

S. looks at the development of gender theory and its impact on the understanding of human rights in international law. He focuses on the possible conflict between the rights of LGBT persons and the freedom of the Catholic Church to teach religious doctrine. He concludes that moral assessments and criticisms of gender ideology, and of the effects of its implementation in social life, are, subject to certain conditions, legally permissible in Poland, and fall within the free exercise of the Church's mission, because of their connection to religious doctrine.

FCan XIV/1 (2019), 27-53: María José Ciáurriz: Confesionalidad, Tolerancia, y Libertad Religiosa, en la Historia Constitucional Española. (Article)

From the beginnings of the constitutional system in France and the United States, progressively democratic Constitutions started to spread across Europe. Within this framework, the religious phenomenon took on various forms, ranging from full confessionalism to tolerance and later to religious freedom. C. looks at its gradual development in Spain, from the start of the 19th century up to the current acceptance of non-confessionalism and freedom and equality as the essential principles of the current State normative framework on religious phenomena.

IC 60/119 (2020), 317-370: José Ignacio Rubio López: Crónica Judicial de Derecho Eclesiástico en los Estados Unidos de Norteamérica (2017-2019). (Compilation)

R.L. highlights some of the more significant federal cases involving religious freedom decided in the United States in the period 2017-2019, dealing with health and life (abortion and contraception); marriage and the family; education; the rights of condemned prisoners to spiritual assistance; legislative prayers; freedom of religious expression; religious symbols; religious rights in the workplace; transgender persons in the army; immigration and security; internal church controversies and ecclesiastical abstention; bakers and florists and the supply of services for “marriages” of persons of the same sex; miscellaneous other cases. He concludes with some reflections on the ideology of the Supreme Court following the nomination of Judge Brett Kavanaugh in 2018.

REDC 77 (2020), 633-655: Jorge Salinas Mengual: Influencia de Karol Wojtyła y Joseph Ratzinger en la elaboración e interpretación de la Declaración *Dignitatis Humanae* del Concilio Vaticano II sobre libertad religiosa. (Article)

S.M. analyses the various interventions of Karol Wojtyła in the sessions of Vatican II during which the Declaration *Dignitatis humanae* was developed, and the interpretations of the document by both Wojtyła and Joseph Ratzinger in the years following the celebration of the Council, in order to identify the ideas in the document that can be traced back to their theological and philosophical thinking.

Social issues

KIP 9 (22) 2020, nr 1, 101-115: Jacek Nogowski: Dobro wspólne podstawą poszanowania człowieka w kontekście wyzwań społecznych (*The common good as the basis of respect for human beings in the context of social challenges*). (Article)

Catholic social teaching explains that the common good is the sum of the conditions of social life that allow individuals to achieve more fully and more easily their own perfection; this entails rights and obligations regarding the entire human race. Every social group must take into account the needs and lawful aspirations of other groups, and indeed the common good of the entire human family. The common good consists in respect for the rights and obligations of the human person and in creating maximum opportunities for the development of human individuals belonging to different communities. The common good that people seek and achieve by creating a social community is a guarantee of the good of persons, families, and groups. The principles of the universal destination of goods, subsidiarity, and solidarity, are helpful in promoting respect for every human person.

KIP 9 (22) 2020, nr 1, 117-132: Kazimierz Świąć: Relacja między pracą a kapitałem w społecznym nauczaniu Kościoła. Wprowadzenie do problematyki (*The relationship between labour and capital in the social teaching of the Church. Introduction to the issues*). (Article)

Ś. explains the position of the Church concerning an important dimension of the social issue, which is the relationship between labour and capital. In her social teaching the Church did not initially oppose these two factors of production, but neither did she identify new priorities. Since the Second Vatican Council, the Church's social teaching has emphasized the priority of labour over capital. Pope St John Paul II devoted a great deal of energy to this matter. From the theological and anthropology perspective, he demonstrated the personalistic aspect of the individual, the great dignity of each person, and work as a calling from God and as participation in his creative work. The human being, as subject and acting person, always takes precedence over material means. This principle should guide the reforms of economic life at the level of creating a general political framework, and within the internal organization of large corporations and small enterprises.

Verg 10 (2020), 99-116: Antonio Iaccarino: Refuge in law as an answer to negative realities according to justice. The progress towards the inadmissibility of the death penalty. (Article)

I. addresses the peculiar bond that links together the philosophy of law and the history of law and proposes again the current need to “rethink the thought” on law, so that it can be the dialogic tool to structure a vision of the world able to generate awareness and responsible action that creates and performs reality. He analyses the topic of the positive utopia of reality, in connection with the principle of fraternity, and defines the way to think about the relation of otherness as “thinking in reciprocity”. At the practical level he proposes doing away with the death penalty, in the light of the theory of restorative justice.

Verg 10 (2020), 117-129: Marcello Volpe: Lo *ius soli*: storia, evoluzione e nuove prospettive nelle legislazioni moderne. (Article)

The institute of *ius soli*, the criterion for the acquisition of citizenship, according to which one becomes a citizen through being born in the territory of an internationally recognized sovereign State, regardless of the citizenship of one’s parents, has – despite its ancient origins – always been at the centre of great debates and continuous legislative interventions since it gives rise to divisions between those who see it as a battle of civilization and those who believe it to endanger national identity. V.’s examination of the *ius soli* passes through ancient and modern State regulations, as well as magisterial documents and canonical laws, and aims above all to offer serious reflection on current issues, sensitizing the legislator, and jurists in general, to act in such a way as to guarantee the human dignity of migrants and refugees.

HISTORICAL SUBJECTS

1st millennium

EIC 60 (2020), 5-51: Orazio Condorelli: «Locus ille gerit vicem persone et intelligitur dominus». Percorsi della scienza giuridica medievale alle origini del concetto di persona giuridica (secoli XII-XIV). (Article)

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

EIC 60 (2020), 233-245: Szabolcs Anzelm Szuromi: Disciplinary and Doctrinal Texts of the Early Church (until the 5th century) on Virtues and their Biblical Origins. (Article)

S. presents the significant biblical (Old and New Testament), patristic, and disciplinary sources concerning virtue, examining the meaning of the concept of virtue in ecclesiastical discipline and doctrine up to the fifth century, and pointing out how it differed essentially from the Stoic understanding.

IE XXXII (2020), 223-237: Marcin Bider: A presentation of canonical sources (7th to 17th centuries) on the *Ordo ad diaconam faciendam seu consecrandam*. (Article)

B. studies the evolution of the *Ordo ad diaconam faciendam seu consecrandam* in the Latin Church from the 7th to the 17th centuries. The terms *ordinatio* and *ordinare* in sources from the 12th century took on a sacramental dimension. Roger Gryson stated that women in antiquity and the Middle Ages were ordained as deaconesses. Aimé G. Martimort rejected this thesis. Deaconesses were a group of women associated with monasticism, consecrated virgins, and other specific forms of life in the Latin Church. In medieval canonical sources, the ordination of deaconesses had no sacramental value from the point of view of canon law.

REDC 77 (2020), 105-151: Orazio Condorelli: Prima del 1054: Centri e periferie, universalità e particolarità nel diritto della Chiesa al tempo di San Simeone di Siracusa/Treviri († 1035). (Article)

St Simeon was a Byzantine monk of Sicilian origin who died in 1035 in Trier (Germany), where his memory has been venerated ever since. The story of his life shows the intensity of the communication processes between the Latin Church and the Byzantine Church in the early 11th century, and is taken by C. as the starting point of a study on the shaping of the legal system of the Latin Church between the end of the first millennium and the first decades of the second. C. focuses on the institutional experience of the “imperial Church”, articulated around the two poles of the Empire and the Papacy. The ecclesiological and political ideal of collaboration between the civil and ecclesiastical powers found expression in the initiatives of Church reform promoted by Emperors such as Henry II and Henry III and supported by some of the best Popes of the first half of the 11th century. Some canonical collections strove to select and coordinate the sources of canon law in order to support attempts to bring about a reform of Church life.

Classical period

EIC 60 (2020), 5-51: Orazio Condorelli: «Locus ille gerit vicem persone et intelligitur dominus». Percorsi della scienza giuridica medievale alle origini del concetto di persona giuridica (secoli XII-XIV). (Article)

The concept of juridical person is rooted in the history of the techniques which the science and practice of law developed in the absence of any preconceived and abstract centre of attribution of rights and duties. C. explores the development of these techniques, which Justinian legislation entrusted to the jurists of the age of the *ius commune*. The problem of the ownership of *res Ecclesiae*, which the *Corpus Iuris Civilis* attributed to entities qualified as *loca venerabilia*, led medieval jurists to elaborate the concept of juridical person. The discussion began in the mid-12th century and culminated in the doctrine of Innocent IV.

IE XXXII (2020), 133-158: Andrea Padovani: I laici nella canonistica medievale (secoli XII-XV). (Article)

Gratian’s *Decretum* – composed only few years after the Concordat of Worms, which brought to an end the dramatic struggle over investitures –

Historical Subjects (Classical period)

assigns a rather restricted role to the laity in the life of the Church. It reflects, on the one hand, the still-vivid memory of the violence perpetrated by powerful lay persons; and on the other, a prevailing mistrust of the laity who in the main were regarded as uneducated (*ydioatae*). The picture changes when some lay persons become leaders in civil law, and later in canon law. Their participation, first in the anti-heretical inquisition, and then in the complex events of the Great Schism, enabled them to attain a new distinguished position in the ecclesiastical world.

IE XXXII (2020), 223-238: Marcin Bider: A presentation of canonical sources (7th to 17th centuries) on the *Ordo ad diaconam faciendam seu consecrandam*. (Article)

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

REDC 77 (2020), 35-65: Josep Amengual i Batle: Sínodos medievals del Obispado de Mallorca. (Article)

Although Christianity reached the Balearic Isles as early as the fifth century, there is no record of the use of synods prior to those of Mallorca, some eight centuries later. The synodal documentation begins in 1266 and lasts until 1271. The constitutions are an application of Lateran Council IV, and follow the disciplinary practice of the province of Tarragona. However, the Mallorcan canons are all in Catalan, as distinct from the usual Latin, and represent a singular contribution to a Romance language. By contrast the synod celebrated by Bishop Lluís de Prades i d'Arenós in 1395, during the time of the Western Schism, is in Latin. It deals with clerical discipline, and prescribes a more humane treatment of slaves, especially female slaves. The text is accompanied by a summary in Catalan, which was published in the parishes.

REDC 77 (2020), 67-85: Mario Ascheri – Paola Maffei: *Consilia Extravagantia*. Un repertorio in corso d'Opera. (Article)

The importance of *consilia*, although occasionally dealt with in the past, has been highlighted especially since the 1950s. Since then an increasing amount of research has been dedicated to this literary genre. *Consilia* were perhaps the main method of combining theoretical juridical teaching with practical implementation. Both separately and in specific collections, *consilia* became widespread through manuscripts and even more so through

the printing press. The authors' aim here is to catalogue those *consilia* which are particularly hard to find since they are hidden in anthologies and other kinds of literature, as well as in various other sources.

REDC 77 (2020), 87-103: Josep Baucells Reig: Organización básica interna de los obispados españoles (s. XII – s. XIX). (Article)

For the management of diocesan affairs the bishop has traditionally been able to rely on clerics to assist him in the task. Although the organization of the different dioceses is not always exactly the same, there are many elements common to them all. B.R. provides an overview of the history of the Spanish dioceses and examines their internal organization from the late Middle Ages to 1851, when a single common regime was imposed on all bishoprics subject to the Spanish government.

REDC 77 (2020), 385-419: Jaime Justo Fernández: El *Synodicon hispanum*: Origen, elaboración, contenido y repercusión. (Article)

The *Synodicon hispanum* is the work containing the critical edition of the synods of Spain and Portugal held between the Fourth Lateran Council (1215) and the Council of Trent (1565). Its first volume was published in 1981; volume 14 is to be published soon; and it is foreseen that volume 15, already in an advanced state of production, will conclude the work. The *Synodicon hispanum* was the initiative of Prof. A. García y García, assisted from the outset by Dr Francisco Cantelar († 2019), who took over the project from volume 8. J.F. analyses the origin, the drafting, the content, and the impact of the work.

REDC 77 (2020), 421-435: Carlos J. Larrainzar: El resumen de c. 33 según «in prima parte agitur». (Article)

L. presents the critical edition of the passage of the work *In prima parte agitur*, dedicated to Cause 33 of the *Decretum Gratiani*, together with an ecdotic analysis of the document: an examination of different versions of the text in order to find patterns of error and thus reconstruct the text's history. In this connection he provides the *stemma codicum* – the “family tree”; he also explains the methodological criteria followed, the overall significance of the work, and its usefulness in helping understand how the *Decretum vulgatum* of Gratian came about.

REDC 77 (2020), 465-487: Enrique de León: La formación del matrimonio según el Códice Sg (= Sankt Gallen, *Stiftsbibliothek* 673 pp. 166-169). (Article)

De L. analyses three selected sections of the *Exserpta ex decretis sanctorum patrum* preserved in the manuscript Sankt Gallen *Stiftsbibliothek*, 673: the three belong to C.27 q.2 = C.25 q.2 in Sg, the *Causa* that contains the definition of marriage. He compares the text of Sg with the parallel *auctoritates* and *dicta* in the block Aa Fd edF (edF = Emil Friedberg edition), which substantially coincide, with the exception of the *paleae*: C27 q.2 c.4, c.7, c.8, c.18, c.51 that are found only in edF. The purpose of this analysis is to evince the evolution of the canonical theory on marriage and to verify whether Sg belongs to a period prior to that depicted by the manuscripts Aa Fd, or if, on the contrary, it is contemporary or subsequent to edF. His conclusion is that the *Exserpta* of Sg transmit a very ancient material which he does not consider to derive from the other codices analysed here (Aa Fd). In view of the evidence presented, the assertion that Aa Fd are technically and doctrinally less evolved than Sg is simply anachronistic.

REDC 77 (2020), 489-495: Benigno Marquès Sala: Una constitución del sínodo de 1287, celebrado por el obispo de Urgell, Pedro de Urtx. (Article)

M.S. tells of the discovery of a constitution promulgated by Peter of Urtx, Bishop of Urgell, at the synod he celebrated in 1287. Jaime Villanueva had alluded to this constitution, but did not edit it among the constitutions of said synod. Francisco Cantelar, in the *Synodicon hispanum*, says that there is a clear allusion to this constitution in the synod of Arnaldo de Lordato of 19 October 1328, but states that this constitution is not among the manuscripts that reflect the constitutions of the synod of 1287. There is also the question of whether that constitution is a synodal or an episcopal constitution. All these questions find an answer in the discovery of this constitution in a parchment of the community of canons at Guissona (Segarra), which is published here.

REDC 77 (2020), 497-523: José Luis Martín: Clérigos minoristas o «graderos» en la Corona de Castilla a través del *Synodicon hispanum*. (Article)

M. studies the role of ecclesiastics with minor orders in the Castilian society of the Middle Ages and the Renaissance period. He analyses the numerical importance of these clerics, the systems by which they were incorporated into ecclesiastical structures, the roles they played in the institutions, and the various different fields – sometimes modest but at other times very important – in which they were present. He takes as a basis the abundant information on the subject in the *Synodicon hispanum* and compares it with other types of sources.

REDC 77 (2020), 525-550: Ignacio Pérez de Heredia: *Adagia* en la *Compilación Antigua I, Libro IV*. (Article)

The Ordinary Gloss to the First Ancient Compilation was composed in 1215 by the canonist Tancred of Bologna († 1256). The *Adagia*, referring to marriage and interspersed throughout Book IV of the Compilation, can sometimes be arguments by which the doctrine used by the Pope in his decisions is justified and reasoned; at other times they are the consequences of such decisions drawn and synthesized by the glossator. This article is an analysis of the meaning and a reflection on the value of these authentic juridical syntheses.

REDC 77 (2020), 551-616: Jaume de Puig: Aproximación a un *códice jurídico misceláneo*: el Ms. LAT. 4670-A de la Bibliothèque Nationale de France. (Article)

P. describes and discusses Ms. LAT. 4670-A, whose particularity lies in its pertaining to a group of manuscripts that have not so far been taken into account as a formal group. It consists of a set of legal miscellanies, which arose out of medieval Catalan juridical-political life. Some are of a markedly institutional character, others of a private nature. They were essential for the work of political leaders, jurists, judges, lawyers, and all those who, in one way or another, had to deal with public affairs and needed to handle certain official documentation.

REDC 77 (2020), 657-690: José Miguel Viejo-Ximénez: Los *Exserpta* de Sg y los orígenes de la Ciencia del Derecho Canónico. (Article)

Where, when and by whom were the *Exserpta Sanctorum Patrum* used? V.-X. explores these issues by focusing on the glosses to the first part of the manuscript Sankt Gallen, *Stiftsbibliothek*, 673 (Sg). From the quantitative point of view, the glosses of Sg are scarce and do not form a joint mass. From the qualitative point of view, most of them are *Allegationen*, *Nota*, and *Rubrikenglossen*. There is also a significant number of *Worterklärungen* and some *Diskursive Erörterung*. They all are anonymous glosses and they were not all written at the same time. The oldest glosses are contemporary or very close to the copy of the *Exserpta*. This set of primitive glosses was not taken from a manuscript of the *Decretum* and precedes the *erste Glossenkomposition* (Bologna, 1150s). A second series of glosses agrees with the glosses of the *erste Glossenkomposition*. Two other marginal glosses of Sg agree with the comments of the *Stroma Rolandi* (Bologna, c. 1150-1160s). From the late 1140s to the late 1160s at least six canon lawyers used the manuscript Sg to copy teachings of the decretists in Bologna. This fact gives a certain degree of authority to the work which the Sankt Gallen *Stiftsbibliothek* preserves.

SC 54 (2020), 31-45: L. Gregory Bloomquist: The Legal Art of Irnerius: the Hermeneutics Behind the Medieval Renaissance of Roman Law. (Article)

The principal figure in the renaissance of Roman law in the late eleventh and early twelfth century was Irnerius of Bologna (c. 1055 – c. 1130). Transcending the legal debates of his day, Irnerius sought to clarify fundamental legal principles by using available exegetical tools on the Justinian *Corpus*. In doing so he established the groundwork for the philosophy and theology of law that developed during the 12th century. B. highlights key elements of Irnerius's method and provides an example of his attention to the legal principles of *aequitas*, *iustitia*, and *ius*.

16th-19th centuries

IE XXXII (2020), 223-238: Marcin Bider: A presentation of canonical sources (7th to 17th centuries) on the *Ordo ad diaconam faciendam seu consecrandam*. (Article)

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

REDC 77 (2020), 87-103: Josep Baucells Reig: Organización básica interna de los obispados españoles (s. XII – s. XIX). (Article)

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

REDC 77 (2020), 191-338: Justo García Sánchez: Algunas reflexiones acerca del sínodo diocesano de Ciudad Rodrigo, de 1592, del obispo Martín de Salvatierra. (Article)

Martin de Salvatierra was a prelate who studied in Salamanca, although he finished his degree far from that University. After completing his studies, he worked as a prosecutor and inquisitor in various Hispanic courts and was made bishop, first of Albarracín, then of Segorbe, and in 1591 of Ciudad Rodrigo. In April 1592 he convoked a synodal assembly, which resulted in 75 constitutions regulating mainly canonical matters and applying the decrees of the Council of Trent, along with other precepts of the *Corpus Iuris Canonici*. The customs of the territory were also carefully considered, some being prohibited, others retaining their validity.

REDC 77 (2020), 339-366: Miguel Ángel González García: Las constituciones de los sínodos convocados por el Obispo de Ourense don Juan de San Clemente (1578-1587). (Article)

The texts of the five synods convoked by the Bishop of Ourense Juan de San Clemente (1578-1587), later Archbishop of Santiago, were not printed but were ordered to be copied in the parochial books of visitation. However it is rare for books from the 16th century to be preserved, with the result that they have hitherto remained unknown. G.G. has located in various different parishes the mandates of the synods held in the years 1579, 1582, 1583, 1584, and 1586, which taken together refer to a series of reforms and regulations which would ordinarily be the result of a single synod. Since they are unpublished, they represent a great enrichment of the synodal

Historical Subjects (16th-19th centuries)

history and help understand better the religious life of the diocese of Ourense at a very significant moment, the period following the Council of Trent.

REDC 77 (2020), 367-384: Johannes Grohe: La *Collectio Maxima Conciliorum Omnium Hispaniae et Novi Orbis* del Cardenal José Sáenz de Aguirre, OSB (1630-1699). (Article)

José Sáenz de Aguirre OSB (1630-1699) was a learned Spanish author and professor of various theological disciplines, especially in Salamanca, in the years 1668-1686. His robust defence of the prerogatives of the Apostolic See against the “Declaration of the clergy of France” containing the principles of Gallicanism (1682) earned him, in 1683, the esteem of Pope Innocent XI. His great publication, the *Collectio Maxima Conciliorum Omnium Hispaniae et Novi Orbis* was meticulously prepared by him during the 1680s and, in addition to the printed sources, was to include a great deal of archive material, as he indicated in a sort of description of the project, the *Notitia* of 1686. However, his appointment as Cardinal by Innocent XI and the corresponding transfer to Rome led to a scaling down of the project: instead of five planned volumes, only four appeared in 1693-1694, and Sáenz de Aguirre largely had to make do with material which was already printed. Nevertheless, the *Collectio Maxima* was received with great approval and recognition, and in 1753 Giuseppe Catalani published an expanded edition consisting of six volumes.

REDC 77 (2020), 385-419: Jaime Justo Fernández: El *Synodicon hispanum*: Origen, elaboración, contenido y repercusión. (Article)

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

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

See below, canon 524.

Li Jingren: Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian. (Book)

See below, canons 298-329.

1917 Code

EIC 60 (2020), 247-267: Carlo R. M. Redaelli: Il metodo esegetico nello studio del Codice del 1917. (Article)

Following the promulgation of the CIC/17, the Legislator called for the use of the exegetical method in the study and analysis of the new Code. R. explains the reasons for this choice, and presents the views of some commentators on the issue.

REDC 77 (2020), 617-632: Carlos Salinas Aranedo: Propuestas para facilitar el matrimonio canónico entre católicos y protestantes formuladas por los episcopados chileno y argentino al iniciarse la codificación del derecho canónico de 1917. (Article)

In 1904, shortly after the beginning of his pontificate, Pope Pius X arranged for the preparation of the first Code of Canon Law of the Catholic Church, which was enacted in 1917. To this end, bishops were asked to suggest reforms to the canon law in force at the time. Two Latin-American episcopates, those of Chile and Argentina, proposed a modification of the requirements established by universal canon law in order to facilitate the celebration of marriages between Catholics and Protestants. S.A. looks at the context the subject, the proposals, and their eventual fate.

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

See below, canon 524.

20th century

AnCrac 51 (2019), 343-360: Jan Słowiński: Prawo kanoniczne w publikacjach ks. dr. hab. Jana Ślósarza (*Canon law in the publications of the priest Jan Ślósarz Ph.D. (habil.)*). (Article)

Jan Ślósarz published two works on canon law and practical theology: one on Church censures and excommunications reserved to the Pope (1900), the other on the power of the keys in the sacrament of penance (1902). Both publications proved useful to priests and laity because they presented clearly

the norms of canon law, which at that time were complicated and scattered across many documents. Both works addressed the application of ecclesiastical penalties to clergy and laity. These penalties were intended both to protect the doctrine of the Catholic Church and to help sinners. Some punishments were applied by confessors, some by bishops, while others were reserved exclusively to the Pope. Because of difficulties in obtaining absolution, clergy and laity held back from committing sins, and the worst sinners were directed to the care of the most experienced confessors. In his publications Ślósarz described various sins and provided detailed instructions, applicable to both clergy and laity, on how to deal with those who committed such sins.

IusM XIV/2020, 69-88: Maurizio Martinelli: La storia del diritto missionario nel primo novecento attraverso i periodici. Brevi considerazioni metodologiche. (Article)

The history of missionary action, as an evolution of the governance of evangelization and as a response to the multiple needs related to the formation and education of the clergy in the context of young Churches, was the subject of a profound and renewed scientific and methodological adaptation during the first 40 years of the 20th century. This positive development related in particular to missionary law which, through debate which took place through the medium of academic journals, laid stress on the foundation provided by missiological studies and on the renewed character of historical-canonical studies. A survey of the articles and studies published in the periodicals makes clear the liveliness and interest of the academic community concerning the evolution of the juridical experience connected with missionary action. This did not exclude the institutional intervention of Propaganda Fide, especially with reference to questions of competences and identity.

RMDC 25/2 (2019), 355-404: Julián Alejandro Valencia Estrella: Los movimientos eclesiales al servicio de la Iglesia particular. (Article)

See below, canons 298-329.

Li Jingren: Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian. (Book)

See below, canons 298-329.

CODE OF CANONS OF THE EASTERN CHURCHES

CCEO 61

IusM XIV/2020, 107-115: Lorenzo Lorusso: Il procuratore del Patriarca presso la Sede Apostolica: can. 61 CCEO. (Article)

L. focuses on the procurator of the Patriarch at the Apostolic See, historically and in the preceding and current legislations. Following a brief explanation of assent, consent, and authorization, he states that there are no requirements on the part of the Patriarch for the nomination of a procurator other than the prior assent of the Roman Pontiff; nor are the procurator's functions specified. However, from the practice which has hitherto been followed it is possible to outline certain minimum requirements and functions which the procurator as a representative of the Patriarch is to fulfil.

CCEO 311-321

EIC 60 (2020), 215-231: Andriy Tanasiychuk: Esarca ed esarcato secondo il diritto canonico orientale. Alcune questioni di base e problematiche. (Article)

The Eastern Catholic Churches are structured on the basis of exarchates. T. sets out the necessary definitions, and examines some critical questions related to this institution introduced by the CCEO, with special focus on the role of the exarch.

CCEO 329

KIP 9 (22) 2020, nr 1, 9-25: Oleksandr Levytsky: Vocation Formation as the Basis of the Institution of the Priesthood. (Article)

L. presents the basic stages of development of a vocation to the priesthood, where particular emphasis should be placed on the formation of candidates for the priesthood in the context of the provisions of synods and councils, as well as the approval of local bishops. Appropriate formational education for future clergy should also be provided by combining teaching and education in a seminary. A separate issue is the process of forming future clergy through family upbringing and through the environment of their peers.

CCEO 996-1006

SC 54 (2020), 265-290: Aurimas Rudinskas: The Procedure for Administrative Recourse: A Comparative Study of the Latin and Eastern Codes. (Article)

R. compares the canons on administrative recourse in the Latin and Eastern Codes and finds them the same or similar in most respects, but there are some key differences. The Eastern law obliges the hierarchical superior to render a decision on the recourse within 60 days; this is not found in the Latin law. In the Latin Code, the higher authority may amend, modify, or replace the lower authority's decree in deciding the recourse, but the Eastern legislation allows this only if permitted by the particular law of the Church *sui iuris*. Another difference is that the CIC/83 allows the conference of bishops or, if the conference has not acted, the diocesan bishop to set up a special agency that could help the parties seek an equitable solution to the dispute; this provision is not mentioned in the CCEO. R. concludes with some critical observations on the norms for administrative recourse.

CCEO 1433

SC 54 (2020), 291-322: W. Becket Soule: Bishops and the Loss of the Clerical State. (Article)

See below, CIC canon 1405.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

2

FCan XIV/1 (2019), 71-84: Hugo Cavalcante: Normas do Direito Litúrgico que já foram modificadas no pontificado do Papa Francisco. (Article)

See below, canon 834.

20-21

Ius Comm VIII (2020), 99-120: Juan José García Faílde: ¿Permanecen la Instr. *Dignitas connubii* y el Tribunal de la Rota de la Nunciatura Apostólica en España después de la reforma del proceso de declaración de nulidad matrimonial (*Mitis Iudex Dominus Iesus*)? (Article)

See below, canons 1671-1691.

34

Ius Comm VIII (2020), 99-120: Juan José García Faílde: ¿Permanecen la Instr. *Dignitas connubii* y el Tribunal de la Rota de la Nunciatura Apostólica en España después de la reforma del proceso de declaración de nulidad matrimonial (*Mitis Iudex Dominus Iesus*)? (Article)

See below, canons 1671-1691.

35-93

SC 54 (2020), 79-89: Justin Glyn: Administrative Justice in the Particular Church. (Article)

G. examines the various categories of administrative acts (focusing on singular administrative acts) as they apply to diocesan decision-making. He considers the various classes of administrative acts recognized by canon law and their application to specific diocesan decisions. In doing so, he considers the potential overlap between canon law and the civil law of contract, especially the incorporation of the latter by canons 1286 and 1290 and the potential safeguards which this offers to employees (whether or not they are

recognized as holding a canonical office). He then considers the general administrative procedure in canons 50 and 51 and the constraints which this places on administrative discretion, noting that the substance of a decision will prevail over the form in determining the nature and effects of an act.

73

Ius Comm VIII (2020), 99-120: Juan José García Faílde: ¿Permanecen la Instr. *Dignitas connubii* y el Tribunal de la Rota de la Nunciatura Apostólica en España después de la reforma del proceso de declaración de nulidad matrimonial (*Mitis Iudex Dominus Iesus*)? (Article)

See below, canons 1671-1691.

76

Ius Comm VIII (2020), 99-120: Juan José García Faílde: ¿Permanecen la Instr. *Dignitas connubii* y el Tribunal de la Rota de la Nunciatura Apostólica en España después de la reforma del proceso de declaración de nulidad matrimonial (*Mitis Iudex Dominus Iesus*)? (Article)

See below, canons 1671-1691.

85-93

Ginter Dzierżon: Dyspensa w kanonicznym porządku prawnym. Studium prawno-historyczne (*Dispensation in the canonical legal system. A legal-historical study.*) (Book)

D. examines the concept of dispensation and the discipline related to it, first in the period of the Church's history up to the promulgation of the CIC/17, then in the period between the CIC/17 and the CIC/83, and finally in the period from 1983 to the present. The provisions currently in force (canons 85-93) were significantly influenced by the departure from centralization in favour of a system of concession, following Vatican II. The classification of dispensations as acts of executive power has resulted in a greater number of authorities being able to grant them, while the increased possibilities of delegating executive power (cf. canons 135-142) have made the decision-making process more efficient. D. also asks whether it might be possible for dispensations to be granted by the lay faithful, bearing in mind that they are able to share in the power of governance (canon 129 §1) and to be admitted to ecclesiastical offices and functions by pastors (canon 228 §1), concluding

that this is still an open question. (For bibliographical details see below, Books Received.)

96

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l'institution ecclésiale catholique aujourd'hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

111

Per 108 (2019), 551-589: Ulrich Rhode: Alcune questioni circa il motu proprio *De concordia inter Codices*. (Article)

On 31 May 2016, Pope Francis promulgated the motu proprio *De concordia inter Codices*, with the purpose of establishing harmony between the norms of the CIC/83 and those of the CCEO, especially in relation to baptism and marriage when one of the parties is a Latin-rite Catholic and the other is Eastern-rite (Catholic or Orthodox). As a result of the motu proprio, the text of 11 canons of the CIC/83 was modified or replaced. R. highlights some issues related to the promulgation of the motu proprio. He then considers the case of the religious affiliation of a child born in a mixed marriage (canon 111 §2), as well as the faculty of a Latin-rite Ordinary or parish priest to assist at the marriage of Eastern-rite Catholics (canons 1108 -1111).

113-123

EIC 60 (2020), 53-76: Luis Navarro: Soggettività e personalità giuridica nella Chiesa. (Article)

N. undertakes a historical appraisal of how canonical norms and studies since 1917 have treated canonical subjectivity in the Church, including the situation concerning entities lacking recognition of juridical personality. A study of the CIC/83 reveals interesting developments in particular law and practice, particularly in relation to the right of association of the faithful: the juridical efficacy of voluntary agreements in establishing a new private ecclesiastical entity is acknowledged, even while the entity lacks juridical personality. The entity enjoys ample autonomy based on the fundamental rights of the faithful and on charisms, whose effects extend to the context of the civil order, especially in the areas of charity, social assistance, and

education. There is a need to find ways of granting juridical recognition to entities established through initiatives of the faithful and charisms.

113-123

EIC 60 (2020), 113-135: Andrea Bettetini: Il riconoscimento civile della personalità giuridica ecclesiastica nel diritto italiano con riferimenti al diritto comparato. (Article)

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

113-123

Li Jingren: Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian. (Book)

See below, canons 298-329.

116

EIC 60 (2020), 93-111: Maria d'Arienzo: La responsabilità giuridica degli enti morali nel diritto canonico. (Article)

Responsibility has always been a central issue when considering juridical persons. The various aspects of juridical persons have been the object of renewed scholarly interest over the last decade. One key issue is that of the administrative responsibility of the entity within the Church's legal order, and the obligation to make reparation for damage. From a mainly interdisciplinary standpoint, d'A. also looks at the application of the principle of objective liability on the part of ecclesiastical institutions for the misconduct of priests.

116

EIC 60 (2020), 137-155: Juan Ignacio Arrieta: La personalità giuridica nell'ordinamento dello Stato della Città del Vaticano. (Article)

Juridical personality is a very topical issue especially in relation to the Vatican City State, given the uniqueness of its legal system. A. examines the sources of the special Vatican norms, their main categories and their specific juridical regime. He pays particular attention to the question of vigilance and control over juridical persons situated within the Vatican territory.

116-117

IE XXXII (2020), 269-285: Costantino-Matteo Fabris: Il Decreto generale del Segretario di Stato del 31 maggio 2019 recante nuove disposizioni riguardanti *Caritas Internationalis*. (Article)

See below, canon 360.

118

EIC 60 (2020), 77-91: Alberto Perlasca: La rappresentanza legale delle persone giuridiche canoniche. (Article)

Legal representation is a juridical instrument that allows the one who possesses it, by virtue of the law, to act in the name and in the stead of another. In relation to juridical persons it involves official representation of an entity by someone who, on the basis of general law or of the entity's statutes, has received the function of externalizing the will of the entity in a juridically binding manner. P. examines the various aspects of the question and some of the principal problems associated with it.

120-123

SC 54 (2020), 133-166: Bonnie MacLellan: The Restructuring of Religious Institutes in the Current Reality. (Article)

See below, canons 581-585.

124

SC 54 (2020), 91-120: John M. Huels: The Valid Admission of a Godparent in Light of Canon 124 § 1. (Article)

See below, canon 874.

127

QDE 33 (2020), 167-188: Alberto Perlasca: Elementi peculiari ed aspetti irrinunciabili della normativa canonica nella tutela della buona fama e della riservatezza. (Article)

See below, canon 220.

128

EIC 60 (2020), 93-111: Maria d'Arienzo: La responsabilità giuridica degli enti morali nel diritto canonico. (Article)

See above, canon 116.

129

Canonist 11/1 (2020), 65-79: Marcus Francis: An Exegesis of CIC Canon 129 §2. (Article)

Canon 129 §2 states that lay members of Christ's faithful can cooperate in the exercise of the power of governance in accordance with the law. F. looks at the historical context of the canon; its canonical context (its inclusion in Book I on "General Norms"); and each of the terms used in its wording. His conclusion is that the role of the laity in the power of governance is to cooperate, when called upon, with those to whom the task has been given in ordination and by a valid episcopal mandate, and in an office provided for in the Code. By baptism and confirmation laity are empowered to cooperate more closely with the power of governance, but their primary focus of activity is in the world and not in the governance of ecclesial institutions.

144

Per 108 (2019), 343-380: Roberto Interlandi: L'estensione dell'istituto della supplezza alle facoltà ministeriali (can. 144 §2). (Article)

Canon 144 §1 establishes the principle that in cases of common error, whether of law or of fact, and in positive and probable doubt, whether of law or of fact, the Church can supply the necessary executive power of governance. The second paragraph of the same canon extends this principle beyond the realm of the exercise of executive power to the domain of the sacraments: thus, in the same circumstance of common error and positive and probable doubt, the Church supplies the necessary faculty to the one who is to administer the sacrament of confirmation, to the one who is to absolve in the sacrament of penance, and to the one who is to officiate at a marriage. In this article, I. explores the origins of how the Church can "supply" the faculties, how this was expressed in the CIC/17, how it was dealt with in the course of the revision process, and how it is expressed finally in canon 144 §2.

144

REDC 77 (2020), 153-190: Julio García Martín: Las facultades de administrar la confirmación, confesar y asistir al matrimonio según el can. 144. (Article)

It is common doctrine that in certain circumstances the Church supplies power of governance in order to avoid an act placed by a person lacking the necessary power being invalid. Can. 144 §1 specifies that it is executive power that is supplied, not legislative or judicial power; while §2 of the same canon states that the supplying of power may apply in relation to administering confirmation, hearing confession, or assisting at marriage in the name of the Church. The legislator thus establishes that the faculties necessary for the valid administration of those sacraments involve the exercise of executive power. The supplying of power for these faculties is therefore a grant of delegated executive power.

149-150

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

See below, canon 524.

192-196

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa.* (Sentence and comment)

See below, canon 1400.

BOOK II, PART I: CHRIST'S FAITHFUL

204-205

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l'institution ecclésiale catholique aujourd'hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

204-231

FCan XIV/1 (2019), 55-69: João Pedro Bizarro: O Cristão Leigo e a Paróquia. Uma visão jurídico-pastoral. (Article)

The lay Christian has a very important role in the process of evangelizing the world. For several reasons the focus has shifted away from the parish neighbourhood. B. considers the parish to be of fundamental importance, because it imitates the first Christian communities, especially if one readopts the concept of the domestic church referred to in *Lumen gentium* and more recently in *Amoris laetitia*. B. looks briefly at the history of the parish, analysing some rights and duties of the lay Christian and pointing out various pastoral possibilities.

208-231

IE XXXII (2020), 159-182: Massimo del Pozzo: La logica e la struttura dei doveri fondamentali del fedele. (Article)

Del P. analyses the logic and structure of the fundamental obligations of the faithful. A proper understanding of obligatoriness enables us to overcome the often-proposed misinterpretation of the pre-existence and pre-eminence of the Church with respect to the faithful, which results from placing too much emphasis on institutional and power-based considerations. Looking at both sides of juridical situations leads to identifying both obligations and rights: obligations mirrored by rights of other members of the faithful, the rights of minority communities, and the rights of the Church as an institution. From an ontological and realist perspective, an obligation (*id quod alteri debetur*) appears as part of the cooperation of different parties in bringing about a juridical good. Ecclesial obligations are not configured for

the sake of the established order, but in order that the salvific goods may be made available to the *christifideles*.

209

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l'institution ecclésiale catholique aujourd'hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

211

RDC 69/1 (2019), 141-174: Pierre-Marie Berthe: Prosélytisme et évangélisation. Réflexions autour des textes du Magistère de des canons 211 et 748, §2 du Code de droit canonique de 1983. (Article)

See below, canon 748.

213

EIC 60 (2020), 269-298: Giorgio Leonardi: Lo sviluppo della grazia battesimale può essere considerato *res debita*? Note intorno allo Statuto del Cammino Neocatecumenale alla luce del realismo giuridico di Javier Hervada. (Article)

According to Hervada, the salvific goods of the Church involve a certain intrinsic juridical dimension: they are *res debita*. L., considering the statutes of the Neocatechumenal Way, explores the question of whether it would be possible to apply this theoretical reflection to the development of the grace of baptism.

215

RMDC 25/2 (2019), 355-404: Julián Alejandro Valencia Estrella: Los movimientos eclesiales al servicio de la Iglesia particular. (Article)

See below, canons 298-329.

217

EIC 60 (2020), 269-298: Giorgio Leonardi: Lo sviluppo della grazia battesimale può essere considerato *res debita*? Note intorno allo Statuto del Cammino Neocatecumenale alla luce del realismo giuridico di Javier Hervada. (Article)

See above, canon 213.

220

Canonist 11/1 (2020), 13-30: Paul Shogren: The Privacy Act 1988 and the Canons: Issues and Solutions for Marriage Cases brought before Ecclesiastical Tribunals in Australia. Part Two: The Canonical Process Examined. (Article)

The first part of this article (see *Canon Law Abstracts*, no. 124, p. 52) considered, in a broad sense, the civil and ecclesiastical laws pertaining to individual privacy which impact upon ecclesiastical tribunals in Australia. In this second part, S. considers the different phases of the marriage nullity trial and how canon law, tribunal praxis, and the Privacy Act might be brought into harmony. It emerges that compliance with the Privacy Act is possible through closer observance of the canon law in most phases of the nullity trial, although there is significant variation when it comes to matters which canon law places beyond the scrutiny of the parties, namely evidence suppressed from publication, and the *votum* of a judge (the dissenting *votum* in particular). S. suggests some small but important practical measures: the creation of a tribunal privacy policy, and the drafting of a consent form for all persons who supply their information to the tribunal.

220

EIC 60 (2020), 191-214: Pierpaolo Dal Corso: Gli interventi legislativi di Francesco nel diritto penale canonico: valori e criticità. (Article)

See below, canon 1395.

220

QDE 33 (2020), 136-166: Marino Mosconi: La normativa della Chiesa in Italia sulla tutela della buona fama e della riservatezza: dal decreto generale del 20 ottobre 1999 al decreto generale del 24 maggio 2018. (Article)

M. reviews the 2018 general decree of the Italian Bishops' Conference concerning the protection of good name and privacy. He compares it with the earlier 1999 general decree on the same subject, commenting on the similarities and changes, and on the reasons for the new decree. He looks in particular at the impact of the European law rules on data protection and privacy. He examines how the decree requires data to be handled, the positions of responsibility it creates, the rights it grants, and the way in which its provisions are overseen. He is concerned to show how the decree seeks to offer an account of this matter which responds to the needs and language of the Church while meeting the demands of European law: in this area he expresses concern about the loss of ecclesial autonomy resulting from the General Data Protection Regulation (GDPR).

220

QDE 33 (2020), 167-188: Alberto Perlasca: Elementi peculiari ed aspetti irrinunciabili della normativa canonica nella tutela della buona fama e della riservatezza. (Article)

P. examines the existing canon law relating to privacy issues. He begins with the distinction between the internal and external forum, and in that light considers the sacramental seal and the non-sacramental internal forum, the pontifical secret, the obligation of confidentiality attaching to an office, and the ability of a superior to impose secrecy. In the light of considerations arising from the GDPR he then examines the law on ecclesiastical archives and on the preservation of someone's reputation in various canonical areas.

220

QDE 33 (2020), 189-204: Alessandro Giraud: La tutela della riservatezza e della buona fama nel trattamento dei dati di natura digitale. (Article)

G. considers the way in which the 2018 general decree of the Italian Bishops' Conference on privacy regulates information held in digital form. He begins with a survey of what it means to refer to digital data, and then

applies this to ecclesial contexts; first he examines registers and archives, considering both the retention and sharing of such information by digital means; then he goes on to look at other ways in which data is held, such as parish websites. He looks at how the decree requires digital data to be stored and shared securely. In conclusion he offers an examination of the theoretical approach of the decree to the principles involved.

220

QDE 33 (2020), 205-224: G. Paolo Montini: I tribunali ecclesiastici competenti in materia di privacy in Germania. (Article)

M. translates the new procedural laws for the tribunals for data protection matters set up by the German bishops' conference, outlines the way this structure received *recognitio*, and welcomes the initiative. He comments on a number of features of the new structure: the option of pursuing hierarchical recourse; a possible recourse before approaching the tribunal; the wide powers of the tribunals; and the lack of a properly structured means of appeal to the Holy See. He then considers whether this structure could serve as a model for other countries.

221

Ius Comm VIII (2020), 53-72: Giuseppe Sciacca: Principio de legalidad y ordenamiento canónico. (Article)

The principle of legality seems indispensable to any civil legal system proper to a democratic State. In the canonical and civil order the principle of legality is inherent to the norm itself or pre-exists it: a shared concept that resides in the centrality of the dignity of the human person which all contemporary democratic States place as a fundamental principle of their constitutions. The Church agrees on this point with all the legal systems, subject to one condition: that man is not considered as disconnected from the ontological principle that reveals him as a son of God, clothed in an inalienable dignity, which reason can grasp within a morality or law inscribed in man's very nature.

221

SC 54 (2020), 5-29: Brian T. Austin: *Nullum crimen, nulla poena sine lege*: the Principle of Penal Legality in the *Ius vigens*. (Article)

The promulgation of the CIC/83 marked a significant step forward in the struggle for the juridical protection of fundamental human rights in the Church. The last 25 years have witnessed a number of significant steps backward in this regard, particularly with respect to the principle of penal legality. In order to evaluate the current status of this principle, A. describes the essential elements of this principle according to the maxim *nullum crimen, nulla poena sine lege* and the disposition of the CIC/83; and he identifies and classifies the derogations from this principle in the *ius vigens*. He concludes that these derogations have gravely undermined the principle of penal legality and, as such, present a significant threat to the protection of fundamental human rights.

221

SC 54 (2020), 221-264: John Anthony Renken: The Canonical Rights of Those Accused of the Delict of Sexual Abuse. (Article)

The Church recognizes and identifies the rights of victims/survivors of sexual abuse. It also recognizes the rights of those who are accused of committing these wrongful acts. The rights of victims/survivors and the rights of offenders are not mutually exclusive: on the contrary, these rights coexist simultaneously. R. focuses on the identification in the Catholic Church of rights belonging to a person accused of sexual abuse of minors and vulnerable persons. When these rights are respected, protected, and exercised, it is expected that the truth of this allegation will be revealed.

226-227

Inés Lloréns (ed.): La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull'antropologia giuridica della famiglia. (Book)

See above, General Subjects (*Compilations*).

231

Alexandre de La Taille: L'exercice de l'autorité et l'obéissance volontaire dans les instituts religieux. Implications pratiques pour la santé et la sécurité de la personne. (Book)

See below, canon 610.

232-264

FCan XIV/1 (2019), 95-105: Hélder Miranda Alexandre: A Maturidade na formação integral do seminário. (Article)

The *Ratio Fundamentalis Institutionis Sacerdotalis*, published on 8 December 2016, proposes a unique, integral, community and missionary formation for the entire journey of the priestly vocation. Each nation must now develop its own *Ratio Nationalis* to guarantee priestly formation adapted to cultural and ecclesial realities. Therefore, there is an urgent need to deepen in the inherent challenges and problems. The theme of maturity is a constant feature of specialized reflection and concrete challenges. The candidate's maturing process is presented as a central formative element both for candidates and for seminary formators. It is the diocesan bishop or competent major superior who decides on admission to orders, bearing in mind this factor (cf. canon 1029). For this reason, maturity must be weighed up in human or psychological terms, but also in the context of the demands of configuration to Christ and service to the Christian community.

233

KIP 9 (22) 2020, nr 1, 9-25: Oleksandr Levytsky: Vocation Formation as the Basis of the Institution of the Priesthood. (Article)

See above, CCEO canon 329.

267-270

IC 60/119 (2020), 271-313: Supremo Tribunal de la Signatura Apostólica: Sentencias; Luis Navarro: Algunas puntualizaciones sobre la incardinación: causas, plazos y autoridad competente. Comentario de dos sentencias del Supremo Tribunal de la Signatura Apostólica.
(Sentences and comment)

The Latin and Spanish texts of two sentences of the Signatura are given: Prot. n. 47893/13 CA (8 July 2015), and Prot. n. 51827/16 CA (26 April 2018), dealing with excardination and incardination respectively. In the first case a priest was removed from his office in *Caritas* for poor administration of goods, following which he expressed his desire to be excardinated from his diocese. To this end he wrote to his own bishop and that of the diocese in which he wished to be incardinated. The latter bishop received his request favourably, but the priest's own bishop refused to excardinate him because of the gravity of the situation which resulted from his being removed from office; nevertheless he was willing for the priest to transfer to the new diocese. The priest had recourse to the Congregation for Clergy, which confirmed the decision taken by his bishop. The priest then presented a recourse to the Signatura, which decided that there had been no violation of the law *in procedendo* or *in decernendo*, and thus the decision of the Congregation for Clergy stood. Commenting on the Signatura's decision, N. examines the nature of a denial of excardination; what constitutes a "just reason" for granting excardination; and the "grave reasons" for which excardination may be refused (cf. canon 270).

In the second case a diocesan priest entered a religious institute, but was later refused permission to renew his temporary profession in the institute. Not wishing to return to his diocese of incardination he wrote to the episcopal vicar of the archdiocese in which the institute was located, asking for permission to exercise his ministry in the archdiocese with a view to his future incardination there. The same day he wrote to his own bishop asking for permission to receive offices and requesting excardination. In response he was given permission for five years, without any conditions. The episcopal vicar of the archdiocese appointed him *ad experimentum* assistant priest in a parish. Subsequently he was also given other responsibilities by the archbishop. After five years, through his lawyer, he wrote to the vicar general of the archdiocese asking for a declaration of incardination *ipso facto* in accordance with canon 268 §1. A new archbishop rejected the request, which he considered to be a first request for incardination. The lawyer presented a recourse against the refusal, and the archbishop invited the priest to choose an advocate from a list of approved advocates for the

archdiocese: the priest did not take up the offer. The archbishop later removed the priest from his post of assistant priest, and stopped his financial support. The priest presented a recourse to the Congregation for Clergy, which recognized that incardination *ipso iure* had taken place because the requirements of canon 268 §1 had been fulfilled. The archbishop, after obtaining the opinion of the Pontifical Council for Legislative Texts, placed a recourse before the Signatura. In its decision the Signatura looked at whether there had been a violation of law *in procedendo* in that the priest's lawyer was not inscribed in the list of advocates for the Roman Curia or for the diocese and did not have a lawful mandate (cf. canon 1620 6°), concluding that in administrative recourses such strict requirements are not applicable (cf. canon 1738), so that there had been no violation of law in this respect. Turning to the question of the authority to whom the request for incardination should be addressed, the Signatura stated that this is to be the diocesan bishop himself, and not an episcopal vicar, a vicar general, etc. Hence the priest's request was wrongly addressed, and the Congregation for Clergy had erred in concluding that the priest had declared his intention in writing to the diocesan bishop of the host diocese as required by canon 268 §1. Therefore there had been a violation of law *in decernendo*. Commenting on the case N. expands on these matters and also on the requirement in canon 268 §1 that the bishop reply "within four months". What is clear from the case is that the four months can begin to run before the five-year period has expired, as well as after it.

290-293

Canonist 11/1 (2020), 31-54: Brendan Daly: Dismissal from the Clerical State. (Article)

Dismissal from the clerical state is the most serious penalty that may be inflicted upon a cleric. It is a penalty to punish the most serious crimes; it may be used as a penalty of last resort for an offending cleric who refuses to reform. D. looks at historical precedents for the penalty; minor and major orders, loss of the clerical state, and the penalty of degradation in the CIC/17; the 1962 Instruction *Crimen sollicitationis* (a slightly amended version of an Instruction initially issued in 1922); Vatican II and post-conciliar documents which led to new terminology of "dispensations from celibacy" or clerics being "dismissed from the clerical state"; the 1971 Norms on dispensations from celibacy or dismissal from the clerical state; the revision of minor orders by Paul VI in 1972; the work of revision of the penal law of the CIC/17; dismissal from the clerical state in the CIC/83; the American Norms of 1994; *Sacramentorum sanctitatis tutela* of 2001 and its

revision in 2010; the special faculties for the Congregation for the Evangelization of Peoples (1997 and 2008) and the Congregation for Clergy (2009); and the process for handling cases that may lead to dismissal from the clerical state.

290-293

SC 54 (2020), 291-322: W. Becket Soule: Bishops and the Loss of the Clerical State. (Article)

See below, canon 1405.

298-329

RMDC 25/2 (2019), 355-404: Julián Alejandro Valencia Estrella: Los movimientos eclesiales al servicio de la Iglesia particular. (Article)

The first part of the article presents the origin of ecclesial movements, highlighting their plurality and the various ways in which they have arisen throughout history, especially in the periods of greatest disorientation, and the assessment of them by the last three Popes. Each one of these movements and communities has its own charism, which little by little comes to be accepted and supported by the ecclesiastical authorities, allowing its growth throughout the world. The second part of the article deals with the recognition of the right of association, analysing the theological and canonical elements which underlie the complex reality of ecclesial movements, and attempting a definition of ecclesial movements and the common characteristics they have at present. In view of these considerations a certain institutionalization may be requested in order that they may be validly recognized by the hierarchy. These groups need to fulfil certain criteria in order to be considered as ecclesial movements, permitting them to be inserted into a particular Church and take part in its pastoral activities for which the bishop is primarily responsible, but at the same time respecting their rightful autonomy and foundational charism. The movements' ecclesial and spiritual richness represent a valuable contribution to the new evangelization which the Church is called upon to undertake in all environments.

298-329

Li Jingren: Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian. (Book)

Even before the Second Vatican Council, numerous Catholic associations in China were founded by missionaries and lay faithful, for the pursuit of specific ecclesial ends according to the demands of time and place, contributing to the spread of the Catholic faith and its preservation during more difficult times. The Chinese characteristic of associating is written into the nation's traditions and history and forms part of the Confucian, Buddhist and Taoist culture. An analysis of the associative phenomenon at certain moments of China's history reveals, with the interaction of Christianity and elements of the various cultures and religions, how the organizational system of associations of the Chinese people has constituted fertile territory and a most effective instrument for the missionaries' work of announcing the Gospel. This study, which examines the particular situation of the diocese of Xianxian in the ecclesiastical province of Beijing, focuses on four typical forms of traditional association, representative by virtue of their extension and structure: those of a religious nature, those of scholars, those that are charitable, and those of fellow citizens. The work also looks at and analyses the influence of social economy and the policy adopted by the government towards associations. (For bibliographical details see below, Books Received.)

319

EIC 60 (2020), 93-111: Maria d'Arienzo: La responsabilità giuridica degli enti morali nel diritto canonico. (Article)

See above, canon 116.

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

333

Per 108 (2019), 381-408: Francesco Coccopalmerio: Verso possibili, nuove forme di esercizio del primato? Un tentativo di risposta a *Ut unum sint* n. 95 con una esegesi del can. 333 §2. (Article)

C., the emeritus President of the Pontifical Council for Legislative Texts, looks at the statement contained in the 1995 Encyclical Letter of Pope St John Paul II, *Ut unum sint*, no. 95, where the Pope expressed the desire to pay heed to “the request made of me to find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation”. By means of an exegesis of the text of canon 333 §2, C. tries to find ways in which this desire might be realised. He explores the teaching of the First and Second Vatican Councils and the broader doctrine contained in the CIC/83 before formulating two suggestions which he believes may help to realise the wish expressed by John Paul II.

333

Per 108 (2019), 591-619: Alan Modrić: La congiunzione del Romano Pontefice con tutta la Chiesa (can. 333 §2). (Presentation)

This is the text of M.’s presentation to the 54th Annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, held in Brescia in June 2019. He begins by quoting St Augustine: “for you I am a Bishop, with you I am a Christian”, and goes on to examine how the Roman Pontiff is related to the Church of Christ in the light of the doctrine found in canon 333 §2. He considers the Pope’s office and authority as set out in canon 331 before looking at the relationship between the Roman Pontiff and the particular Churches. This leads him to reflect on the communion between the Roman Pontiff and the bishops and the *sensus fidei*, to show that in reality the Roman Pontiff is never alone but always in communion with others. Finally, he looks at concrete forms of the exercise of the Petrine ministry in communion with the whole Church, especially through structures such as the Synod of Bishops and the various offices of the Roman Curia.

352

RMDC 25/2 (2019), 439-440: PP. Francisco: Carta Apostólica en forma de «Motu Proprio»: Sobre el cargo de Decano del Colegio Cardenalicio, del 21 de diciembre de 2019. (Document)

The Spanish text is given of the motu proprio setting a renewable five-year term to the office of Dean of the College of Cardinals (see *Canon Law Abstracts*, no. 124, p. 58).

360

Canonist 11/1 (2020), 80-91: Peter Slack: Governance is Service: An Analysis of the Addresses of Pope Francis to the Roman Curia. (Article)

S. highlights the major insights of Pope Francis in his annual Christmas greetings to the Roman Curia: professionalism and service (2013); “diseases” of leadership (2014); virtues needed for those who serve in the Curia and all who would like to make their consecration or service to the Church more fruitful (2015); criteria for reform, which is at its heart a sign of the Church’s liveliness and a process of growth and conversion (2016); the primacy of service: leadership always at the service of the *salus animarum* (2017); a healthy approach to change (2019).

360

EIC 60 (2020), 137-155: Juan Ignacio Arrieta: La personalità giuridica nell’ordinamento dello Stato della Città del Vaticano. (Article)

See above, canon 116.

360

EIC 60 (2020), 157-189: Marcello Rinaldi: Lo Statuto dell’Istituto per le Opere di Religione. Analisi di una significativa evoluzione normativa. (Article)

By a chirograph of 8 August 2019 Pope Francis approved the renewal, *ad experimentum* for a period of two years, of the Statutes of the Institute for the Works of Religion (IOR) initially approved in 1990 by St John Paul II (see *Canon Law Abstracts*, no. 124, p. 58), “in order to continue to adapt the structures and activities of the Institute better and better to the needs of the times”. R. highlights the particular features of the IOR, analysing its history

and the norms which have led to its acquiring over time a complex juridical nature, from the statutes approved by Pius XII in 1942 to the most recent intervention by Pope Francis, reflecting his concern to confirm and increase the IOR's adherence to its original mission of religion and charity.

360

IE XXXII (2020), 297-324, 375-387: Alessio Sarais: Prime considerazioni sulle modifiche dello Statuto dell'Istituto per le opere di religione (IOR). (Document and comment)

See preceding entry. S. comments on the origins and functions of the IOR, its current situation, and its status as a public juridical person subject to the laws and regulations of the Holy See and the Vatican City State, before moving on to reflect on the content of the new statutes, particularly the modifications it introduces in respect of the governance of the IOR, and its accountability. The Italian text of the Pope's chirograph of 8 August 2019 is given on pp. 375-387.

360

FCan XIV/1 (2019), 7-26: Juan Ignacio Arrieta: La renovación del ordenamiento jurídico de la Iglesia en el pontificado del Papa Francisco. (Article)

A. looks at the reforms that have taken place so far under the pontificate of Francis to the canonical order and to the main institutions of the Church, in particular to the Holy See. He points out the logical lines of connection between them. specifically focusing on three aspects: the reform of organizations, the reform of the people who form part of them, and the reform of the relationships between people and those organizations and institutions within the Church.

360

IE XXXII (2020), 269-285: Costantino-Matteo Fabris: Il Decreto generale del Segretario di Stato del 31 maggio 2019 recante nuove disposizioni riguardanti *Caritas Internationalis*. (Article)

F. provides a brief history of *Caritas Internationalis*, including its origins in Germany in 1897 and its first formal recognition by the Holy See in 1951, and describes its juridical evolution – its acquisition of Vatican juridical

personality in 1976 as an international confederation of Catholic organisms for charitable and social activities; its statutes of 1979 which defined it as a charitable organism directly dependent on the Holy See; the question of whether it should be recognized as a public or private juridical person following the promulgation of the CIC/83, a question resolved by Pope John Paul II in 2004 when he conferred upon it public juridical personality; the rescript *ex audientia* of Benedict XVI in 2011 delegating the Secretary of State to resolve questions relative to the governance and functioning of *Caritas Internationalis* as a public juridical person; the Secretary of State's general decree of 2 May 2012 issuing complementary norms for *Caritas Internationalis* and promulgating its statutes and internal regulations; and recent reforms of the Roman Curia which have a bearing on *Caritas Internationalis*, especially the establishment in 2016 of the Dicastery for Promoting Integral Human Development (DPIHD). F. goes on to examine the new dispositions laid down by a general decree of the Secretary of State on 31 May 2019, which deal with the competences of the Secretary of State and the DPIHD in relation to *Caritas Internationalis*; labour matters and the resolution of internal conflicts; and the obligations which *Caritas Internationalis* and its internal organisms must respect in carrying out their institutional responsibilities.

372

IE XXXII (2020), 211-222, 351-358: Eduardo Baura: La nuova versione delle Norme Complementari alla cost. ap. *Anglicanorum coetibus*. (Document and comment)

B. highlights the changes introduced in 2019 to the 2009 Complementary Norms of the Apostolic Constitution *Anglicanorum coetibus*, and examines some of the formal aspects of the legislative provisions on personal ordinariates. He focuses in particular on the membership of faithful in the ordinariate, and on the questions that still remain open concerning their relationship with the dioceses. The Italian text of the new version of the Complementary Norms is given on pp. 351-358.

374

NRT 142 (2020), 269-288: Alphonse Borrás: Comment réaliser en paroisse « le rêve missionnaire d'arriver à tous » (EG 31) ? (Article)

Faced with societal upheavals that affect ecclesial life, B. questions the missionary capacity of the parish and its suitability for “the missionary

aspiration of reaching everyone” (*Evangelii gaudium*, no. 31). Taking into account the institutional specificity of the parish, he addresses three areas in which the capacity to communicate the Gospel is at play: its sociability, its territoriality, and its temporality. He takes up an insistent request of Pope Francis: the need for the ecclesial renewal to which he is constantly urging the People of God.

447-459

Ius Comm VIII (2020), 9-24: Péter Erdő: La función de las Conferencias Episcopales en el campo doctrinal y disciplinar. (Article)

Episcopal conferences are an example of the collegiality of the bishops, assisting them in their pastoral work, strengthening relations with the Holy See, and helping to establish healthy relations with the civil authorities of the respective countries. Thus, the conferences are situated in the dynamic context of the relations between the universal Church and the particular Churches, between the papal primacy and episcopal collegiality. For this institution to continue serving the mission of the Church, the necessary balance must be sought between responsibility and organic communion with the entire episcopal college and with the ministry of the successor of Saint Peter.

455

QDE 33 (2020), 205-224: G. Paolo Montini: I tribunali ecclesiastici competenti in materia di privacy in Germania. (Article)

See above, canon 220.

460-468

ADC 9 (abril 2020), 85-120: Jaime González-Argente: Sínodo diocesano de Valencia (2019-2020). Texto y comentario del decreto de convocación y del estatuto general. (Article)

The decision made by the archbishop of Valencia to hold a diocesan synod resulted in the subsequent drawing up of a decree convening the synod and of the general statutes of the Valencian synod (2019-2020). G.-A. comments on these documents, paying attention to the historical context of the synod within the long synodal tradition of the Valencian Church, while taking into consideration the situation of the Church and society and the constant

teaching of the post-conciliar papal Magisterium. He also examines the nature and purposes of this synod, the different stages of the synodal process, and the governing and coordinating bodies envisaged in the Code of Canon Law and made specific in the two decrees.

460-468

REDC 77 (2020), 437-464: J. Leonardo Lemos Montanet: El sínodo diocesano: Experiencia viva y actual en una Iglesia particular. (Article)

For historians, a synod is an object of study, but at the time it was the lived experience of a bishop and his diocesan community. This article is a first-hand account of the synod of Ourense (2016-2020), recounted by Bishop Lemos Montanet, who convened the synod and has been presiding over its assemblies. He explains the reasons that led him to convene the synod, how it has developed, what form its closure – currently suspended because of Covid-19 – will take.

471

RMDC 25/2 (2019), 443-444: Rescriptum ex audientia SS.mi, 6 de diciembre de 2019. (Document)

See below, canon 1395.

489

QDE 33 (2020), 167-188: Alberto Perlasca: Elementi peculiari ed aspetti irrinunciabili della normativa canonica nella tutela della buona fama e della riservatezza. (Article)

See above, canon 220.

506

AnCrac 51 (2019), 283-312: Jerzy Adamczyk: Insignia kanonickie. Aspekt prawno-liturgiczny (*Canons' insignia. Legal and liturgical aspects*). (Article)

A. presents the legal and theological aspects of the insignia of canons in the light of the applicable law. He deals with the composition of the canons'

apparel, the problems of the canons' cross and ring, and the use of the canons' insignia.

515

FCan XIV/1 (2019), 55-69: João Pedro Bizarro: O Cristão Leigo e a Paróquia. Uma visão jurídico-pastoral. (Article)

See above, canons 204-231.

521

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

See below, canon 524.

524

RMDC 25/2 (2019), 275-314: Luis de Jesús Hernández M.: La idoneidad relativa de los presbíteros como criterio para ejercer la cura de almas en una parroquia determinada. (Article)

The task of judging the suitability of those who are called to exercise care of souls in a parish has always been difficult. Through the centuries, norms and criteria were established for this purpose. The Council of Trent established the special *concursum* or competitive examination. The implementation of this special *concursum* led to several complications, in view of which the bishops of some countries proposed instead a general *concursum*, by which all vacant parishes were subjected to examination and could be competed for by those clerics who so desired. Both forms of *concursum* remained until the 20th century; the CIC/17 retained them as an exception, introducing a less complicated, but prescriptive, mode instead. The system of benefices was abolished after the Second Vatican Council, and the CIC/83 simplified the previous discipline, leaving its regulation to the discretion of the diocesan bishops. In the current circumstances, it is necessary to re-examine the canonical discipline in judging the suitability of priests with respect to a particular parish, assuming their general suitability for the exercise of the ministerial priesthood.

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

579

KIP 9 (22) 2020, nr 1, 49-63: Łukasz Waclaw: Kanoniczny wymóg konsultacji ze Stolicą Apostolską przed erygowaniem instytutu życia konsekrowanego (*Canonical requirement of consultation with the Holy See before erecting an institute of consecrated life*). (Article)

In 1906 Pope Pius X, in his *motu proprio Dei providentis*, imposed on bishops wishing to erect a new institute of consecrated life in their territory the requirement to consult the Holy See on this matter. This requirement was mentioned in many ecclesiastical documents including the CIC/83 (cf. canon 579). Following promulgation of the Code, there arose doubts as to the legal nature of those consultations. Bearing in mind therefore the good of the Church and the current relevance of the problem, in 2016 Pope Francis resolved the problem by declaring that the necessary consultations were required *ad validitatem* – nor merely *ad liceitatem* – so that the absence of consultation will make the act establishing the new institute of consecrated life invalid. (See also *Canon Law Abstracts*, nos. 118, pp. 60-61; 121, p. 56.)

581-585

SC 54 (2020), 133-166: Bonnie MacLellan: The Restructuring of Religious Institutes in the Current Reality. (Article)

M. surveys current statistics on the decline of religious institutes and societies of apostolic life in North America. In the light of these “signs of the times,” she explores various options for the juridical restructuring of institutes, both those foreseen in the CIC/83 and other options currently in practice. The aim is to assist religious institutes and societies of apostolic life, and the canonists who advise them, in an orderly preparation for a hope-filled future.

586

Ius Comm VIII (2020), 121-138: Roberto Serres López de Guereñu: Los institutos de vida consagrada en la Iglesia particular: principios

fundamentales y expresiones canónicas de una “forma peculiar” de presencia. (Article)

See below, canon 678.

605

RDC 69/1 (2019), 7-83: Marc Homedes-Palau: Mariage et vie consacrée dans les communautés nouvelles plurivocationnelles. (Article)

New ecclesial communities bringing together different states of life face difficulties in finding a place in the Church that corresponds to the novelty of their charism. The law of the Catholic Church does not yet have structures sufficiently adapted to welcome this novelty. In addition to the canonical difficulties, there are theological questions, notably the interpretation of the notion of consecrated life and the nature of the commitments of married persons inspired by the evangelical counsels. H.-P. approaches this problem on the basis of the hermeneutics of canon 605, the 1996 Apostolic Exhortation *Vita consecrata*, and the current praxis of the dicastery for consecrated life. Before suggesting a hypothesis, he examines the blockages but also the openings left to the breath of the Spirit. He first studies the interpretation of canon 605 as a possible response, and then examines the ecclesial family of consecrated life as a current response, broadening his canonical reflection to include properly theological aspects.

610

Alexandre de La Taille: L'exercice de l'autorité et l'obéissance volontaire dans les instituts religieux. Implications pratiques pour la santé et la sécurité de la personne. (Book)

Members of an institute of religious life seek to establish fraternal relations in conformity with the Gospel. However, there are the obstacles of human weakness and sin, and thus within the framework of the exercise of authority and obedience behaviours can creep in that affect the health and safety of one or more of the institute's members. This book examines authority and obedience in canon 501 of the CIC/17 and canons 610, 618 and 619 of the CIC/83, as well as in documents on the consecrated life issued after 1983. It goes on to study the way in which secular society, from the beginning of the 20th century with the creation of large international organizations, has approached the question of the health and safety of workers. One of the challenges facing the 21st century concerns the psychosocial risks of

workers, and the book looks at the manner in which canons 231 §2 and 1286 1° are applied in different dioceses, concluding with a synthesis which can serve as a tool to help those who govern a caring institute to take better account of the health and safety of its workers. The institute will thus be in a better position to identify and protect itself against abuses within the institute itself. (For bibliographical details see below, Books Received.)

618-619

Alexandre de La Taille: L'exercice de l'autorité et l'obéissance volontaire dans les instituts religieux. Implications pratiques pour la santé et la sécurité de la personne. (Book)

See above, canon 610.

634-640

Per 108 (2019), 409-438: Luigi Sabbarese: Economia, carisma e missione. Gli Orientamenti fra diritto universale e diritto proprio. (Presentation)

In the past few years, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life has devoted a great deal of time and energy to the question of the administration of temporal goods by religious institutes. After two international symposia, the Congregation issued two documents: a Circular letter, *Guidelines for the administration of assets*, 2 August 2014; and a set of Guidelines, *Economy at the service of charism and mission*, 6 January 2018 (see *Canon Law Abstracts*, nos. 122, pp. 66-67; 123, p. 68). This current study by S. is the updated text of an intervention made at the Convention entitled “Economy at the service of charism and mission” held at the University of the Sacred Heart in Milan, on 1 February 2019. S. focuses particularly on the 2018 Guidelines, noting that the Circular Letter had promised an Instruction. While Guidelines do not have the same juridical force, S. notes that since they were approved by the Pope they are not to be taken lightly. This means that the proper law of each religious institute must be updated to take account of what the Guidelines say, especially about treasurers and bursars, statements of account, ordinary and extraordinary administration, and stable patrimony. To do this, the General Chapter of each institute has an indispensable role to play in introducing new legislation.

634-640

Per 108 (2019), 439-470: Yuji Sugawara: Prospettiva e sfida degli Orientamenti Economia a servizio del carisma e della missione (CIVCSVA 2018). (Presentation)

See preceding entry. S explores the Guidelines *Economy at the service of charism and mission* on the administration of temporal goods owned by institutes of consecrated life, providing a short history of how the document came into being as well as a glance at the recent Magisterium on the theme. He proceeds to examine the nature, scope and structure of the document and various difficulties concerning the administration of goods. He considers some spiritual and pastoral guidelines and others of a juridical and technical nature, especially relating to the proper law of the institute, administration of goods as an act of governance, and the role of the treasurer or bursar. He brings this study to a conclusion by referring to some innovations highlighted by the Guidelines that should now appear in proper legislation, e.g. a fixed term of office for the treasurer or bursar, some indication of what constitutes “stable patrimony” for each institute, and the figure of the “legal representative”.

665

Per 109 (2020), 177-195: Yuji Sugawara: Commenti al m.p. *Communis vita*. (Article)

Canon 665 states clearly that religious have the obligation to reside in their own religious house (§1); in the case of a religious illegitimately absent from the religious house, the competent Superior is obliged to search out that person, persuading him or her to return. However, it is frequently the case that either the Superior does not know where the religious is, or the religious has made it clear that he or she has no intention of returning. To help deal with this problematic situation, Pope Francis promulgated the motu proprio *Communis vita* on 19 March 2019, by which he inserted an addition to canon 694 which deals with dismissal from a religious institute *ipso facto*. S. studies the meaning of the motu proprio and moves on to a consideration of the norms surrounding dismissal *ipso facto*, the spiritual values concerning life in common that are to be protected, and the necessary precautions that have been introduced for the application of the new norm. He points out that the change to canon 694 has also resulted in a change to canon 729 because life in common is not a feature of the way of life of a secular institute.

678

Ius Comm VIII (2020), 121-138: Roberto Serres López de Guereñu: Los institutos de vida consagrada en la Iglesia particular: principios fundamentales y expresiones canónicas de una “forma peculiar” de presencia. (Article)

The Letter *Iuvenescit Ecclesia* of the Congregation for the Doctrine of Faith deals with the issue of the relationship between consecrated life and the particular Church, in the context of the broader relationship between hierarchical and charismatic gifts, and between the universal Church and the particular Churches. It is here that consecrated life is conceived as “a particular way” of being present within the particular Church, with its own gifts. Only in this way will each institute of consecrated life find its proper place in the life of the Church, because only by situating itself – i.e., situating its own charism – suitably within the life of the Church will the institute be itself, because it will then be situating itself upon the path willed for it by God. The institute should avoid, on the one hand, becoming involved in ways of life and activities that are not proper to its specific charism, and on the other, being isolated from the particular Churches in which it is present, or violating the requirements of ecclesial communion, which would cause serious damage both to the institute itself and to the Church. Likewise, the deepening of the relationship of “mutual interiority” that exists between the particular Churches and the universal Church will facilitate the understanding, development and living out of that “particular way of being in the midst of the local Church” which is proper to institutes of consecrated life.

694

Per 109 (2020), 177-195: Yuji Sugawara: Commenti al m.p. *Communis vita*. (Article)

See above, canon 665.

729

Per 109 (2020), 177-195: Yuji Sugawara: Commenti al m.p. *Communis vita*. (Article)

See above, canon 665.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

748

RDC 69/1 (2019), 141-174: Pierre-Marie Berthe: Prosélytisme et évangélisation. Réflexions autour des textes du Magistère de des canons 211 et 748, §2 du Code de droit canonique de 1983. (Article)

The problem of “proselytism” arose within the Church in the context of ecumenical dialogue following Vatican II. Although the term is most often heard in a negative sense, its semantic origins remain to be clarified. Proselytism is condemned as an unworthy method of evangelization, but not everybody gives the same extension to this condemnation. The Church’s Magisterium formally rejects attitudes or activities that oppose the demands of freedom, justice and charity, essential to the announcement of the Gospel. However, it also affirms that the Catholic Church has the right and the duty to offer its word to every person, because of its universal mission of salvation. B. attempts to clarify the true meaning of proselytism, in order to reconcile the requirements of canons 211 (“All Christ’s faithful have the obligation and the right to strive so that the divine message of salvation may more and more reach all people of all times and all places”) and 748 §2 (“It is never lawful for anyone to force others to embrace the Catholic faith against their conscience”).

751

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l’institution ecclésiale catholique aujourd’hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

774

Inés Lloréns (ed.): La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull’antropologia giuridica della famiglia. (Book)

See above, General Subjects (*Compilations*).

776

Inés Lloréns (ed.): La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull'antropologia giuridica della famiglia. (Book)

See above, General Subjects (*Compilations*).

783

IusM XIV/2020, 43-67: Yawa Akakpo: L'apostolat du témoignage dans les églises locales: cas des instituts religieux. (Article)

As a result of the new ecclesiology of the Second Vatican Council, young religious congregations constitute an important source of renewal in the prophetic mission of young Churches, such as that in Togo. This interest is present in the canonical order: it places the exercise of the apostolate of religious institutes under the protection of universal, particular, and proper law. In order to protect and develop this special presence, these institutes should examine in depth their proper law to ensure that it is appropriate, dynamic, understood, and respected, because the witness of consecrated life does not derive its strength in any way from its works, but from the way of exercising such works, which is neither in the universal law nor in the particular law of institutes but rather in their spiritual heritage as set out in the Constitutions. This dynamism will make it possible to establish a sincere and true prophetic dialogue between these three legal categories. A.'s objective is to draw the attention of young religious congregations in Togo and abroad to the importance of their spiritual heritage in their apostolate and in the life of the local Churches.

790

IusM XIV/2020, 43-67: Yawa Akakpo: L'apostolat du témoignage dans les églises locales: cas des instituts religieux. (Article)

See above, canon 783.

792

IusM XIV/2020, 13-42: Armand Paul Bosso: Les Conférences Épiscopales et les migrants en provenance des territoires de mission (can. 792, CIC). (Article)

Canon 792 establishes the duty of real pastoral solicitude on the part of episcopal conferences in relation to migrants from mission territories. In this legal-pastoral commentary B. seeks the rationale behind this principle by looking at some its concrete applications in the face of current challenges. He explains the term “migrant” in the general context of human mobility, referring as it does to a person’s leaving his or her natural and usual place of residence for another. The important thing is that the Church always draws near to her children, whatever situation they are in. This is precisely the purpose of the legislator in establishing this provision.

793-798

Inés Lloréns (ed.): La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull’antropologia giuridica della famiglia. (Book)

See above, General Subjects (*Compilations*).

807-821

IC 60/119 (2020), 91-152: Bruno Esposito: La Costituzione Apostolica *Veritatis gaudium* e le sue Norme applicative; Istruzione *Gli studi di Diritto Canonico alla luce della riforma del processo matrimoniale*. (Article)

E.’s article follows on from one published in IC 58/116 (2018), 813-856 (see *Canon Law Abstracts*, no. 122, pp. 75-76), and offers a more in-depth account and commentary on the Apostolic Constitution *Veritatis gaudium* now in force and its accompanying Norms of Application (2017) for ecclesiastical universities and faculties. E. also presents the Instruction of the Congregation for Catholic Education on the Study of Canon Law (2018), issued following the reform of the matrimonial process instituted by Pope Francis. He describes and assesses the positive changes, as well as aspects that may pose certain difficulties. Finally, he makes a number of specific proposals in relation to promoting and improving the quality of studies in ecclesiastical academic institutions, especially in the field of canon law.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

834

FCan XIV/1 (2019), 71-84: Hugo Cavalcante: Normas do Direito Litúrgico que já foram modificadas no pontificado do Papa Francisco.
(Article)

“The Church carries out its office of sanctifying in a special way in the sacred liturgy” (canon 834 §1). The Roman Pontiff, as Supreme Legislator, exercises his legislative function in the field of liturgy as well as elsewhere. This he does either personally, or else through the organisms that assist him in the governance of the universal Church, acting by virtue of general delegated power in accordance with *Pastor Bonus*, or by virtue of specific delegated power granted to the Roman Curia. Liturgical law consists of the norms that are issued for the worship of God “in the name of the Church ... through actions approved by ecclesiastical authority” (canon 834 §2). The norms of liturgical law were not incorporated in the Codes, canon 2 of the CIC/83 stating: “For the most part the Code does not determine the rites to be observed in the celebration of liturgical actions. Accordingly, liturgical laws which have been in effect hitherto retain their force, except those which may be contrary to the canons of the Code” (cf. also canon 3 of the CCEO). C. gives an overview of the changes introduced by Pope Francis either directly or through the organisms of the Roman Curia on his behalf. These modifications reflect how canonical norms should go hand-in-hand with the needs of the Church as a theandric society, and give an idea of how much the Holy Father has been working in this field of law, largely outside the Code.

838

FCan XIV/1 (2019), 71-84: Hugo Cavalcante: Normas do Direito Litúrgico que já foram modificadas no pontificado do Papa Francisco.
(Article)

See above, canon 834.

838

REDC 77 (2020), 693-700: Congregación para la Doctrina de la Fe: Decreto *Cum Sanctissima*, 22.02.2020. Nota de presentación. (Decree and note)

The Congregation for the Doctrine of the Faith issued a decree on 22 February 2020 determining how the more recently canonized saints may be celebrated according to the *forma extraordinaria* of the Roman Rite. An accompanying note explains the principles of application of the decree.

838

REDC 77 (2020), 701-705: Congregación para la Doctrina de la Fe: Decreto *Quo Magis*, 22.02.2020. Nota de presentación. (Decree and note)

The Congregation for the Doctrine of the Faith issued a decree on 22 February 2020 adding seven Eucharistic Prefaces for the *forma extraordinaria* of the Roman Rite. An accompanying note provides a more detailed explanation of the texts of the Prefaces and guidance as to their use.

843

QDE 33 (2020), 107-127: Matteo Visioli: I sacramenti della Chiesa: una rilettura teologico-giuridica. (Article)

V. begins by looking at contemporary objections to the sacramental life of the Church from cultural, philosophical, and theological perspectives, and offers a theological response to these, highlighting the notion of sign and word and action in sacramental theology. From this he reflects on the legal relevance of sacraments, looking at the right to the sacraments and the legal effects of sacramental reception, arguing that these legal consequences necessitate canonical regulation of the sacraments.

BOOK IV, PART I, TITLE I: BAPTISM

849

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l'institution ecclésiale catholique aujourd'hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

867

Canonist 11/1 (2020), 55-64: Anthony Malone: Infant Baptism and Children's Rights. (Article)

In the light of certain affirmations made by Professor Mary McAleese in her 2019 Edmund Burke lecture at Trinity College, Dublin, in which the former President of Ireland expressed opposition to infant baptism, M. looks at the history of infant baptism as evidenced in the New Testament, the early Church, later Church practice, and the Magisterium. He answers Professor McAleese's objections, pointing out the incorrect focus which she gives to the UN Convention on the Rights of Children. While Professor McAleese stresses the importance of "rights", M. explains that the term "rights" is equivocal and needs further elucidation. When harmonizing baptism and the freedom of the infant, certain issues require attention: the history of the practice of infant baptism; the Catholic doctrine of salvation; the Catholic understanding of sacraments; the nature of personal conscience; the elements that make a truly human action; and the principle that canon law reflects Catholic Church teaching.

874

SC 54 (2020), 91-120: John M. Huels: The Valid Admission of a Godparent in Light of Canon 124 § 1. (Article)

H. aims to determine the requirements for the valid admission of a person to the role of godparent based on the general norm of canon 124 §1 regarding the essential elements of a juridical act and the person capable of validly acting. Whereas invalid and ineffective acts are governed by the rule of canon 10 on invalidating and incapacitating laws, in-existent acts are not explicitly recognized in the law but are implied in canon 124 §1. If a person

is incapable of acting or is incompetent to act, or if an essential element of an act is lacking, it is unnecessary for the law expressly to state that the attempted act is invalid, because there is no semblance of an act in the legal sense. In the light of this and other canonical norms, H. identifies eight conditions for the valid admission of a godparent.

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

909

QDE 33 (2020), 225-236: G. Paolo Montini: La preghiera del sacerdote celebrante prima e dopo la Messa (can. 909). (Comment)

M. argues that the canon requiring priests to prepare for and give thanks after Mass is not strictly a liturgical norm, but rather one relating to priestly perfection, and is not merely an exhortation but imposes a genuine legal obligation. He then surveys the texts printed in the 1570 and contemporary editions of the Roman Missal.

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

978

RMDC 25/2 (2019), 315-353: Mario Medina Balam: El confesor es dispensador de gracia y útil consejero para los penitentes que se acusan de ver pornografía. (Article)

M.B. sets out, in a general way, the phenomenon of pornography: its manifestations, the motivations of those who use it, its consequences, and its immorality. He offers methods to measure the degrees of addiction to pornography and sex, as well as suggestions for a recovery process. In the second part of the article he explains how the sacrament of penance renews the penitent who confesses watching pornography; he also stresses that the confessor plays an important role as a dispenser of divine grace and as a counsellor.

983

ELJ 22 (2020), 138-155: Christopher Grout: The Seal of the Confessional and the Criminal Law of England and Wales. (Article)

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

983

QDE 33 (2020), 167-188: Alberto Perlasca: Elementi peculiari ed aspetti irrinunciabili della normativa canonica nella tutela della buona fama e della riservatezza. (Article)

See above, canon 220.

992-997

SC 54 (2020), 167-179: Jean-Claude Agbeko Komla Mensah: Réformer les indulgences : tentatives du pape Paul VI. (Article)

During the Second Vatican Council, Pope Paul VI introduced, *motu proprio*, a pastoral project to reform the discipline of indulgences. Presented to the conciliar Fathers in the form of a document called the *Positio*, this project was criticized by some of these Fathers who recalled the malaise in the

Church which the discipline of indulgences had incited for centuries, and who also regretted that the *Positio* did not take sufficient account of the development of historical, cultural, theological-canonical, and ecumenical research. Criticism of the *Positio* was levelled by local episcopates, the Greek-Melkite Patriarch Maximos IV Saigh (Syrian), the German Cardinal Julian Döpfner, and the Dutch Cardinal Bernardus Johannes Alfrink. To avoid uncertainty in the Council, Pope Paul VI had the *Positio* withdrawn, without abandoning his own search for a reform of the discipline of indulgences. It is in this perspective that Pope Paul VI would engage the Latin Catholic Church in attempts to reform indulgences between 1965 and 1978, which reform would continue thereafter, and under the pontificate of Francis (Bull, *The Face of Mercy*, 2015).

BOOK IV, PART I, TITLE VI: ORDERS

1029

FCan XIV/1 (2019), 95-105: Hélder Miranda Alexandre: A Maturidade na formação integral do seminário. (Article)

See above, canons 232-264.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Canonist 11/1 (2020), 3-6: The Address of Pope Francis to the Officials of the Roman Rota for the Inauguration of the Judicial Year 25 January 2020. (Address)

The Pope reflects on the primary role of the spouses Aquila and Priscilla as examples of married life: holy spouses ever on the move so that Jesus might be known. From them Christian spouses should learn how to fall in love with Christ and be close to families. The Pope urges pastors, bishops, and parish priests to seek to love, as the Apostle Paul did, spouses as humble missionaries willing to reach our cities' squares and buildings where the Gospel's light and the voice of Jesus fail to penetrate. The parish is the ecclesial place for proclamation and witness, because it is in that territorial context that Christian spouses worthy of shedding light already dwell. They can be active witnesses of conjugal and family beauty and love. The Church needs the strength of those Christian married couples who are the soul and the form of evangelization. The *darkness of faith* or the *desert of faith* that the decisions of the Rota over the last 20 years have stated as possible causes for the invalidity of consent is a reason for extending a serious and pressing invitation to deliver to the future the beauty of the Christian family. The Lord continues to give the children of the Church the courage and the light to return to the beginnings of faith and find again the passion of the spouses Aquila and Priscilla, so that they may be recognizable in every marriage celebrated in Christ Jesus.

1055

Canonist 11/1 (2020), 7-12: Peter Blayney: Commentary on the Address of Pope Francis to the Officials of the Roman Rota for the Inauguration of the Judicial Year. (Comment)

Commenting on the Pope's address of 25 January 2020, B. points out that while it contains many insights concerning St Paul's relationship with Aquila and Priscilla and this faithful couple's role in evangelizing amongst the fledgling Christian communities of Corinth, Ephesus and Rome, there is little by way of specifically canonical content. However, he detects in the address a signal that the debate about the possible "defect of faith" as an invalidating cause may be over.

1055

IC 60/119 (2020), 397-424: Eloy Tejero: El matrimonio, el valor del ser humano, la continuidad de la Iglesia, la trayectoria de los pueblos y el curso de la historia. (Bibliographical note)

Commenting on a book by Antonio Moreno Almárcegui and Germán Scalzo Molina, *Entre don y contrato. Una historia de la comprensión del matrimonio* (EUNSA, Colección Astrolabio, Pamplona, 2019, 232pp., ISBN 978-8431333843), T. examines the notion of *munus*; marriage and its signification in the history of the West; the influence of Thomistic thought on the understanding of marriage and certain doctrinal problems to which this gives rise; the crisis of the sacramental signification of marriage from the ninth century to the eighteenth century; and the social consequences in the modern world of the crisis of marriage as the foundation of the *munus regale* – the power communicated by Christ to his disciples “that they might be constituted in royal freedom and that by true penance and a holy life they might conquer the reign of sin in themselves” (*Lumen gentium*, 36). He notes how the book highlights the wealth of content of the gift of self which is marriage, for those who wed, for the Church, and for society as a whole.

1055

SC 54 (2020), 121-131: Alexander M. Laschuk: Amor coniugalis in Rotal Jurisprudence. (Article)

Amor coniugalis is referred to frequently in the sentences of the Roman Rota. This phrase, which does not appear in the Code of Canon Law, reflects the teachings of the Second Vatican Council, especially the Pastoral Constitution *Gaudium et spes*. L. examines the term *amor coniugalis* in conciliar and post-conciliar teaching. He looks at how this phrase has been taken up in recent Rotal sentences, especially following the 2007 Rotal allocution of Pope Benedict XVI. He synthesizes the observed citations to identify the concept of *amor coniugalis* and its relevance to matrimonial consent.

1055-1057

QDE 33 (2020), 85-100: Alessandro Giraud: La rilevanza dell’amore nel consenso matrimoniale. (Article)

G. begins by recalling the centrality of consent to the marriage covenant, and goes on to examine the place of conjugal love within that covenant in

the light of papal teaching and canonical discussion. He looks at the way in which recent Rotal jurisprudence has handled the notion of conjugal love, especially in relation to the *bonum conjugum*. This good offers a path to understanding how love can be at the foundation of the sacrament of matrimony.

1063

FCan XIV/1 (2019), 85-87: Papa Francisco: O Matrimónio exige unidade e fidelidade. (Article)

Given here is the Portuguese text of Pope Francis's address to the Roman Rota on 29 January 2019, in which he speaks of the indispensable characteristics of unity and fidelity in marriage, and the importance of proper formation for marriage (see *Canon Law Abstracts*, no. 123, pp. 92-93).

1063

QDE 33 (2020), 27-63: Gianluca Marchetti: La preparazione e la celebrazione del matrimonio in un contesto di mobilità sociale. (Article)

M. confronts the problems of preparation for and celebration of marriage, making detailed reference to the Italian general decree on marriage, with reference to the problems of the modern situation of social mobility, looking both at those who have moved away from their home parish and at situations of inter-confessional and inter-religious marriage.

1067

QDE 33 (2020), 27-63: Gianluca Marchetti: La preparazione e la celebrazione del matrimonio in un contesto di mobilità sociale. (Article)

See above, canon 1063.

1071

José Fernández San Román: La cuestión de la admisión al matrimonio de los que notoriamente abandonaron la fe y de los censurados en el Código de 1917. (Article in Jesús Miñambres (ed.): *Atti del XVI Congresso internazionale "Diritto canonico e culture giuridiche"* – Roma,

4-7 ottobre 2017, *Consociatio internationalis Iuris canonici promovendo*, EDUSC, Rome, 2019, pp. 803-808)

F. provides a historical and canonical study of sources and of the editorial *iter* of canons 1065 and 1066 of the CIC/17, which deal with so-called marriages “*cum indignis*”. In the pastoral situation of those who come to the wedding with little personal faith, he seeks to verify, in the light of the sources, the affirmation in the Apostolic Exhortation *Familiaris consortio* that to establish criteria for admission to marriage based on the degree of faith of the future spouses is at odds with the Church’s tradition. He makes use of documentation on the 1917 codification found in the Vatican Secret Archive [now Vatican Apostolic Archive] and the Historical Archive of the Pontifical Gregorian University. The article provides a contribution to the reflection on the relationship between faith and marriage, since the corresponding provisions of the CIC/83 (canon 1071 §1, 4° and §2) substantially mirror those of the CIC/17.

1071

José Fernández San Román: La interpretación auténtica sobre la admisión al matrimonio de los ignorantes de la doctrina cristiana. (Article in Luigi Sabbarese (ed.): *Opus Humilitatis Iustitia. Studi in memoria del cardinal Velasio De Paolis*, Vol. 2, Editrice Urbaniana University Press, Rome, 2020, pp. 163-178)

Shortly after the entry into force of the CIC/17, on 2-3 June 1918 an authentic interpretation was issued regarding the admission to marriage of those who are ignorant of Christian doctrine. It was established that the parish priest should try to provide such instruction, but if it was refused, the person concerned could not for that reason be refused admission to marriage as though he or she were included in the provision of canon 1066 CIC/17 concerning public sinners. This interpretation brought to a conclusion several centuries of debate, even though during that time the validity of such marriages was never questioned. In response to a consultation from Malta, the proposal by B. Melata was accepted. Already the codification of 1917 indicated that it was a question that concerned preparation for marriage. The Apostolic Exhortation *Familiaris consortio* and the CIC/83 have confirmed this direction, indicating that pastoral guidance in these situations takes the form of evangelization and catechesis.

1085

QDE 33 (2020), 11-26: Fabio Franchetto: «Nessun problema! Tanto siete sposati solo civilmente». L'impedimento di vincolo nell'attuale contesto migratorio. (Article)

F. examines various situations that might arise in the context of modern social mobility in which someone who has a previous marriage not celebrated according to canonical form approaches a Catholic minister with a view to celebrating marriage, and examines how the impediment of a prior bond might affect this. He looks at the situations of the Orthodox, of Protestants, of the unbaptized, of those who have abandoned the Catholic faith, and of those who assert that their first spouse should be presumed dead, to see in which of these cases the marriage – even if not sacramental – should be considered as *prima facie* valid, and in which cases it can be approached as invalid. F. adds notes of the question concerning which tribunal to approach, and the problem of the “*omnia parata*” situation.

1086

IC 60/119 (2020), 153-195: Inés Lloréns: A diez años de la publicación del Motu Proprio *Omnium in mentem*. (Article)

Ten years have passed since the publication of the motu proprio *Omnium in mentem*, which removed the clause concerning the formal act of defection from the Church, and affected the canons concerning the impediment of disparity of cult, the canonical form of marriage, and mixed marriages. L. explores the juridical-pastoral repercussions of *Omnium in mentem*. To this end, she describes the causes that prompted the promulgation of the motu proprio, and the process by which it was drafted, focusing in particular on the doctrinal and disciplinary implications the change in the law brings with it, and offering an assessment of its appropriateness.

1095

PCH 10 (2020), Number 1, 193-213: Wiesław Kraiński: Personality Disorders as a Cause of the Invalidation of Catholic Marriage in Poland. (Article)

On the basis of an analysis of 189 decisions in marriage nullity cases in a particular diocese over a period of five years (2012 to 2016), 156 of which involved psychic incapacity, K. concludes that the predominant disorders resulting in nullity were antisocial personality disorder, narcissistic

personality disorder, and dependent personality disorder. Of the 156 cases involving psychic incapacity, 122 received an affirmative decision. The average age of males requesting a declaration of nullity was 37, that of females 35. The average length of the marriage prior to the declaration of nullity was 13 years.

1095

RMDC 25/2 (2019), 247-273: Jorge Antonio Di Nicco: Pericia psicológica. Aspectos elementales. Análisis relacionado con el canon 1095 del Código de Derecho Canónico. (Article)

Consent is the most decisive element in the conjugal pact. A marriage cannot be recognized as valid if there is a vice that makes it void. Psychic disorders can hinder the functions that a person needs in order to endow his or her marital consent with the necessary level of free and rational voluntariness for it to be recognized as valid. The peritus is called to provide the ecclesiastical judge with the scientific and technical knowledge that the latter lacks. Di N. sets out the elementary aspects of psychological expertise in matrimonial nullity proceedings.

1095 2°

Canonist 11/1 (2020), 105-114: Sentence *coram* Pinto, 5 July 2013 (Los Angeles, CA). 1. Defect of Discretion of Judgement on the Part of Both Parties (can. 1095, 2°) (Emotional Immaturity). 2. Error Determining the Will on the Part of Both Parties (can. 1099). (Sentence)

See below, canon 1099.

1095 2°-3°

Canonist 11/1 (2020), 115-128: Sentence *coram* Todisco, 6 March 2013 (Padova, Italy). Grave Defect of Discretion of Judgement and Incapacity to Assume (can. 1095, 2°-3°) (Avoidant/Schizoid Personality Disorder; Psychotic Paranoid Disorder). (Sentence)

In a case involving the grounds of incapacity to decide or to assume conjugal duties (canon 1095 2°-3°), the Rota recalled that in order to contract a valid marriage, those marrying should be capable not only of estimating and perceiving, by a practical judgement of the intellect, the essential rights and duties of marriage and of freely choosing them by a free

act of the will, but also of assuming the essential duties of marriage. In order to present nuptial consent, the powers of intellect and of will must operate together, and even if they are really distinguished and differ in general, they are intimately related, and are inseparably joined together in their operation. Only if in matrimonial consent the intellect is incapable of presenting to the will its true object, or the will is incapable of moving the powers of the mind towards its act (use), does a party suffer from incapacity to discern or to assume the essential obligations of marriage. In order to prove discretionary incapacity as well as incapacity to assume the essential obligations of marriage on account of causes of a psychic nature, one must not only weigh the declarations of the parties and witnesses, but must consider above all the conclusions of experts who, according to scientific means of psychiatry and psychology, can offer information with respect to the normal or disordered functioning of the psychic faculties of the parties at the time of the celebration of the marriage. In the particular case the Rota found that there were serious personality disorders in both parties at the time of the marriage, which impeded their capacity to discern the essential rights and duties to be mutually handed over and accepted, but also radically undermined their psychic capacity to assume the conjugal duties.

1095 2°-3°

Ginter Dzierżon – Kinga Szymańska: Wpływ zespołu stresu pourazowego na kanoniczną niezdolność do zawarcia małżeństwa (*The impact of post-traumatic stress disorder on the person's ability to contract marriage under canon law*). (Book)

This book consists of three main chapters. The first looks at the history of research into post-traumatic stress disorder (PTSD); the second sets out the findings of medical sciences in this area; and the third analyses the decisions of the Roman Rota – some of them unpublished – on the influence which PTSD has on a person's ability to contract marriage. The first mention of PTSD in a Rotal case was in 1980, where one of the parties had taken part in the Vietnam war. In none of the Rotal decisions was PTSD considered to be the primary factor influencing the person's capacity to consent: rather it was only one of the factors. Marriage nullity in cases involving PTSD was found to be due to grave lack of discretion of judgement (canon 1095 2°) or inability to assume the essential obligations of marriage (canon 1095 3°). A feature of those decisions was the importance of experts' opinions, although the Rotal judges were careful not simply to accept those opinions but to retain methodological purity in their assessment of them, in accordance with the fundamental principles of canon law. Often the decisions focused on the

issue of unrestricted decision-making, the judges finding that a party was incapable of self-determination because of a variety of conditions related to traumatic events, which rendered him or her incapable of contracting marriage. This anthropological-juridical premise gives rise to a further thesis: that a person unable to deal with unconscious factors affecting their consciousness is incapable of entering into a matrimonial contract. (For bibliographical details see below, Books Received.)

1095 3°

Canonist 11/1 (2020), 129-151: 1. Decree *coram* Arokiaraj, 28 May 2009 (Accra, Ghana). Nullity of Sentence: Denial of the Right of Defence (can. 1620, 1° & 7°). 2. Decree *coram* Arokiaraj, 24 June 2010 (Accra, Ghana). Nullity of a Negative Second Instance Sentence (can. 1682, §2). 3. Sentence *coram* Arokiaraj, 14 July 2016 (Accra, Ghana). Incapacity to Assume the Essential Obligations of Marriage (can. 1095, 3°) (Narcissistic Personality Disorder). (Decrees and sentence)

In 2006 the male petitioner approached the first instance diocesan tribunal seeking a declaration of nullity of his marriage to the respondent, on account of exclusion of fidelity on his own part and incapacity of both parties to assume the essential obligations of marriage. The tribunal gave an affirmative decision on the grounds of incapacity on the part of both parties. The cause was transmitted to the higher appeal tribunal. Here, in an unusual manner, after receiving the observations of the defender of the bond, the tribunal immediately issued a negative decision on all grounds (16 October 2007), not remitting the cause to an ordinary examination, but simply overturning the first instance decision without any act in between. The appeal tribunal issued the acts to the Rota where, together with an appeal from the respondent, the *turnus* was constituted on 13 November 2007 and the opinion of the defender of the bond obtained. The defender raised the question of nullity of the sentence of the second grade; this was supported by the promoter of justice. At the order of the Rotal *ponens* the issue was dealt with through written submissions. On 28 May 2009 the *turnus* decreed that there was proof of irremediable nullity of the sentence of the appeal tribunal. But by a subsequent decree of 24 June 2010 the same *turnus* admitted the cause to an ordinary examination of the second grade, determining the doubt as follows: *Whether there is proof of nullity of marriage in the case due to incapacity to assume the essential conjugal obligations on the part of either one or both parties.* A supplementary instruction was carried out by obtaining an expert opinion based on the acts. The acts were published and the *turnus* was reconstituted and increased to

five Auditors. The Rotal sentence explains the law on narcissistic personality disorder in relation to canon 1095 3° and recalls that it is possible to speak of incapacity only where “a cause of a psychic nature” is proven to exist. Such a cause distorts the functions of the mind and weakens especially the faculty of the will over personal actions. Thus it renders the person marrying incapable of carrying out those obligations which pertain to the very essence of marriage, which he or she might have assumed orally. In the particular case the Rota found that the petitioner displayed traits of narcissistic personality and almost obsessive egocentrism, such as to render life intolerable for the respondent, to the point where she suffered various psychological disorders. The Rota had moral certainty that the petitioner lacked the capacity to assume a genuine marital relationship, which he was perhaps not even able to grasp mentally. Thus an affirmative decision was given.

1095 3°

Canonist 11/1 (2020), 152-156: Decree *coram* Monier, 5 December 2018 (Brisbane, Australia). Admission of Appeal and Confirmation of the Sentence (can. 1680, §2). (Decree)

See below, canon 1680.

1095 3°

Ius Comm VIII (2020), 141-181: Romanae Rotae Tribunal: Sentencia definitiva coram Erlebach, 9 febrero 2017. Nulidad de matrimonio. Incapacidad para asumir las obligaciones esenciales del matrimonio (Sent. 31/2017); José Luis López Zubillaga: Comentario. (Sentence and comment)

The Rota was asked to decide whether there was nullity in a marriage on the ground of the incapacity of the woman respondent to assume the essential obligations of marriage. The Rota recalled that such incapacity can be admitted only when one of the parties is unable to fulfil those obligations because of causes of a psychic nature. The cause suitable for incapacity constitutes of its very nature an *anomaly* in the psychic order, although not necessarily a true and proper illness in a psychiatric sense: it may be an indeterminate anomalous psychic condition. The cause may often be psychic immaturity, or especially psycho-affective immaturity. It is not for the judge to define this form of anomaly. The Rotal sentence goes on to explain the importance of experts’ opinions and of a correct Christian anthropology. In

the case in question the respondent had a deep-rooted erroneous conception of matrimonial life, seeing it as an opportunity for travel and other pleasures. Her unawareness of the true nature of marriage became the principal problem in the relationship, as she did not share the petitioner's desire to establish a true family, being more concerned for such aspects as maintaining her figure and other secondary considerations. The Rota, using a concept from modern psychiatry – specifically that of Victor E. Frankl – referred to “noogenic immaturity” or “noogenic neurosis”, according to which the sense of a person's life is what determines the existence or otherwise of a neurotic illness. In his comment on the case, L.Z. explains that it was on the basis of this kind of neurosis that Frankl introduced a new form of therapy known as logotherapy. Noogenic immaturity is rooted in the very essence of the person, and radically affects the values which are essential for the normal fulfilment of matrimonial life. The person is thus rendered radically incapable of giving valid matrimonial consent, as being incapable of understanding and fulfilling those obligations which constitute the very essence of the matrimonial bond. L.Z. points out that the case was dealt with under canon 1095 3°, but asks whether there might be an argument for considering the circumstances as constituting “noogenic ignorance” which might be dealt with under canon 1096 in the light of canon 1055; or alternatively as a grave defect of discretion of judgement under canon 1095 2°. He concludes his comment with some reflections on the function of expert psychiatrists or psychologists in cases of matrimonial nullity.

1099

Canonist 11/1 (2020), 105-114: Sentence *coram* Pinto, 5 July 2013 (Los Angeles, CA). 1. Defect of Discretion of Judgement on the Part of Both Parties (can. 1095, 2°) (Emotional Immaturity). 2. Error Determining the Will on the Part of Both Parties (can. 1099). (Sentence)

The grounds of nullity in this case were determined as grave lack of due discretion on the part of both the petitioner and the respondent; and determining error concerning indissolubility on the part of both the petitioner and the respondent. The first instance tribunal gave an affirmative decision on all grounds. The respondent appealed against the decision to the Rota. While considering the jurisprudence both on defect of discretion of judgement and on error determining the will to be known to everyone, the Rota recalled the principles which were more precisely pertinent to the present cause. (The marriage had taken place prior to 1983, but could be judged according to the new Code, which expressly provides for cases of

psychic incapacity – canon 1095 – and for cases of error determining the will – canon 1099.) In the particular case the Rota found no evidence of any of the grounds except that of error determining the will in the case of the male petitioner. He had adhered to an Episcopalian community whose position on divorce was very different from that of the Catholic Church, and had had the idea that divorce would be an option if things did not work out. From the acts it was clear that the error in the man was deeply rooted, and that he considered permanent partnership to be of no value. The Rota concluded that he was far removed from the correct knowledge of the good of the sacrament, and that such an error had entered into his will and had determined it at the time when consent was pronounced.

1103

RMDC 25/1 (2019), 447-459: Decisio R.P.D. Mauritio Monier, Sentencia definitiva del 20 de julio de 2012. (Sentence)

The couple met in 1970. The respondent's father had a discussion with the father of the petitioner concerning the celebration of marriage. There was no time for engagement and the woman steadfastly opposed her father's decision, but in vain, because the decision to marry was made between the parents of the respondent and the father of the petitioner as well as her stepmother. Only a few days after their first meeting the couple were married on 8 August 1970. In 1983 the parties separated. In 1999 the petitioner requested a declaration of nullity on the ground of grave fear inflicted upon her. The Rota, after a detailed discussion of the law on force and grave fear, found that the petitioner had been forced to marry under the command of her father, without appropriate personal freedom, and at the time she had no other way but to accept the imposed marriage. At that time she was 16 years old, and it was not possible for her to resist the will of her father and stepmother, who alone ruled everything within the family. The petitioner considered that if she had rebelled, the very least that would have happened was that her father would have thrown her out of the house. An affirmative decision was given, on the ground of grave fear inflicted on the petitioner. (See also *Canon Law Abstracts*, no. 124, pp. 92-93).

1108-1111

Per 108 (2019), 551-589: Ulrich Rhode: Alcune questioni circa il motu proprio *De concordia inter Codices*. (Article)

See above, canon 111.

1117

IC 60/119 (2020), 153-195: Inés Lloréns: A diez años de la publicación del Motu Proprio *Omnium in mentem*. (Article)

See above, canon 1086.

1118

AnC 15 (2019) 2, 101-113: Marek Story: Kościół, urząd czy plener – miejsce zawarcia małżeństwa w Polsce (*In the church, in the office or outdoors: places where marriage can be contracted in Poland*). (Article)

S. looks at the places where a marriage can be validly contracted in Poland, in the light of canon law and civil law.

1122

QDE 33 (2020), 64-84: Daniele Mombelli: Le notifiche di matrimonio: atto formale di valore sostanziale nel contesto ecclesiale di crescente mobilità umana. (Article)

M. sets out the context of the need to achieve certainty about someone's marital state, and outlines the law concerning registration and registers, and then notes the law concerning the registration of the marriage itself. He looks at the annotation of the baptismal register to record the marriage, and considers the various responsibilities for doing this, the essential contents of the notification, and the means by which it could be done. He concludes with an examination of particular cases and proposes a form as a model for the notification.

1124

IC 60/119 (2020), 153-195: Inés Lloréns: A diez años de la publicación del Motu Proprio *Omnium in mentem*. (Article)

See above, canon 1086.

1124

QDE 33 (2020), 27-63: Gianluca Marchetti: La preparazione e la celebrazione del matrimonio in un contesto di mobilità sociale. (Article)

See above, canon 1063.

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

1172

Per 109 (2020), 197-243: Davide Salvatori: Esorcismo maggiore, preghiere di liberazione e ministero dell'esorcista: precisazioni teologico-canoniche e raccomandazioni liturgico-pastorali. (Article)

Taking as his cue and starting point some words of Pope Francis, S. proceeds to examine several issues related to exorcism, prayers of liberation, and the ministry of exorcist. The fundamental concept of exorcism used is that found in the *Catechism of the Catholic Church*. S. begins his study by clearing up some questions of terminology, before considering the ministry of the exorcist within the Church as regulated by canon 1172, and pointing out that this ministry must be situated within the relationship between the bishop and his diocese. He then moves on to resolve a series of seven pastoral and practical problems associated with exorcism.

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

1240-1243

Per 109 (2020), 245-272; Paweł Malecha: I cimiteri nella vigente legislazione della Chiesa. (Article)

Canons 1240-1243 contain the current norms governing cemeteries in the law of the Catholic Church. M. considers the etymology and meaning of the term “cemetery” and the history of burial and cremation within the Church, before examining briefly every reference to cemeteries within the Code. In the course of this study, he touches on a number of contemporary issues, such as the partial or complete use of existing churches as *columbaria* for cremated remains.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254

QDE 33 (2020), 237-251: Carlo Redaelli: Le finalità dei beni ecclesiastici. (Article)

R. begins by pointing out that in relation to the temporal goods of the Church, it is a question of the means being justified by the ends, and these ends are the purposes of the Church, not necessarily of the goods themselves. He examines the list of purposes in canon 1254, with particular attention to the pairing of works of the apostolate and of charity. For R. these purposes are the decisive consideration in looking at any activity relating to ecclesiastical goods, and careful attention must be given to situations in which an ecclesial purpose can no longer be realized. The aim must always be to safeguard the mission of the Church.

1254-1310

RDC 69/1 (2019), 85-104: Anne Bamberg: Sanctions canoniques face aux abus financiers. (Article)

In order to tackle financial malfeasance in the Church, B. sets out the protective norms of the CIC/83 and recent texts of the Supreme Authority. She pleads for measured canonical sanctions as well as for the correct application of the judicial penal process.

1274

IE XXXII (2020), 287-296: Paolo Gherri: Il patrimonio ecclesiastico tra “beni” e “valore”: una novità dalla prassi italiana. (Article)

The 2019 Manual of General Accountability for Institutes for Clergy Support in Italy abandons the concept of “goods” while adopting that of “value” in relation to the so-called patrimony of such institutes. Specifically, the former concept of patrimony has been abandoned in favour of one based on income. This is of doctrinal and theoretical importance with regard to the concept of “stable patrimony”, which may as a result of this change be found to be radically compromised.

1286

Alexandre de La Taille: L'exercice de l'autorité et l'obéissance volontaire dans les instituts religieux. Implications pratiques pour la santé et la sécurité de la personne. (Book)

See above, canon 610.

1291

IE XXXII (2020), 287-296: Paolo Gherri: Il patrimonio ecclesiastico tra “beni” e “valore”: una novità dalla prassi italiana. (Article)

See above, canon 1274.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1399

Ius Comm VIII (2020), 25-51: Velasio de Paolis: Actualidad del derecho penal de la Iglesia. (Article)

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

1311-1399

Verg 10 (2020), 83-98: Michele Riondino: El paradigma de la Justicia restaurativa: manifestación de misericordia en el Derecho Penal de la Iglesia. (Article)

To link mercy to ecclesial experience regarding sanctions would seem superfluous, except for those who attribute merely punitive objectives to penal systems (including the canonical system). Among the reasons that support this approach are some which claim to be derived from biblical tradition. It is true that training in the penal law of the Church is linked to her commitment to counteracting evil in the life of individuals and of the community. However, the connection between sanctions and penitential discipline is equally undeniable, clearly focused on the proclamation of mercy and the granting of forgiveness, especially in order for the Christian faithful to be able to participate worthily in the Eucharist, developing Paul's teaching in the First Letter to the Corinthians (11:27).

1321

Ius Comm VIII (2020), 53-72: Giuseppe Sciacca: Principio de legalidad y ordenamiento canónico. (Article)

See above, canon 221.

1321

SC 54 (2020), 5-29: Brian T. Austin: *Nullum crimen, nulla poena sine lege*: the Principle of Penal Legality in the *Ius vigens*. (Article)

See above, canon 221.

1321

SC 54 (2020), 221-264: John Anthony Renken: The Canonical Rights of Those Accused of the Delict of Sexual Abuse. (Article)

See above, canon 221.

1321-1325

IusM XIV/2020, 143-155: Davide Cito: Questioni pratiche sulla consumazione delittuale. (Article)

Taking into consideration the pertinent elements for carrying out a delict, the commission of which requires the presence of all the subjective and objective elements in relation to the delict in question, one needs to take into account – in the case of a delict with a minor – ignorance as to the age of the victim and the conditions in which this may be an exonerating factor. Special considerations may also apply in a case where pornographic images depicting the prohibited act do not refer to truly existing persons but are the result of graphic design.

1333

Per 109 (2020), 273-312: Ulrich Rhode: La sospensione imposta di carattere non penale. (Article)

The term “suspension” in canon law is usually understood as referring to the penalty referred to in canons 1333-1334. However, R. points out that there are other forms of “suspension” that are not penal in nature. These include the suspension of a decision pending the outcome of a recourse and the suspension of the active and passive voice of a religious during the probationary period when transferring from one institute to another. R. provides a list of norms regulating the forms of “non-penal suspension” found within the current law of the Church and discusses how such suspensions may be imposed even outside the specific cases catered for in the norms.

1333

Per 109 (2020), 313-364: G. Paolo Montini: Il principio di proporzionalità nei provvedimenti di sospensione dall'esercizio del ministero sacerdotale secondo la giurisprudenza della Segnatura Apostolica. (Presentation)

In this presentation made on 12 June 2019 to the 54th Annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, Rome, held in Brescia, M. examines the delicate and controversial issue of the suspension of priests from sacred ministry where there are allegations of the sexual abuse of minors. Based on the jurisprudence of the Supreme Tribunal of the Apostolic Signatura where the author worked for many years, he examines some concrete cases to highlight the problems arising from the intemperate actions of ecclesiastical authorities which effectively impose a perpetual penalty (i.e. permanent suspension from ministry) without proof of a crime or of guilt. Where such cases have arrived before the Supreme Tribunal, its judges and officials have identified the principle of proportionality as the fundamental criterion to be observed by the ecclesiastical authority.

1336

SC 54 (2020), 291-322: W. Becket Soule: Bishops and the Loss of the Clerical State. (Article)

See below, canon 1405.

1341-1342

ADC 9 (abril 2020), 15-66: Serafín Martínez Fernández: Problemas del proceso extrajudicial. La relación de justicia. (Article)

Penal administrative procedures are becoming widely used in relation to certain offences. Clarification is needed of the limits of such procedures and the conditions for their use, to ensure true justice and the right of defence, from the very outset of the investigation, including situations involving the granting of special powers.

1342

IC 60/119 (2020), 61-88: Davide Cito: El derecho de defensa en los procesos sobre delitos de abuso de menores. (Article)

See below, canons 1717-1728.

1342

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa.* (Sentence and comment)

See below, canon 1400.

1353

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa.* (Sentence and comment)

See below, canon 1400.

1364

Alphonse Ky-Zerbo (ed.): Appartenance et ruptures : les baptisés face à l'institution ecclésiale catholique aujourd'hui. Perspectives comparatives. (Compilation)

See above, General Subjects (*Compilations*).

1377

RDC 69/1 (2019), 85-104: Anne Bamberg: Sanctions canoniques face aux abus financiers. (Article)

See above, canons 1254-1310.

1380

RDC 69/1 (2019), 85-104: Anne Bamberg: Sanctions canoniques face aux abus financiers. (Article)

See above, canons 1254-1310.

1385-1386

RDC 69/1 (2019), 85-104: Anne Bamberg: Sanctions canoniques face aux abus financiers. (Article)

See above, canons 1254-1310.

1387

EE 95 (2020), 415-440: José Andrés Murillo: Abuso sexual, de conciencia y de poder: una nueva definición. (Article)

See below, canon 1395.

1388

KIP 9 (22) 2020, nr 1, 133-141: Wioletta Dudzic-Rzeszowska: The Seal of Confession in Polish Criminal Law – Substantive and Procedural Aspects. *De lege ferenda* Postulates. (Article)

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

1389

RDC 69/1 (2019), 105-122: Faustin Rakotoarisoa: Cléricalisme et abus de pouvoir dans l'Église. Entre droit et réalité. (Article)

R. argues that, if canon 207 of the CIC/83 allows a distinction between clerics and lay persons, it must be understood from the perspective of the rights and obligations of each one. Unfortunately, this distinction of status sometimes degenerates into clericalism, which is expressed by the abuse of power and authority. In Africa for example, ignorance of Church law and the dominance of clerics increase the phenomenon. Thus it becomes urgent to overcome clericalism, by favouring spaces of collaboration between all the faithful. The competent authorities must, moreover, give a strong signal

by daring to punish without hesitation the culture of abuse, whatever its form, in particular in the light of canons 1389 and 1395.

1395

ADC 9 (abril 2020), 67-84: Antonio Rella Ríos: Apuntes sobre el M. P. *Vos estis lux mundi*. (Article)

With the *motu proprio Vos estis lux mundi* the Pope responds to two requests made at the meeting on the protection of minors held in February 2019: 1. the creation of mechanisms for receiving complaints of sexual abuse; 2. a procedure for the preliminary investigation of bishops. The object of such complaints and of the investigation of bishops is extended to cover any kind of sexual abuse. Certain responsibilities are given to the episcopal conferences. (See also *Canon Law Abstracts*, nos. 123, pp. 110-111; 124, 101-107; and below.)

1395

Canonist 11/1 (2020), 92-104: Myriam Wijlens: The Church Being a Safe Place for Children: Opportunities and Challenges for the Ministry of Safeguarding. (Lecture)

In a lecture given on the occasion of the fifth graduation of the *Diploma in Safeguarding* at the Pontifical Gregorian University in Rome on 14 February 2020, W. looks at the topics of safeguarding in the Pontifical Gregorian University; safeguarding and the apostolate of the Jesuits; the need for graduates to apply their insights to their own context; the complementarity of the clergy ad laity, and W.'s own experience in this regard; the involvement of lay persons in the canonical penal procedure; the "ministry" of safeguarding; working with parents and with victims; the pontifical secret for abuse cases; failures in the handling of abuse cases, and the *motu proprio As a loving mother* and *Vos estis lux mundi*; and the effects of abuse on those who engage in the ministry of safeguarding.

1395

EE 95 (2020), 415-440: José Andrés Murillo: Abuso sexual, de conciencia y de poder: una nueva definición. (Article)

M. looks at the evolution of the definition of sexual abuse. This has developed from a restricted and individual view, focused on a strictly genital

violation carried out with force, which misunderstood the phenomenon of sexual abuse in vulnerable situations, and facilitated cover-ups, institutional denial and the retraumatization of victims, to a more comprehensive, structural and ethical vision, which allows society, persons and institutions to assume their true responsibilities in recognizing abuse and ensuring justice for the victims. This is the only way in which society and organizations can change from a culture of abuse and cover-ups to a culture of care and trust.

1395

EIC 60 (2020), 191-214: Pierpaolo Dal Corso: Gli interventi legislativi di Francesco nel diritto penale canonico: valori e criticità. (Article)

The legislative provisions adopted by Pope Francis in the context of his determined effort to combat crimes against the sixth commandment of the Decalogue by clerics and religious against minors and vulnerable people have had a decisive impact on canonical penal law. It is, however, necessary to evaluate critically their content to grasp the values and some problematic aspects that could legitimize misleading interpretations, sometimes in contrast to some fundamental principles of canonical penal law such as the right to a good name, confidentiality, and the presumption of innocence.

1395

ELJ 22 (2020), 156-193: Peter Collier: Safeguarding in Church and State over the Last 50 Years: ‘From Ball and Banks to Beech via Bell’. (Article)

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

1395

IC 60/119 (2020), 17-28: Ricardo Blázquez Pérez: La protección de los menores en la Iglesia. (Address)

Cardinal Ricardo Blázquez Pérez (Valladolid, Spain) was invited to inaugurate, on 18 November 2019, the 30th Refresher Course on Canon Law, on the protection of minors in the Church, organized by the School of Canon Law at the University of Navarre. In his contribution he recalled the general framework of the Vatican Meeting on the Protection of Minors in

the Church which took place in February 2019, and the Pope's closing address on that occasion.

1395

IC 60/119 (2020), 31-60: Jordi Bertomeu Farnós: La praxis de la Congregación para la Doctrina de la Fe, expresión de un “cambio de mentalidad”. (Article)

A study of some aspects of the *modus operandi* at the Congregation for the Doctrine of the Faith (CDF), the faithful interpreter of disciplinary jurisprudence in canon law, confirms what Pope Francis has referred to as a “change of mentality” which has come about over the last 20 years. This shift in thinking has occurred not only in the CDF but across all ecclesial dimensions of hierarchical communion, and is aimed at acting decisively and effectively to prevent child abuse, the main “ecclesial scourge” of our time. Although for a variety of reasons a certain indecisiveness may have prevailed among pastors during the latter half of the 20th century with regard to the application of canonical penalties, despite their status as *ultima ratio*, the scandal caused by cases of *delicta graviora* and their impact have prompted the rediscovery, reassessment, and renewed appreciation, of canonical penal law.

1395

IC 60/119 (2020), 61-88: Davide Cito: El derecho de defensa en los procesos sobre delitos de abuso de menores. (Article)

See below, canons 1717-1728.

1395

IE XXXII (2020), 95-131: Arnaldo Morace Pinelli: Il problema della configurabilità della responsabilità oggettiva delle diocesi e degli ordini religiosi per gli abusi sessuali commessi dai loro chierici e religiosi. (Article)

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

1395

IE XXXII (2020), 239-268: Giuseppe Comotti: I delitti *contra sextum* e l'obbligo di segnalazione nel *Motu proprio "Vos estis lux mundi"*. (Article)

C. deals with the safeguarding of minors and vulnerable persons in canonical and Vatican legislation; the structure and content of the *motu proprio Vos estis lux mundi*; the offences *contra sextum* in the CIC/83 and in the *Normae de gravioribus delictis*; the particular nature of the offences *contra sextum* in *Vos estis lux mundi* (sexual violence through abuse of authority; sexual acts with minors or vulnerable persons); the canonical classification of the forms of conduct *contra sextum* considered in the *motu proprio*; conduct that obstructs civil or canonical investigations; the obligation to report and the question of confidentiality; the time period to which the obligation to report applies; collaboration with the civil authority.

1395

IusM XIV/2020, 89-106: Elias Frank: Zero Tolerance in Sexual Abuse by Clerics. A Daunting Task. (Article)

In recent years the expression “zero tolerance” has often been used in reference to sexual abuse of minors by clerics. F. seeks an understanding of the reasons behind the persistence of sexual abuse, of minors or otherwise, in the Church, and suggests ways to fight it effectively. He pinpoints three areas where more needs to be done in order to combat abuse effectively: 1. the admission of ex-seminarians or ex-candidates to sacred orders (canon 241 §3); 2. the preliminary investigation (canon 1717); 3. accountability on the part of Ordinaries with regard to action or inaction that contributes to abuse. He concludes by explaining what is to be understood by zero tolerance: it is not only about penal sanction to be meted to the perpetrator, but involves having an “effective system”, throughout the Church, to counter abuse, which is a daunting task.

1395

IusM XIV/2020, 119-142: Robert J. Geisinger: Cleric Members of Institutes of Consecrated Life and Societies of Apostolic Life: SST/Normae 2010 Article 2 and Article 6 Delicts Reserved to the Congregation for the Doctrine of the Faith. (Article)

In outlining the canonical delicts reserved exclusively to the competence of the Congregation for the Doctrine of the Faith (CDF), St John Paul II's 2001 *motu proprio Sacramentorum sanctitatis tutela* did not speak precisely to the situation of religious clerics and *delicta reservata*, beyond what is applicable to any Catholic cleric. Further, the May 2010 *Normae de gravioribus delictis* revision of the SST substantive and procedural norms did not take up the question of ordained religious specifically as religious, or ordained members of societies of apostolic life specifically as such. Since articles 2 and 6 (or for that matter, any other article) of SST/*Normae* 2010 do not directly treat of these members as regards that status, what is the CDF's way of proceeding? In interpretation and implementation, the dicastery oversees the addressing of these matters in the only way feasible: by turning to the CIC/83 and the CCEO. G. presents some themes in canon law and praxis regarding SST/*Normae* 2010 article 2 and article 6 delicts reserved to the CDF as this law and praxis apply specifically to clerical members of institutes of consecrated life and societies of apostolic life.

1395

IusM XIV/2020, 143-155: Davide Cito: Questioni pratiche sulla consumazione delittuale. (Article)

See above, canons 1321-1325.

1395

IusM XIV/2020, 157-176: John Paul Kimes: Pronouncements of the College for the Examination of Recourses in Matters of *delicta reservata*. (Article)

The College for the examination of recourses in matters of *delicta reservata* came into existence on 3 November 2014, by a *rescriptum ex audientia* of Pope Francis, and its creation represents the most significant procedural development in the treatment of the delicts reserved to the exclusive competence of the Congregation for the Doctrine of the Faith (CDF) since the promulgation of the modified norms of *Sacramentorum sanctitatis tutela*

(SST) in 2010. This new College took over the responsibility for the adjudication of recourses presented to the CDF and its determinations are final (cf. art. 27 SST). K. clarifies that the pronouncements he presents in this article cannot be taken as “jurisprudence” in the strictest sense, but they clearly demonstrate the line of thinking taken by the College in individual cases. The logic explained in the various decisions presented can be informative for canonists in presenting, or arguing, future cases.

1395

IusM XIV/2020, 177-208: Matteo Visioli: Questioni relative al segreto pontificio (art. 30 mp SST). (Article)

In the Church, a secret is not always perceived as “protection” of one’s good name and privacy. At times, especially when delicts of public importance are involved, it becomes synonymous with concealment. Among the different forms of reservation, the pontifical secret is foreseen for very delicate matters, among which are the delicts reserved to the Congregation for the Doctrine of the Faith. Over the course of time the pontifical secret has become less rigid. Even though it is limited to just a few aspects of Church life, it has been further put to the test by recent demands for transparency, in the name of truth and justice. V. examines the historical development of the pontifical secret, highlighting its strong and weak points, and offering some suggestions as to ways of overcoming the objective limitations which recent experience in the Church has revealed within the realm of penal law.

1395

Per 108 (2019), 517-550: Damián G. Astigueta: Lettura di *Vos estis lux mundi*. (Article)

Pope Francis promulgated the Apostolic Letter *Vos estis lux mundi* on 7 May 2019. A. presents the contents of the *motu proprio*, highlighting in particular a number of innovations introduced into the universal law of the Church. These include new delicts (not only a list of variations of behaviour that constitute a delict *contra sextum*, but also a failure to act on the part of ecclesiastical authority, and efforts on the part of the same authority to avoid or thwart any investigation), new steps in the procedures that already existed, new structures for the receipt and handling of complaints, and clear indications of the proper competence and relationship between the

ecclesiastical authority at local level and the Congregation for the Doctrine of the Faith.

1395

RDC 69/1 (2019), 105-122: Faustin Rakotoarisoa: Cléricalisme et abus de pouvoir dans l'Église. Entre droit et réalité. (Article)

See above, canon 1389.

1395

RDC 69/1 (2019), 125-159: Blaise Bakulu Madila: Prêtres condamnés et libérés. Quelle reconstruction? (Article)

M. deals with the necessity of a process of “reconstruction” to allow priests convicted of sexual abuse of minors and released after having served their sentences to enter back into society and the community. In the light of the parable of the Prodigal Son, these priests, overcoming all denial, and recognizing the extreme gravity of their acts, should be able to benefit from psychological accompaniment in truth. Restorative justice and a journey in the mercy of God constitute the dynamic of true reconstruction, thanks to a socio-judicial and ecclesial follow-up.

1395

RMDC 25/2 (2019), 405-436: Marco Antonio Hernández Huijón: Algunas consideraciones en torno al Motu Proprio *Vos Estis Lux Mundi* especialmente en lo relativo al artículo 7 y al procedimiento. (Article)

The Apostolic Letter issued *motu proprio Vos estis lux mundi* is the official document resulting from the Pope's meeting with the presidents of the conferences of bishops and the supreme moderators of the principal institutes of consecrated life, held in the Vatican from 21 to 24 February 2019. In the document the Pope establishes new provisions for preventing and punishing sexual abuse of minors and vulnerable persons in the Church. H. analyses the document taking into consideration some previous legal documents, certain sensitive aspects of the problem, future challenges, and in a brief manner, what is new in the manner of addressing the issue. He considers in detail some of the articles relating to legal procedures, paying special attention to article 7, dealing with the “competent dicastery”.

1395

RMDC 25/2 (2019), 441-442: Rescriptum ex audientia SS.mi, 3 de diciembre de 2019. (Document)

The Spanish text is given of the rescript making two changes in the provisions of the *motu proprio Sacramentorum Sanctitatis Tutela*. In article 6 §1 2° the age limit with regard to qualifying pornographic imagery is raised from 14 to 18 years; while in relation to articles 13-14 in the procedural section, a suitably qualified lay person may now be admitted as procurator or advocate, but in tribunals other than the Congregation for the Doctrine of the Faith the roles of judge, promoter of justice and notary remain reserved to priests (see also *Canon Law Abstracts*, no. 124, p. 102).

1395

RMDC 25/2 (2019), 443-444: Rescriptum ex audientia SS.mi, 6 de diciembre de 2019. (Document)

This Spanish text is given of the Instruction clarifying the question of confidentiality in cases of *graviora delicta*, namely that, modifying the text of article 6 of the norms in *Sacramentorum Sanctitatis Tutela*, the pontifical secret does not apply to denunciations and processes concerning these cases or those in article 1 of *Vos estis lux mundi*, or when such allegations arise in connection with other delicts. The intention is to preserve the good names of those concerned and does not preclude the fulfilment of obligations established by State law (see also *Canon Law Abstracts*, no. 124, pp. 64-66).

1397-1398

KIP 9 (22) 2020, nr 1, 27-47: Ryszard Pankiewicz: Ochrona życia w prawie kanonicznym i polskim (*Protection of life in canon and Polish Law*). (Article)

In accordance with the CIC/83, the protection and defence of human life along with conception has been regulated in provisions covering crimes against human life and freedom. Furthermore, the *Catechism of the Catholic Church* provides a clear position concerning the protection and defence of human life. P. looks at the legal protection of human life in Polish law, including the protection of the unborn child and the conditions for the legal admissibility of abortion.

1398

PCH 10 (2020), Number 1, 215-233: Jan Polák: Induced Abortion in the Contemporary Penitential Praxis of the Catholic Church. How to be an Instrument of New Hope. (Article)

P. considers how a priest could contribute to the healing of those who are burdened with the crime of induced abortion. The topic concerns not only moral theology and canon law but is also the object of research in modern psychology. A confessor, confronted with procured abortion, should reflect seriously on which type of penance will be a real spiritual medicine for his penitent. P. presents some examples, and reflects on the current *status quo* in some selected dioceses concerning the *forum internum*, concluding with some proposals to address such situations.

BOOK VII: PROCESSES

1400

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa*. (Sentence and comment)

Given here is a previously unpublished decision of the Apostolic Signatura which, although dating back to 1993, offers helpful guidance on the distinction between penal law and disciplinary administrative law in the Church. The case concerned a canon of a cathedral chapter, whose attitude was making it impossible for the chapter to function correctly. After a suitable warning the archbishop issued an administrative decree removing him from his office of canon and prohibiting him from exercising any acts of the power of order or jurisdiction within the area of the cathedral. The canon submitted a hierarchical recourse to the Congregation for Clergy, which declared that while the archbishop's decree of removal was lawful, the prohibitions attached to it were not, since they amounted to a perpetual penalty, which cannot be imposed by means of an administrative decree (canon 1342 §2). The archbishop therefore issued a new decree of removal with temporary prohibitions on the canon's exercise of the power of order and jurisdiction. The canon submitted a further hierarchical recourse to the Congregation for Clergy, which this time upheld the archbishop's amended decree and rejected the recourse. The canon submitted a recourse against the Congregation's decision to the Signatura, which decided that the archbishop's decree and its ratification by the Congregation for Clergy were lawful. In his comment on the decision, C. highlights some of the basic principles underlying it: 1. the difference that exists between administrative and judicial procedures; 2. the fact that, although it is not normally the case, a singular administrative act may be penal; 3. the need to distinguish between "removal from office" (canons 192-195) and "deprivation of office" (canon 196) (and in the case in question, the distinction between administrative law and penal law); 4. the fact that a temporary prohibition on the exercise of power may be inflicted for a just and proportionate cause, whereas a perpetual penalty may be imposed only as a penalty for an offence and must be dealt with as such. In relation to conduct that calls for correction, C. refers to the range of possibilities open to those who exercise the function of government in the Church, of which penal law represents the

ultimate option. There is a distinction between penal sanctions and disciplinary administrative sanctions, although it may happen that a matter being dealt with under a penal procedure ends in a non-penal administrative act, or conversely that an administrative procedure designed to produce a merely administrative act ends up being dealt with under a penal procedure and concludes with a penal sanction. C. also draws attention to some other interesting, and to some extent perplexing, aspects of the case, including the reasons which had led the archbishop to appoint the priest as a canon in the first place (a mixture of paternal affection and consideration of the common good); the manner in which the canon's initial recourse reached the Congregation for the Clergy (directly to the Holy Father first, then to the Secretary of State, then to the Congregation); the length of time the Congregation took to reach its first decision (over a year); and that the *Congresso* of the Signatura, in admitting the canon's recourse to the Signatura for judgment, decreed the suspension of execution of the archbishop's decree (a situation the archbishop had precisely intended to avoid by choosing the administrative route instead of the judicial); when the archbishop opposed the suspension, a second *Congresso* was convened, which confirmed the suspension, stating that it did not wish to anticipate the judgment of the College of the Signatura concerning the (penal administrative or disciplinary administrative) nature of the decree being challenged.

1403

Per 109 (2020), 1-30: Emanuele Spedicato: Processi tipici e processi speciali: una spinosa questione in riferimento al processo di canonizzazione. (Article)

S. points out that, in canon law, a distinction is drawn between various kinds of procedure: some are what he calls "typical", while others are "special". He explains that there are three types of "typical" process: the contentious process, the administrative process, and the penal process. These are identified by their clearly juridical form. Other procedures are described as "special" because of the object of the process (such as marriage, penalties, orders, etc.) and because they usually also refer back to the "typical" processes. The focus of this particular study is to determine the status, within this perspective, of the process for beatification and canonization. In the end, S. concludes that this is not another genus of process, i.e. not another "typical" process, but rather a species of "special" process because of the explicit references to the provisions of the Code found in canon 1403.

1405

SC 54 (2020), 291-322: W. Becket Soule: Bishops and the Loss of the Clerical State. (Article)

While the loss of the clerical state, either upon petition or as the result of a penal process, has regularly occurred for deacons and presbyters, a voluntary return to the lay state was not permitted for bishops, and penal dismissal of a bishop was most rare and unpublicized. S. reviews more recent cases of the loss of the clerical state by cardinals and bishops, both as a penalty and by petition to the Holy See, along with the penalty of reduction in grade in the Eastern Code. As a point of reference, S. surveys the history and practice of deposition and laicization of bishops in the Anglican Communion, particularly the Episcopal Church in the United States.

1432

IC 60/119 (2020), 197-242: Massimo del Pozzo: Il ruolo del Difensore del vincolo nel ‘processus matrimonialis brevior’. (Article)

See below, canons 1683-1687.

1455

EIC 60 (2020), 191-214: Pierpaolo Dal Corso: Gli interventi legislativi di Francesco nel diritto penale canonico: valori e criticità. (Article)

See above, canon 1395.

1455

RMDC 25/2 (2019), 443-444: Rescriptum ex audientia SS.mi, 6 de diciembre de 2019. (Document)

See above, canon 1395.

1501-1670

Canonist 11/1 (2020), 13-30: Paul Shogren: The Privacy Act 1988 and the Canons: Issues and Solutions for Marriage Cases brought before Ecclesiastical Tribunals in Australia. Part Two: The Canonical Process Examined. (Article)

See above, canon 220.

1574-1581

RMDC 25/2 (2019), 247-273: Jorge Antonio Di Nicco: Pericia psicológica. Aspectos elementales. Análisis relacionado con el canon 1095 del Código de Derecho Canónico. (Article)

See above, canon 1095.

1607

SC 54 (2020), 47-78: Armand Paul-Joseph Bosso: Note sur le concept et l'utilité de la sentence canonique. (Article)

B. provides a synthetic overview, for educational purposes, of the concept of the canonical sentence. Since there are multiple approaches to this concept from one author to another, B. does not aim to settle the debate, but rather to provide a scholarly guide to help form a coherent idea about this fundamental act of canonical judicial procedure. The study may thus serve as a basis for a solid and deeper appreciation of the topic for those who may have need of it.

1620

Canonist 11/1 (2020), 129-151: 1. Decree *coram* Arokiaraj, 28 May 2009 (Accra, Ghana). Nullity of Sentence: Denial of the Right of Defence (can. 1620, 1° & 7°). 2. Decree *coram* Arokiaraj, 24 June 2010 (Accra, Ghana). Nullity of a Negative Second Instance Sentence (can. 1682, §2). 3. Sentence *coram* Arokiaraj, 14 July 2016 (Accra, Ghana). Incapacity to Assume the Essential Obligations of Marriage (can. 1095, 3°) (Narcissistic Personality Disorder). (Decrees and sentence)

See above, canon 1095 3°.

1644

Ius Comm VIII (2020), 73-98: Paolo Bianchi: *La nova causae propositio después de la reforma procesal del 2015.* (Article)

The challenge of a decision which has become executive must respect important needs relating to justice, the search for truth, the non-prescriptability of actions concerning the status of persons, and the search for *salus animarum* (which can only be based on truth); all this without forgetting the necessity of the certainty of juridical relationships, as well as the firmness and protection of judicial decisions, which must be presumed to be just. Having said this, the specific objective on which the *nova causae propositio* is focused is not the merit of the cause of nullity, but the verification of whether the conditions exist for opening a new ordinary process and then re-examining, this time in terms of merit, the result of the previous decision. Thus the evaluation regarding the admission of the *nova causae propositio* concerns the new and serious quality of the evidence and arguments put forward, while the judgment that follows the admission of the *nova causae propositio* is fully concerned with the merit of the cause, that is, whether the nullity of the marriage submitted to the assessment of the tribunal is established, with moral certitude.

1671-1691

AnC 15 (2019) 2, 61-80: Tomasz Rozkrut: *Studium i studia prawa kanonicznego w służbie reform papieża Franciszka (Canon law study and studies in the service of Pope Francis's reforms).* (Article)

Pope Francis's 2015 reform of the matrimonial nullity process and his 2016 post-synodal Apostolic Exhortation *Amoris laetitia* require a deepening in knowledge of canon law. This applies specifically to diocesan bishops and priests, especially bearing in mind that Pope Francis holds individual diocesan bishops personally responsible for implementing the reforms. R. addresses the question of the study of canon law, which he views as an important and urgent task, as well as a response both to the guidance given by Pope Francis and to the requirements of the modern world. He looks at the aims of the reform of canon law studies, and at the specific attitudes and responses demanded by the reforms proposed by Pope Francis.

1671-1691

Ius Comm VIII (2020), 99-120: Juan José García Faílde: ¿Permanecen la Instr. *Dignitas connubii* y el Tribunal de la Rota de la Nunciatura Apostólica en España después de la reforma del proceso de declaración de nulidad matrimonial (*Mitis Iudex Dominus Iesus*)? (Article)

G.F. argues that *Mitis Iudex* has not revoked the Instruction *Dignitas connubii*, which remains in force since its content is materially reproduced without substantial change. In any event, in the case of doubt as to whether or not the Instruction was revoked, it must be maintained in practice that no such revocation has taken place. Nor does *Mitis Iudex* contain any norm contrary to any pontifical norm of John Paul II concerning the current Tribunal of the Rota of the Apostolic Nunciature in Spain. Any norm of *Mitis Iudex* (or of the Rescript of 7 December 2015) contrary to a pontifical norm would not revoke that norm unless it did so expressly. Therefore there are no valid objective reasons to affirm that the privilege of the Rota of the Nunciature in Spain has been revoked by the subsequent legislation of Pope Francis. G.F. – Emeritus Dean of the Tribunal in question – concludes therefore that this Tribunal may continue to provide assistance to Spaniards seeking a declaration of nullity of a canonical marriage.

1678-1679

Per 109 (2020), 31-46: Gero P. Weishaupt: De partium depositionibus in Litteris Apostolicis, quae a verbis *Mitis Iudex Dominus Iesus* incipiunt, motu proprio datis. (Article)

By means of his motu proprio *Mitis Iudex Dominus Iesus* of 15 August 2015, Pope Francis extensively reordered the procedures governing cases of marriage nullity. In the motu proprio he promulgated new norms. W. argues that these neither suppressed nor altered the norms of the CIC/83. He focuses particularly on the probative force of the declaration of the parties as found in the new canon 1678 §1, highlighting where the innovation is and showing how it is in continuity with the text and norm of the original canon 1679 of the CIC/83.

1678

RMDC 25/2 (2019), 247-273: Jorge Antonio Di Nicco: Pericia psicológica. Aspectos elementales. Análisis relacionado con el canon 1095 del Código de Derecho Canónico. (Article)

See above, canon 1095.

1680

Canonist 11/1 (2020), 152-156: Decree *coram* Monier, 5 December 2018 (Brisbane, Australia). Admission of Appeal and Confirmation of the Sentence (can. 1680, §2). (Decree)

Canon 1680 §2 as modified by *Mitis Iudex* provides: “After the time limits established by law for the appeal and its prosecution have passed, and after the judicial acts have been received by the tribunal of higher instance, a college of judges is established, the defender of the bond is designated, and the parties are admonished to put forth their observations within the prescribed time limit; after this time period has passed, if the appeal clearly appears merely dilatory, the collegiate tribunal confirms the sentence of the prior instance by decree.” In this case, following a negative decision at first instance, an affirmative decision was given by the appeal tribunal on the ground of grave defect of discretion of judgement on the part of the man respondent. The respondent appealed against the decision to the Rota, complaining that the appeal tribunal’s decision did not satisfactorily weigh his personality and conjugal life, and lamenting the absence of an expert report, even though he acknowledged his personal vices in sexual matters and openly admitted a strong indication of a serious anomaly. The Rota considered that the respondent, pressured by insane impulse, lacked internal freedom in choosing marriage and at the same time was not able to estimate the rights pertaining to the good of the other party, including those affecting sexual intimacy. Therefore the conclusions of the second grade tribunal were based on an objective foundation and could be admitted with a moral certitude. Consequently the respondent’s appeal should be considered as “merely dilatory”, and the affirmative sentence of the appeal tribunal should be confirmed.

1681

Ius Comm VIII (2020), 73-98: Paolo Bianchi: La nova causae propositio después de la reforma procesal del 2015. (Article)

See above, canon 1644.

1682

Canonist 11/1 (2020), 129-151: 1. Decree *coram* Arokiaraj, 28 May 2009 (Accra, Ghana). Nullity of Sentence: Denial of the Right of Defence (can. 1620, 1° & 7°). 2. Decree *coram* Arokiaraj, 24 June 2010 (Accra, Ghana). Nullity of a Negative Second Instance Sentence (can. 1682, §2). 3. Sentence *coram* Arokiaraj, 14 July 2016 (Accra, Ghana). Incapacity to Assume the Essential Obligations of Marriage (can. 1095, 3°) (Narcissistic Personality Disorder). (Decrees and sentence)

See above, canon 1095 3°.

1683-1687

IC 60/119 (2020), 197-242: Massimo del Pozzo: Il ruolo del Difensore del vincolo nel ‘processus matrimonialis brevior’. (Article)

Del P. examines the role of the defender of the bond in the *processus matrimonialis brevior*, highlighting the importance of the defender’s role in representing the public good throughout the various stages of this form of the process (especially given the active *litis consortio* of the spouses). Guaranteeing the existence of a process *in contradictorio*, the involvement of the defender is not simply a formal precautionary requirement, but rather the defender has a real, substantial role by which he is required – in the words of Pope St John Paul II – to “investigate, propose, and clarify all that could reasonably be cited against nullity.” Del P. analyses the content and spirit of the defender’s contribution to the entire dynamic of the process (introduction, instruction, discussion, and the delicate task associated with a possible challenge against the bishop’s sentence). Given that the particular nature of the *processus brevior* requires competent and motivated defenders of the bond, Del P. notes the requirements of sincere determination, suitable training, and unconditional commitment to the defence of the bond.

1717

Per 108 (2019), 471-516; Francisco José Campos Martínez: Presunción de inocencia e investigación previa canónica. Pautas para un procedimiento justo en denuncias por abuso sexual. (Article)

In recent years, there has been an increasing number of canonical penal processes within the Church. Not surprisingly, this phenomenon has helped to focus attention on the “presumption of innocence” to be attributed to the person accused. C.M. examines the presumption as a fundamental right of the person, as a fundamental right of Christ’s faithful in the Code of Canon Law, and as a fundamental right of the cleric or religious accused of the sexual abuse of minors. He highlights how, in many cases, the presumption of innocence has actually given way to a presumption of culpability. He focuses on the preliminary investigation and on the imposition on the accused of precautionary measures even at this early stage. In his view, this is something that is often seen as undermining the presumption of innocence, especially when this information is disseminated through the communications media. Great care is needed at this point of any canonical procedure if irreparable injustice and harm is not to be caused.

1717-1719

SC 54 (2020), 181-219: Valère Nkouaya Mbandji: L’enquête préliminaire dans la procédure pénale canonique. (Article)

N.M. presents and analyses the course of the preliminary investigation in canonical penal procedure. In a methodical way, he highlights the *notitia criminis*, as well as its necessary evaluation in order to avoid unlawfully harming the right to the good reputation of the suspect. In addition to explaining the role of the investigator and the person being investigated, he raises the question of the right of defence during the preliminary investigation. He mentions the shortcomings of the current Code in this area and questions a certain common practice of secrecy during this procedure. He pleads for transparency on the part of ecclesiastical tribunals during the preliminary investigation, so that the right of defence is better assured and protected.

1717-1720

ADC 9 (abril 2020), 15-66: Serafín Martínez Fernández: Problemas del proceso extrajudicial. La relación de justicia. (Article)

See above, canons 1341-1342.

1717-1728

IC 60/119 (2020), 61-88: Davide Cito: El derecho de defensa en los procesos sobre delitos de abuso de menores. (Article)

On the basis of the essential principles of processes in general, and the penal process in particular – including the adversarial nature of the process, the tribunal’s status as a “third party”, and the accused’s right of defence – C. explores the development of procedural rules and regulations in relation to the crime of child abuse committed by members of the clergy. The judicial route, once envisaged as the only possible way to judge crimes reserved to the exclusive competence of the Congregation for the Doctrine of the Faith, has been gradually replaced or significantly circumscribed by extrajudicial proceedings – the so-called “administrative approach”. Given that this shift has serious repercussions for the right of defence in practice, the *modus operandi* at the Congregation has begun to incorporate elements of the judicial process into its administrative proceedings, prompting the question of whether the administrative approach is now becoming a judicial procedure, thus requiring new rules and regulations, analogous to what has happened in the case of marriage nullity proceedings.

1717-1728

Per 108 (2019), 671-705: Damían G. Astigueta: Sentenza, certezza e motivazione nel processo penale. (Article)

A. explains that his experience of reading some sentences and definitive decrees in penal processes has led him to reflect on the role of proofs/evidence in the sentence and how they are to be handled. In turn, he reflects on the law as it refers to the sentence itself, to moral certainty as the basis for a decision, and to the reasons given for a sentence both in law and in fact, highlighting in particular how the various proofs/evidence presented in a concrete case are to be evaluated.

1720

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa*. (Sentence and comment)

See above, canon 1400.

1722

Per 109 (2020), 273-312: Ulrich Rhode: *La sospensione imposta di carattere non penale*. (Article)

See above, canon 1333.

1722

Per 109 (2020), 313-364: G. Paolo Montini: *Il principio di proporzionalità nei provvedimenti di sospensione dall'esercizio del ministero sacerdotale secondo la giurisprudenza della Segnatura Apostolica*. (Presentation)

See above, canon 1333.

1732-1739

SC 54 (2020), 265-290: Aurimas Rudinskas: *The Procedure for Administrative Recourse: A Comparative Study of the Latin and Eastern Codes*. (Article)

See above, CCEO canons 996-1006.

1732-1747

IE XXXII (2020), 183-209: Supremo Tribunale della Segnatura Apostolica: 11 giugno 1993, Prot. N. 22785/91 CA N. *Rimozione dall'ufficio* (Rev.do X – Congregazione per il Clero), con un commento di Javier Canosa, *L'articolazione dinamica della distinzione fra diritto penale e diritto amministrativo nella Chiesa*. (Sentence and comment)

See above, canon 1400.

1733

IC 60/119 (2020), 243-267: Paolo Gherri: Note teoriche intorno all'utilizzo del can. 1733 CIC. (Article)

Canon 1733 includes the concept of “mediation” in administrative procedures – as an activity entrusted to authorized persons, not as a specific legal framework. There is little by way of canonical literature on this matter; nor is there much evidence of the practical application of the canon. G. offers some theoretical reflections on mediation and its appropriate application in practice.

1734

QDE 33 (2020), 205-224: G. Paolo Montini: I tribunali ecclesiastici competenti in materia di privacy in Germania. (Article)

See above, canon 220.

1752

José Fernández San Román: La *Salus animarum* como fin del derecho canónico en el pensamiento de Javier Hervada a la luz del iter redaccional del can. 1752 CIC de 1983. (Article in *Forum: Supplement to Acta Philosophica*, Pontificia Università della Santa Croce, EDUSC, Volume 5/2, Rome, 2019, pp. 829-846)

F. provides a summary of the contribution of Javier Hervada to the debate on the meaning of *salus animarum* as the end of canon law. Using canon 1752 as a basis, he first sets out the sources of the canon, before explaining its redactional process – a key moment, which has not been publicized until now. In doing so he draws attention to some of those who participated in the work of codification and to the influence of certain texts of the Second Vatican Council. Finally, he reflects on the main doctrinal positions concerning the *salus animarum*, showing the contribution of Hervada’s systematic study. Hervada bases himself on St Thomas Aquinas not only in terms of terminology but also with regard to the depth of vision of so-called juridical realism. Thus on the basis of the sources, F. aims at a deeper understanding of the genuine *ratio legis* of the final canon, which forms the cornerstone of the Code. He concludes by affirming, among other aspects, the full legal value of the *salus animarum* as the end of canon law.

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 Canonikum
- Forum Iuridicum
- Indian Theological Studies
- Immaculate Conception School of Theology Journal
- Irish Theological Quarterly
- Ius Canonikum
- Ius Communionis
- Ius Ecclesiae
- Iustitia: Dharmaram Journal of Canon Law
- Journal of Sacred Scriptures
- The Jurist
- Kościół i Prawo
- Laurentianum
- Law and Justice
- Louvain Studies
- Periodica
- Philippine Canonical Forum
- Philippiniana Sacra
- Quaderni dello Studio Rotale
- Quærens
- Revista Española de Derecho Canónico
- Revista Mexicana de Derecho Canónico
- Revue de Droit Canonique
- Revue Théologique de Louvain
- Salesianum
- Studia Canonica
- Studies in Church Law
- Studium Generale Marcianum
- Studium Ovetense
- Teología y Vida
- Vida Religiosa
- Vidyajyoti

ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
AnCrac	Analecta Cracoviensia, Krakow – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
ITQ	Irish Theological Quarterly, Pontifical University, Maynooth – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.
KIP	Kościół i Prawo, Lublin – Abstracts supplied by publisher.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
PCH	The Person and the Challenges, Krakow – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
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.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
Verg	Vergentis: Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Jonas C. ACHACOSO: *Due Process in Church Administration. Canonical Norms and Standards*, Doctoral thesis, Faculty of Canon Law of the University of Navarre, EUNSA, Pamplona, 2019, 256pp., ISBN 978-84-313-3313-3 (reviewed by Mario Medina Balam, *RMDC* 25/2 [2019], 463-465)
- Olivier DESCHAMPS – Rafael DOMINGO (eds.): *Great Christian Jurists in French History*, Cambridge University Press, Cambridge, 2019, xviii + 485pp., ISBN 978-1-10-848408-4 (reviewed by W. Becket Soule, *SC* 54 [2020], 326-328)
- Daniel L. DREISBACH – Mark David HALL (eds.): *Great Christian Jurists in American History*, Cambridge University Press, Cambridge, 2019, xxii + 336pp., ISBN 978-1-10-847535-8 (reviewed by W. Becket Soule, *SC* 54 [2020], 324-326)
- Peter SZABÓ (ed.): *Primacy and Synodality. Deepening Insights. Proceedings of the 23rd Congress of the Society for the Law of the Eastern Churches (Debrecen, September 3-7, 2017)*, St. Athanasius Theological Institute, Nyíregyháza, 2019, 722pp., ISBN 978-615-5073-89-2 (reviewed by Nicolás Álvarez de las Asturias, *REDC* 77 [2020], 725-727)

BOOKS RECEIVED

- Ginter DZIERŻON: *Dyspensa w kanonicznym porządku prawnym. Studium prawnohistoryczne* (“Dispensation in the canonical legal system. A legal-historical study”), UKSW, Warsaw, 2020, 185pp, ISBN 978-83-8090-771-3 [see above, canons 85-93]
- Ginter DZIERŻON – Kinga SZYMAŃSKA: *Wpływ zespołu stresu pourazowego na kanoniczną niezdolność do zawarcia małżeństwa* (“The impact of post-traumatic stress disorder on the person’s ability to contract marriage under canon law”), UKSW, Warsaw, 2020, 208pp, ISBN 978-83-8090-744-7 [see above, canon 1095 2°-3°]
- LI JINGREN: *Le associazioni dei fedeli cristiani in Cina. Storia e contesti della Diocesi de Xianxian*, Urbaniana University Press, Rome, 2020, 223pp., ISBN 978-88-401-6045-0 [see above, canons 298-329]
- Alphonse KY-ZERBO (ed.): *Appartenance et ruptures : les baptisés face à l’institution ecclésiastique catholique aujourd’hui. Perspectives comparatives*, Éditions du Cerf, Paris, 2020, 307pp., ISBN 978-2-204-141666 [see above, General Subjects (Compilations)]
- Inés LLORÉNS (ed.): *La dimensione familiare della scuola. III Giornata interdisciplinare di studio sull’antropologia giuridica della famiglia*, Pontificia Università della Santa Croce (Subsidia Canonica 29), Rome, 2020, 152pp., ISBN 978-88-8333-901-1 [see above, General Subjects (Compilations)]
- Alexandre DE LA TAILLE: *L’exercice de l’autorité et l’obéissance volontaire dans les instituts religieux. Implications pratiques pour la santé et la sécurité de la personne*, Éditions du Cerf, Paris, 2020, 276pp., ISBN 978-2-204-14031-7 [see above, canon 610]