

Canon Law Abstracts
No. 126 (2021/2)

Covering periodicals appearing
July – December 2020



Under the patronage
of Saint Pius X

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

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

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

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ISSN 0008-5650

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GENERAL SUBJECTS

Comparative law

AnC 16 (2020) 1, 39-58: Tomasz Rozkrut: Współczesne kanony na temat Biskupa Rzymskiego: łacińskie i wschodnie. Porównanie oraz ich źródła (*Modern canons relating to the Bishop of Rome: Latin and Eastern. Comparison and their sources*). (Article)

On the anniversary of the birth of Pope St John Paul II, R. analyses the canons of the CIC/83 and the CCEO of 1990 concerning the person and office of the Bishop of Rome.

Canonist 11/2 (2020), 246-274: Elizabeth Ong: New Zealand Privacy Law in Relation to Canon Law. (Article)

See below, canon 220.

REDC 77 (2020), 987-1046: Michele Riondino: Protection of children's rights in the international community and in the Catholic Church: A comparative analysis. (Article)

See below, canon 1395.

Compilations

LS 43 (2020), 205-312: "For a Synodal Church". The Catholic Church on Her Way into the Third Millennium. (Compilation)

Partly already with an eye to the 2022 Synod of Bishops, this thematic issue of LS focuses on the central idea of synodality. All the contributions attempt a stocktaking exercise en route, addressing – with *parrhesia* (boldness), as Pope Francis recommends in *Evangelii Gaudium*, no. 259 – the breakthroughs achieved, the progress made, but also the impasses reached and the barriers encountered on the path to being a synodal Church. The individual articles are by **Annemarie C. Mayer** on equipping the Catholic Church on her way into the third millennium; **Jacques Haers** on synodal missionary journeying and common apostolic discernment; **Judith Gruber**

General Subjects (Compilations)

on exploring the theological role of conflict in a synodal Church; **Sorin Șelaru** on expressions of the Church's synodality in the life and mission of the Romanian Orthodox Church; **Ikenna Paschal Okpaleke** on the relationship between synodality and global solidarity; and **Bradford Hinze** on the struggle between dreams of solidarity and the lingering presence of multiple constraints in practices of synodality in the Church.

RDC 70/1-2 (2020), 5-309: La tentation du cléricisme. (Compilation)

This double issue of RDC contains the proceedings of a conference held in Strasbourg in April 2019, on the topic of clericalism. It contains contributions from **Michele Cutino** on the priesthood and holiness of life according to Ambrose of Milan; **François-Régis Ducros** on how clerics were regarded in medieval Western society; **Nicole Lemaitre** on the supposed superiority of the ordained cleric in the 16th and 17th centuries; **Denis Fricker** on power and authority in the ecclesial discourse of Matthew 18; **Alphonse Borrás** on a canonical characterization of clericalism; **Marie-Jo Thiel** on the dehumanizing dys-relations of clericalism; **Jacques-Benoît Rauscher** on clericalism as a broken relationship between the individual and the institution; **Michel Steinmetz** on the liturgy as a school of decentring; **Bertrand Dumas** on a “theology of the ordinary”, combining the thought of Henri de Lubac and Madeleine Delbrêl; **Luc Forestier** on ministries among the authorities in the Church and limiting the risks of verticality; and **Thibault Joubert** on remedying clericalism and a canonical proposal for a diversification of clerical ministries.

Piotr KroczeK (ed.): Amoris laetitia - pokłosie. (Monograph)

Collected here are four essays on the Apostolic Exhortation *Amoris laetitia*: 1. Introduction to *Amoris laetitia* and its “aftermath” (**Joseph Krzywda**); 2. Bishops’ reactions to *Amoris laetitia* (**Piotr KroczeK**); 3. Eucharist and marriage and the indications of *Amoris laetitia* (**Joseph Krzywda**); 4. *Via caritatis* as a suggested direction for the reception of the teaching of Pope Francis in the context of *Amoris laetitia* (**Przemysław Michowicz**). (For bibliographical details see below, Books Received.)

Ecclesiology

Ap XCII (2019), 127-176: Paolo Gherri: Episcopato ed Episcopati: Chiese ed ecclesialità. (Article)

See below, canons 336-341.

Canonist 11/2 (2020), 169-185: A Prophetic Voice – Bishop Geoffrey Robinson’s final presentations to the Canon Law Society: Annual Conference 2008. (Presentations)

Reproduced here are two presentations of Bishop Geoffrey Robinson († 29 December 2020) to the 2008 Canon Law Society of Australia and New Zealand Annual Conference. In the first, R. explores how the concept of collegiality may be translated into practice in the Church through structures established for this purpose, respecting all the principles of *Lumen Gentium* including the authority of the Pope; without such structures, he argues, the concept of collegiality will remain a beautiful idea, but an idea without substance or practical reality. In the second, he looks at the participation by the people of God in the governance of the Church, including the question of whether power of jurisdiction can be held only by those who have the power of orders. His view is that a greater participation by the people of God in the governance of the Church would not be contrary to any doctrine of the Church, and he indicates some of the possible structures.

L 61 (2020), 509-547: Silvio de Almeida: Il Sinodo dell’Amazzonia: per un’ecclesiologia integrata. (Article)

See below, canons 342-348.

LS 43 (2020), 205-312: “For a Synodal Church”. The Catholic Church on Her Way into the Third Millennium. (Articles)

See above, General Subjects (*Compilations*).

RDC 70/1-2 (2020), 5-309: La tentation du cléricanisme. (Compilation)

See above, General Subjects (*Compilations*).

Ecumenism and interreligious dialogue

ITS 57 (2020), 691-711: Sunil Kumar D'Souza: Mixed Marriage and Pastoral Challenges. (Article)

See below, canons 1124-1129.

RDC 69/2 (2019), 189-208: Grigorios D. Papatomas: Regard orthodoxe sur l'œuvre législative du pape François. (Article)

In the first five years of his pontificate (2013-2018), Pope Francis has made a number of significant legislative interventions, which P. examines from an Orthodox perspective, focusing in particular on marriage and the family, and on ecclesial synodality and its implications for ecumenism.

Family issues

EE 95 (2020), 701-743: Manuel J. Arroba Conde: Aproximaciones a la subjetividad canónica de la familia. (Article)

While there is abundant teaching on the family in the Magisterium, there are many gaps in the canonical discipline which prevent the family from being properly considered a subject of rights in the Church. A.C. aims to help make good these deficiencies, by clarifying the juridical impact of the Magisterium both as regards the interpretation of the norms currently in force, and also in relation to possible new understandings of the content of the Magisterium in the light of the new contexts of the Church's mission. He takes as his main sources the exhortation *Amoris laetitia*, as well as the texts of the recent synodal consideration of the topic.

IE XXXII (2020), 525-548: Petar Popović: Ripensare l'antropologia giuridica della famiglia dal punto di vista del *bonum commune familiae*. (Article)

P. seeks to establish the juridical domain of the common good of the family as a conceptual reference point for the juridical anthropology of the family. He first outlines the concept of the common good of the family from the perspective of relational and social ontology. He then views the concept through the lens of juridical realism, regarding it as a *sui generis* juridical

good. He relates his analysis of the juridical common good of the family to existing lines of argument in the fields of the juridical anthropology of the family and the social doctrine of the Church.

Human rights

LJ 185 (2020), 186-206: Frank Cranmer – Russell Sandberg: Casebook.
(Compilation)

Notes are given for various cases decided in 2020 by United Kingdom and Irish courts and the European Court of Human Rights on issues involving coronavirus restrictions on religious events; the alleged unfair dismissal of an employed Anglican cleric; the application of sharia inheritance rules to Greek Muslims; whether a bogus conversion to Christianity provided protection against a return to Iran; Stoicism as a protected belief; whether a lack of belief in gender fluidity and same-sex marriage was “worthy of respect in a democratic society”; the value of oaths and affirmations in legal proceedings; the lawfulness of restricting recruitment of staff and carers to heterosexual Evangelical Christians; whether the absence of provision for humanist marriage ceremonies was discriminatory; whether a policy of letting social housing to a specific religious group was discriminatory; a proposed inscription on a headstone in Irish; a congregational dispute between rival factions over the duties of members of a charitable incorporated organization; whether or not a birth record should indicate that a baby’s name had been given by a civil act or by baptism.

SPW 23 (2020), 73-99: Mark Hill: The Qualified Right to Freedom of Religion: An examination of the limitations contained in Article 9 of the European Convention on Human Rights. (Article)

The manifestation of religious beliefs under Article 9 of the European Convention on Human Rights is not absolute but may be subject to prescribed limitations. H. discusses the nature and extent of those limitations, as interpreted in the case law of the European Court of Human Rights from its decision in *Kokkinakis v. Greece* up to the present. He contrasts the prescriptive text of the Article with its loose and inconsistent interpretation by the Court in Strasbourg. He gives particular attention to the criteria of “prescribed by law”, “necessary in a democratic society”, “public safety”, “public order, health or morals”, and “the rights and freedoms of others”. He seeks to extract clear principles from the contradictory and

confusing jurisprudence, particularly at its intersection with the Court's illusory doctrine of margin of appreciation.

Law reform

ITS 57 (2020), 669-689: Innasi Amalraj: Amendments in the Code of Canon Law – 1983 [up to 2020]: The Canonical and Pastoral Influences in the Life of the Church (Part I). (Article)

A. examines the changes that have been made to the CIC/83 up to 2020, looking first at the pastoral nature of the Code from the perspective of canon 1752, before setting out the specific changes to the following canons: 750 and 1371 (*Ad tuendam fidem*, 18 May 1998); 1008, 1009, 1086, 1117, and 1124 (*Omnium in mentem*, 26 October 2009); 1671-1691 (*Mitis Iudex Dominus Iesus*, 15 August 2015); 111, 112, 535, 868, 1108, 1109, 1111, 1112, 1116, and 1127 (*De Concordia inter Codices*, 31 May 2016); 838 (*Magnum principium*, 3 September 2017); 189, 401, 402, and 411 (*Learn to take your leave*, 12 February 2018); 628 §2, 1^o, 638 §4, 665 §1, 667 §4, and 686 §2 (*Cor orans*, 1 April 2018); 694 and 729 (*Communis vita*, 19 March 2019); 579 (*Authenticum charismatis*, 1 November 2020). He then looks at the canonical and pastoral factors behind the changes.

Legal theory

Ap XCII (2019), 273-299: Paolo Gherri: Giustizia e Diritto nel Nuovo Testamento. Nota bibliografica su “la giustificazione nelle Lettere di Paolo” (Antonio Pitta, 2018). (Bibliographical review)

Commenting on the book by Antonio Pitta *Giustificati per Grazia. La giustificazione nelle Lettere di Paolo* (Brescia, 2018), G. points out that problems that can arise from the use of the word “justice”. He considers Pitta's study to be an indispensable tool for realizing that most of the New Testament references to *dikaiosynē* do not refer to the cardinal virtue of justice but rather to “justification”; and the term “justice of God” refers in large part to God's justifying action. This is very useful to bear in mind when studying the theology of canon law.

IC 60/120 (2020), 479-504: Carlo Fantappiè: Derecho canónico interdisciplinar. Ideas para una renovación epistemológica. (Article)

The current situation of canon law studies evinces division not only between theology and canon law, but also between canon law, civil law, and ethics. What is missing today is the common ground between canon and civil law that enabled fruitful collaboration in times past. F. emphasizes the need for a new dialogue between canonical and secular sciences, and explores models, requirements, benefits, and purposes for the interrelationships between theology, canon law, and the social sciences.

IC 60/120 (2020), 505-528: Massimo del Pozzo: El concurso de la ciencia canónica en la realidad eclesial y en el saber jurídico universal. (Article)

Del P. examines the ways in which the study of canon law intersects with theology, civil law, and other fields of knowledge. His analysis identifies the limits and limitations on each of the areas under discussion. With regard to canon law, there is a worrying loss of identity of the canon lawyer (a shift from the justice and rationality of goods of communion, to the regulation of social life), a lack of quality, and low sensitivity regarding the need for specialization and systematic approaches. Contemporary theological inquiry is fragmented and lacks an organic structure, and is markedly pragmatic and somewhat worldly in its concerns. At the same time, civil law thinking is driven by positivism and an exaggerated emphasis on economics and technology. This situation may be due to a more general metaphysical, anthropological, and spiritual confusion, and del P. hopes for a “canonical movement” capable of recovering a realist approach to ecclesial law while also shedding light on other areas of knowledge.

IC 60/120 (2020), 529-546: Giacomo Canobbio: Teología y canonística. Hipótesis para superar la separación. (Article)

C. offers suggestions as to how the divide between theology and the study of canon law may be overcome. He adopts a twofold approach. First, he shows how the two disciplines are concerned with the same matter: the life of the Church as a phenomenon to be interpreted. Second, he elucidates the link between the two disciplines: theology sheds light on the Church’s *raison d’être*, while the study of canon law explains the *raison d’être* of the norms that enable the Church to carry out her mission in a particular time-period.

IC 60/120 (2020), 547-564: César Izquierdo: Teología y derecho canónico. Reflexiones desde la Teología. (Article)

While theology and canon law have much in common, some degree of mutual misunderstanding is not unheard of. Theologians are wary of excessively legalistic approaches to Christian reality among canon lawyers. The latter, in turn, are suspicious of “pastoral sensitivities” in the interpretation of laws by theologians, which may compromise justice or the rights of the faithful. I. explores the issues from a theological point of view and reflects critically on four aspects that affect both theology and canon law: object, systematicity, normativity, and the principle of autonomy. Finally, he presents a potential intersection point for theology and canon law as to how the *salus animarum* is to be understood.

IC 60/120 (2020), 647-693: Petar Popović: Alcune piste per la maggior unità nella visione sull’essenza del diritto nella Chiesa. (Article)

P. offers some proposals for achieving greater unity regarding the understanding of the essence of law in the Church. He seeks to clarify certain doctrinal differences regarding the nature of the law in the Church, before setting forth a new categorization of possible approaches to the concept of law at the ontological level.

IC 60/120 (2020), 769-793: Przemysław Michowicz: Razonamiento por principios. Aproximación canónica. (Article)

M. explores the problematic issue of the general principles of law within the canonical legal system. He identifies the essential characteristics of the principles, their limitations, their relative weight, and their value in the context of juridical argumentation, interpretation, and practice.

IE XXXII (2020), 445-476: Juan Carlos Conde Cid: Mateo 18, 15-20 y las raíces del derecho canónico. (Article)

The way in which the first Christian communities dealt with the phenomenon of canon law can help us answer certain questions. Is the Law essential to the Church? Or is it something superimposed on the mystery of the ecclesial community? From this perspective C. looks at the text of Matthew 18:15-20, and reveals the anti-juridical prejudices present in current exegesis, as well as a restrictive and misguided vision of the Law

given by some commentaries. He points out that the first communities considered the Law as an intrinsic reality of the relationships within the community, that of being “brothers”. What the text reveals is a vision of the Law according to which the Gospel is much more concerned with winning a brother back than in a certain “purity” of the community.

LJ 184 (2020), 7-24: David McIlroy: Why Can’t We Stop Pretending Law Has Anything to do with Justice? A Critical Natural Law Theory.
(Article)

Law and justice cannot be divorced and yet remain forever at a distance from one another. Although the legal positivists regarded natural law theories as giving too great a reverence to law’s claims, Augustine of Hippo used the idea of natural law to offer a sharp critique of the legal systems of his day. Such a natural law theory can expose where the justifications for laws and legal systems fail in their own terms, where they do not take account of the injustice to those not treated as their subjects, and where they offer false visions of reality.

LJ 184 (2020), 25-36: David Van Drunen: Making a Critical Natural Law Theory a Bit More Critical: A Response to David McIlroy.
(Article)

See preceding entry. Van D. suggests that McIlroy’s critique of legal positivism’s attempt to define law without reference to justice could be further strengthened if it included critical engagement with positivism’s monocentric conception of law.

LJ 185 (2020), 140-154: David McIlroy: What St Augustine of Hippo would say about Law today? (Article)

Augustine insisted that there is an objective morality (a natural law) to which all human activity (including all law-making activity) is answerable. He argued that any system of justice is, in the end, a system for promoting and protecting certain common objects of love within a society. Augustine regarded legal systems as having only limited authority and only limited ability to promote virtue. His killer question: “What’s the difference between a kingdom and a band of robbers?” exposes the need for every legal system to be challenged in the name of truth and on behalf of those whose

voices are treated as worthless. These big claims continue to provide resources for a critical natural law theory today.

RDC 69/2 (2019), 297-302: François Gendron: Le Christ et la femme adultère: une lecture juridique. (Article)

The story of Christ and the woman taken in adultery is the first known account of an established principle in contemporary law, the principle that forbids the use of courts for purposes contrary to justice.

REDC 77 (2020), 759-800: Juan José Carbajo Cobos: Conceptos jurídicos indeterminados y Derecho Canónico. (Article)

C. investigates the characteristics of indeterminate juridical concepts within the field of canon law, pointing out some of the erroneous interpretations and applications of such concepts. Examples include “grave cause”, “scandal”, “urgent necessity”, “grave danger”, as well as many others.

REDC 77 (2020), 801-828: Beatriz García Fueyo: Un breve análisis del prólogo de Leopoldo Alas (Clarín) a la conocida obra de Ihering, «La lucha por el Derecho». (Article)

In 1881 Leopoldo Alas (also known as Clarín), Professor of Economics at the University of Zaragoza, wrote the prologue to the first translation of Rudolf von Ihering’s book *Der Kampf ums Recht* (*The Struggle for Law*), in which he highlighted the importance of Roman law as a basic element of Western culture, on account of its realism and its links with society, rather than consisting of a merely abstract legal formalism. These reflections, arising out of 19th century German philosophical and legal thought and culture, remain of interest and value today.

REDC 77 (2020), 937-985: José Ramos Salguero: Derecho, deber y persona. Una repriminación kantiana. (Article)

R.S. offers a vindication of Kant’s moral deontology, on the basis of some of his later and lesser-known works. Kant’s doctrine is presented as a conception of the person that counteracts the relativizing tendency of some contemporary currents of thought that treat nature and animals as sacred, while considering the defence of voluntary abortion as a progress in juridical rights.

Verg 11 (2020), 207-230: Francisco J. Aranda Serna: Analisi storica dei fattori di trasformazione ed evoluzione del diritto. (Article)

Historically, the concept of “legal evolution” or “evolution of law” has often been used to describe a group of theories that seek to explain legal changes not only in historical terms, but through a process according to certain determined or predetermined phases. It has been pointed out that these theories in their fully developed forms are essentially a 19th century phenomenon, although it is becoming increasingly clear that in the 20th century there was a significant revival of interest in them, which continues up to the present 21st century. Law as a system of norms and doctrines does not remain static, but changes and evolves. A.S. analyses the main factors that determine the transformations of the law, from a historical perspective.

Relations between Church and State

AC 59 (2018), 7-128: Du Concordat de Bologne à la loi de séparation de 1905: continuités et ruptures dans la relation Église-État en France. (Conference proceedings)

See individual articles under Historical Subjects (*16th-19th centuries*), below.

Comm 52 (2020), 9-20: Pope Francis: Lex N. CCCLI de novo iudiciali ordine Status Civitatis Vaticanae, 13 martii 2020. (Document)

This law replaces the judicial order for the Vatican City State established by John Paul II in 1987 (Law CXIX). A preliminary note sets out the rationale for the changes. There are 31 articles under the following titles: general dispositions; judicial organs at first instance; appointment and remuneration of officials; promoter of justice; court of appeal; court of cassation; personnel; advocates; final dispositions.

Comm 52 (2020), 21-23: Pope Francis: Litterae apostolicae, Motu Proprio datae, “Sulla trasparenza, il controllo e la concorrenza nelle procedure di aggiudicazione dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano”, 19 maii 2020. (Document)

Good administration calls for specific and coherent norms bearing in mind the proper ends of canon law and the special nature of the Vatican City

State. The motu proprio establishes new norms concerning transparency, oversight, and the awarding of public contracts on the part of the Holy See and the Vatican City State. Competency in judging such matters is extended to the judicial organs of the Vatican City State even with regard to entities of the Roman Curia, saving the competence of the Signatura in cases where there is a conflict of attribution.

Comm 52 (2020), 24-65: Pope Francis: Norme sulla trasparenza, il controllo e concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano. (Document)

This is the text of the norms promulgated by the motu proprio of 19 May 2020 concerning transparency, oversight, and the awarding of public contracts. There are 84 articles. The first sets out general principles: sustainable use of internal funds; transparency of procedure in awarding contracts; equal treatment and non-discrimination between those offering contracts; effective competition excluding corrupt practices. Articles 2-14 set out more general principles. Articles 15-79 set out a centralized process in detail under the authority of APSA and, for its specific responsibilities, the Governorate. The remaining articles set out transitory and final measures.

Comm 52 (2020), 66-71: Pope Francis: Tutela giurisdizionale in materia di trasparenza, controllo e concorrenza dei contratti pubblici della Santa Sede e dello Stato Città del Vaticano. (Document)

These norms set out in 12 articles the procedures to be followed in the event of disputes concerning transparency, oversight, and the awarding of public contracts at the level of the Holy See and Vatican City State with the mechanisms for recourse.

Comm 52 (2020), 93-96: Pope Francis: Allocutio ad sodales tribunalis Status Civitatis Vaticanae in inauguratione XCI Anni Iudicialis, 15 februarii 2020. (Address)

Pope Francis speaks to members of the Tribunal of the Vatican City State on the virtue of justice and how this must be internalized, leading to personal conversion if it is to be a justice that generates justice. For this reason, justice alone does not suffice but must be accompanied by the other virtues, especially prudence, courage, and temperance. This, together with greater

awareness of the protection of human rights and of the Vatican as a role model, has motivated changes in the penal law of the Holy See, bringing about a greater alignment with international norms.

Comm 52 (2020), 108-119: P. R. Gallagher: “Quale visione dell’Europa oggi?”, *Interventus Exc.mi D. Paul Richard Gallagher, Secretarii pro Relationis cum Civitatibus, iuxta symposium in civitate Argentoratense, 7 ianuarii 2020.* (Intervention)

This address was published in *L’Osservatore Romano* on 9 January 2020 and was given in Strasbourg to a symposium of “building Europe together” to mark the 50th anniversary of the presence of the Holy See at the Council of Europe. G. notes that there is no single vision of Europe, nor of how it could be realized. Some see it, rather negatively, as a supranational entity without a soul or heart. G. seeks to offer a vision derived from its Christian roots but valid for those who are not Catholic or Christian. The theme for the symposium is “Respect for human rights and the dignity of the human person”. He explores this and offers a number of approaches in different areas: education; migration; interreligious relationships; intercultural relationships; ethics; politics. He concludes that in the face of fragmentation and polarization unity is needed.

Comm 52 (2020), 120-122: G. Pignatone: “Indipendenza e professionalità dei magistrati”, *Articulus explanans Legem N. CCCLI de novo iudiciali ordine Status Civitatis Vaticanae ab Ill.mo D. Iosepho Pignatone, Praeside Tribunalis Status Civitatis Vaticanae, conscriptus, 16 martii 2020.* (Article)

This article was published in *L’Osservatore Romano* 16-17 March 2020. P. explains the new judicial order established for the Vatican City State by Law CCCLI of 13 March 2020. However, he emphasizes the underlying indispensable requirements of independence and professionalism on the part of magistrates. He offers much greater detail on the role of the promoter of justice. He also notes that in the Court of Cassation, for more complex cases two other judges can be added to the three Cardinals who would normally constitute the tribunal.

Comm 52 (2020), 123-124: Giuseppe Pignatone: “Recepit le migliori regole e pratiche della Comunità internazionale”, *Interventus explanans Legem “Sulla trasparenza, controllo e concorrenza nelle*

procedure di aggiudicazione dei contratti pubblici” ab Ill.mo D. Iosepho Pignatone, Praeside Tribunalis Status Civitatis Vaticanae, conscriptus, 1 iunii 2020. (Note)

This note, published in *L'Osservatore Romano* 1-2 June 2020, comments that the Holy See is part of the international community and should receive into its own legislation reforms shared by the wider community, particularly in the area of awarding public contracts.

Comm 52 (2020), 125-128: V. Buonomo: “Norme per eliminare gli sprechi e prevenire la corruzione”, Colloquium cum Ill.mo D. Vincentio Buonomo, Rectore Pontificiae Universitatis Lateranensis, 1 iunii 2020. (Interview)

This interview with the Rector of the Lateran University was published in *L'Osservatore Romano* 1-2 June 2020. The new Law on the awarding of public contracts is intended to eliminate waste and corruption and is the completion of four years' work. It is not only about bringing legislation into line with international standards but also about responding better to the nature and purpose of the Holy See and the Church's social teaching. B. sets out briefly its chief features.

Comm 52 (2020), 129-136: Status Civitatis Vaticanae: Decretum n. CCCXXIX a Praeside Praefecturae (Governatorato) Status Civitatis Vaticanae latum, qua Normae introducetes mutationem in ius poenalem Status Civitatis Vaticanae promulgantur, 1 octobris 2019. (Document)

This decree of the President of the Governorato (Prefecture) of the Vatican City State promulgates new penal legislation. There are several modifications of penalties but also of certain definitions of crimes such as money-laundering, fraud, and usury, and also offences connected with terrorism.

Comm 52 (2020), 137-138: Status Civitatis Vaticanae: Lex n. CCCXXXVI, qua confirmatur Decretum n. CCCXXIX a Praeside Praefecturae (Governatorato) Status Civitatis Vaticanae latum, quo Normae introducentes mutationem in ius poenalem Status Civitatis Vaticanae promulgantur, 20 decembris 2019. (Document)

This law gives full legal weight to the contents of the decree of the President of the Governorato concerning revisions to Vatican City penal law dated 1 October 2019.

Comm 52 (2020), 344-345: Pope Francis: Statutum Commissionis de reservatis materiis, 1 octobris 2020. (Document)

See below, canon 360.

Comm 52 (2020), 354-363: Pope Francis: Chirographum ad probandum novum statutum Auctoritatis de communicatione nummaria nunc “Autorità di Supervisione e Informazione Finanziaria (ASIF)”, 5 decembris 2020. (Documents)

See below, canon 360.

Comm 52 (2020), 367-372: Pope Francis: Epistula Em.mo Secretario Status occasione anniversariorum plurimum dierum consuetudinum cum Europa, 22 octobris 2020. (Document)

The Pope’s Letter to the Secretary of State marks several anniversaries in the relationship between the Holy See and Europe: 40th anniversary of the Commission of the Episcopates of the European Union; 50th anniversary of diplomatic relationships between the Holy See and the European Union and of its observer status at the Council of Europe. The European project arose from the sense that unity is better than conflict, but the pandemic has thrown a spotlight on the tendency to “go one’s own way”. The Pope urges Europe to recover its sense of self. He dreams of Europe as a family and a community, manifesting solidarity and generosity, in which God and Caesar are distinct but not opposed.

Comm 52 (2020), 375-376: Pope Francis: Rescriptum ex Audientia Ss.mi quoad Tribunalis Ecclesiastici Vicariatus Civitatae [sic] Vaticanae res oeconomicas, 7 decembris 2020. (Document)

This rescript modifies the financial arrangements for the ecclesiastical tribunal of the Vatican City State in line with the provisions of Law CCCLI of 16 March 2020. General expenses will be paid by the Vicariate. Officials are to work *pro bono*.

Comm 52 (2020), 377-386: Pope Francis: Conventio inter Sanctam Sedem et Rem Publicam Angoliensem de mutuis relationibus inter Ecclesiam et Statum, 13 septembris 2019. (Document)

This agreement between the Holy See and Republic of Angola was ratified on 13 September 2019 and came into effect on 21 November 2019. It covers religious freedom and the legal status of the Catholic Church and its entities, the seal of the confessional, prosecution of ecclesiastics, recognition of canonical marriage, tax exemptions, religious life, and educational institutions.

Comm 52 (2020), 542-546: P. Parolin: “Il cardinale Silvestrini e la Ostpolitik vaticana”, Allocutio Em.mi D. Petri Parolin, Secretarii Status, occurrente celebratione XLV anniversarii Conventus securitati et cooperationi in Europa fovendis in urbe Helsinki habendum, 14-15 septembris 2020. (Address)

This address was published in *L'Osservatore Romano* on 14-15 September 2020. The Secretary of State addresses a conference held in Helsinki to mark the 45th anniversary of the agreement to foster security and cooperation in Europe, the first part of which had as its subject the *Ostpolitik* conducted by Cardinal Silvestrini on the part of the Holy See. This was based on Paul VI's Encyclical *Ecclesiam suam* of 1967. The Helsinki Conference was the first time since the 1815 Congress of Vienna that the Holy See had taken part in a congress at State level as a full member. It was an attempt to break through the barriers of the Cold War with openness and patience. The Holy See saw itself as a mediator and voice of Helsinki in the area of freedom of religious conscience. This was what lay behind John Paul II's laying down of the gauntlet to the East European countries to recognize the right to religious freedom.

Comm 52 (2020), 553-556: P. Parolin: “Le misure di lotta contro il riciclaggio e il finanziamento del terrorismo”, Allocutio Em.mi D. Petri Parolin, Secretarii Status, occasione conventus cum operatoribus coetus cui nomen est “Moneyval”, 1 octobris 2020. (Address)

The Secretary of State addresses a meeting of “Moneyval” on the topic of measures taken to combat money laundering and the financing of terrorism and the role of the Holy See and Vatican City State in such measures. While the Vatican City State has a different focus from national States in that its funds are intended for works of religion and charity, the ethical dimension of investments is particularly important. This awareness has prompted recent legislation by the Holy See.

Comm 52 (2020), 557-561: Prorogatio conventii ad tempus inter Sanctam Sedem et Rem Publicam Popularem Sinarum de episcoporum designatione, 22 octobris 2020. (Document)

This statement does not contain the text of the agreement between the Holy See and the People’s Republic of China on the appointment of bishops which was signed on 22 September 2018 for two years but announces its extension until 22 October 2022. It was first published in *L’Osservatore Romano* on 22 October 2020. The document does, however, set out the scope and motivation of the agreement. It is part of a continuing journey, and by no means addresses all the areas of concern in the relationship between China and the Holy See but is intended to promote unity among the Catholics in China.

Comm 52 (2020), 562-564: J. Arrieta: “Il Codice penale vaticano per una legge al passo con i tempi”, Alloquium cum Exc.mo D. Ioanne Ignatio Arrieta de Status Civitatis Vaticanae Codice poenale, 4 decembris 2020. (Interview)

This is the text of an interview with the Secretary of the Pontifical Council for Legislative Texts published in *L’Osservatore Romano* on 4 December 2020. A. sets out the origins and nature of the Penal Code of the Vatican City State and explains how it differs in nature from the CIC in that it does not, for the most part, concern itself with religious matters but with those addressed by State penal codes, although it is shaped by the spirit of canon law. It was based on the Italian Civil Code of 1889 and much has changed since then, whence the need for a new Code, influenced by the threefold

purpose of penal law in the CIC: to re-establish justice, repair scandal, and reform the offender.

Comm 52 (2020), 565-566: C. Barbagallo: “L’AIF diventa ASIF, nuovo assetto per l’Autorità di Informazione Finanziaria”, *Alloquium cum Ill.mo D. Carmelo Barbagallo Praeside ASIF, 5 decembris 2020.* (Interview)

The President of the Vatican Financial Authority (ASIF) is interviewed for *L’Osservatore Romano*, 5 December 2020, on the change of name from AIF. This is intended to mark a shift of emphasis from prudential vigilance to a more active form of supervision, strengthening the roles of the Director and Vice-Director.

Comm 52 (2020), 567-574: Status Civitatis Vaticanae: “Disposizioni provvisorie e urgenti”, *Decretum Delegati Pontifici latum ad exsequendas Litteras Apostolicas Motu Proprio datas die 19 mensis maii 2020, cui nomen est “Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello S.C.V.”, 14 iulii 2020.* (Document)

This decree of the Pontifical Delegate follows up the motu proprio of 19 May 2020 on the awarding of public contracts and transparency with a general executive decree covering transitional issues covering contracts already being arranged and the recognition of new providers. It applies both to the entities of the Holy See and to those of the Vatican City State.

Comm 52 (2020), 575-580: Status Civitatis Vaticanae: “Disposizioni urgenti e provvisorie in materia di trasparenza, controllo e concorrenza dei contratti pubblici dello Stato della Città del Vaticano”, *decretum a Praeside Praefecturae Status Civitatis Vaticanae latum ad exsequendas Litteras Apostolicas Motu Proprio datas die 19 mensis maii 2020, cui nomen est “Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello S.C.V.”, 15 iulii 2020.* (Document)

This decree of the President of the Governorate of the Vatican City State follows up the motu proprio of 19 May 2020 on public contracts and transparency in a manner specific to the Vatican City State but covering the same transitional issues as in the preceding entry.

Comm 52 (2020), 581-584: Status Civitatis Vaticanae: “Ordinanza relative agli obblighi di prevenzione e contrasto della attività illegali in campo finanziario e monetario e per la prevenzione e il contrasto del fenomeno del riciclaggio, dell’auto-riciclaggio, del finanziamento del terrorismo e della proliferazione delle armi di distruzione di massa, all’interno dello Stato della Città del Vaticano, con riferimento alle organizzazioni di volontariato ed alle persone giuridiche canoniche e civili iscritte nei rispettivi registri”, Lex N. CCCLXIV a Praeside Praefecturae Status Civitatis Vaticanae lata, 19 augusti 2020.
(Document)

This ordinance is issued by the President of the Governorate of the Vatican City State to implement measures to ensure transparency and prevent money laundering and the financing of terrorism and armaments. It requires a risk assessment and notification of any suspected risks to AIF.

Comm 52 (2020), 585-602: Status Civitatis Vaticanae: Decretum N. CCCLXXII a Praeside Status Civitatis Vaticanae latum introducens mutationes in Legem N. XVIII de normis respicientibus perspicuitatem, vigilantiam et informationem quoad res finanziarias, 9 octobris 2020.
(Document)

This decree of the President of the Governorate of the Vatican City State introduces changes in the provisions of Law XVIII concerning transparency and the supervision of financial affairs. There are 30 articles setting out detailed modifications to existing legislation on this subject.

EE 95 (2020), 843-879: María J. Roca: Régimen jurídico de la restitución de bienes culturales de titularidad eclesiástica: la relación entre los ordenamientos nacional, confesional y europeo. (Article)

R. sets out the relationship between the canonical, Spanish, and European legal systems with regard to the recovery or restoration of ecclesiastical cultural goods that have left Spanish territory without an export licence. After explaining the canonical provisions relating to property, she examines the manner of recovering property from another European Union country, and property located in a non-European country or one which is not a member of UNIDROIT (such as the Vatican State).

EIC 60 (2020), 619-654: Stefano Testa Bappenheim: Il diritto ecclesiastico in Cina in costante e continua evoluzione: le nuove misure amministrative per gruppi religiosi. (Article)

Over the last few years the People's Republic of China has made efforts to bring closer together the various protagonists of the international scene, including the Holy See (with the two-year renewable agreement on bishops). It has also begun an immense work of general legislative modernization, including the structuring of a true Chinese ecclesiastical law.

FCan XV/2 (2020), 77-104: Vanja-Ivan Savić – Mladen Škvorc: Keeper of tradition and divine law in the times of identity crisis: Catholic Church and demands of GDPR in the EU and Croatia. (Article)

The authors examine the impact of the General Data Protection Regulation on Catholic entities, especially in the Republic of Croatia.

IC 60/120 (2020), 741-768: Andrea Zappulla: El delito de pornografía infantil en el derecho penal vaticano. Evolución normativa: del Código Penal de Zanardelli a la legislación especial vigente en la actualidad en materia penal. (Article)

Z. studies the crimes of child pornography and possession of child pornography in the context of the Vatican criminal law system. Starting from the connection between paedophilia and child pornography, he focuses on the analysis of the differences between these two types of crime in order to identify the defining characteristics of each. He also highlights the difference between child pornography and pornography of minors. A close reading of the previous legislation, the so-called Zanardelli Code of 1889, reveals its limitations, including its inability to prove or punish new criminal cases. Thus, the criminal law was updated and adapted to bring in a range of measures designed to enable the Vatican's legal system to meet emerging needs in relation to new types of crime. In the final section of the article Z. explores the evolving Vatican regulatory response to the crimes of child pornography and possession of child pornography.

SPW 22 (2019), 289-314: Michał Ożóg: Współdziałanie Kościoła Katolickiego i organów jednostek samorządu terytorialnego w sprawie ustanowienia patrona wspólnoty samorządowej (*Cooperation between*

the Catholic Church and bodies of self-government units in Poland with regard to appointing a patron saint of a local community. (Article)

O. sets out the roles of the State, churches, and other religious organizations, in the procedure for appointing a patron saint of a local community in Poland.

SPW 22 (2019), 315-336: Konrad Dyda: Stosowanie prawa przez organy Państwa Watykańskiego a zasadnicze problemy jego systemu prawnego (*Application of law by the authorities of the Vatican City State and fundamental problems of its legal system*). (Article)

D. reflects on the fundamental problems of the application of law by the authorities of the Vatican City State, resulting primarily from the adopted system of sources of law. It is mainly based on norms of canon law – established for the functioning of the Catholic Church – and provisions of Italian law. Such a combination raises a number of practical problems, particularly as regards Vatican criminal law, which allows the offender to be punished without a clear legal basis. At the same time, moral judgements, developed on the basis of the teachings of the Catholic Church, play a key role in the application of law in the Vatican. D. considers that the analysis of the system of sources of Vatican law also provides a unique opportunity to study the practical application of classical concepts from the Western legal tradition, such as the natural law, or to clarify important issues in canon law research. It can also help explain the possibility of a wider application of the principles of law with a minimum of positivization.

SPW 23 (2020), 123-151: Grzegorz Maroń: Ograniczanie wolności religijnej w pierwszym okresie pandemii COVID-19 w świetle orzecznictwa amerykańskich sądów (*Restriction of religious freedom during the first period of the COVID-19 pandemic in the light of US case law*). (Article)

M. presents a critical analysis of US federal court rulings regarding restrictions on freedom of religion during the Covid-19 pandemic, imposed by executive orders prohibiting public religious gatherings or limiting the number of participants. M. shares the view of the courts that laws introducing stricter restrictions for churches and religious assemblies than for other comparable places and secular gatherings, in order to be constitutional, need both to pursue the compelling interest of the State and to constitute proportional measures. While the protection of public health is a

compelling interest of the government, the total prohibition of in-person church services or the limiting of religious gatherings to only a few people seem to violate the criterion of the least restrictive measure. When deciding what forms of social activity and businesses to exclude from the ban on public gatherings, the authorities cannot discriminatively assume that religious services are something secondary and not very urgent, especially if the same authorities consider the operation of e.g. liquor stores or shopping malls as “essential” or “life sustaining”.

SPW 23 (2020), 177-200: Piotr Michalik: *Lord Hardwicke’s Marriage Act – „pierwsza” angielska ustawa o małżeństwie (Lord Hardwicke’s Marriage Act – the “first” English marriage act).* (Article)

M. carries out a legal analysis of the phenomenon of clandestine marriages in modern England, where the institution of marriage was still partially under canon law and ecclesiastical jurisdiction. He focuses on *An act for the better preventing of clandestine marriages*, enacted by Parliament in 1753. This act, passed on the initiative of the Lord Chancellor Hardwicke (hence the common reference to it as Lord Hardwicke’s Marriage Act), aimed to eliminate clandestine marriages from social practices by introducing a formal ceremony of marriage under pain of nullity. The key elements of the new measure were the obligation to marry in the parish church and, in the case of minors, to obtain prior parental consent to the wedding. The solutions adopted in Hardwicke’s Act and the very fact of their introduction by Parliament initiated the process of the taking over of the Church of England’s marital jurisdiction by the State. This phenomenon was already being debated at the time and remains an important subject of contemporary research on the Act. M.’s analysis confirms the particular importance of the Hardwicke’s Act for the further evolution of the marriage institution in England, which justifies calling it the “first” English marriage act.

Religious freedom

LJ 185 (2020), 110-120: Jerold Waltman: *Bostock v Clayton County and Religious Liberty.* (Article)

The United States case of *Bostock v Clayton County* (2020), along with two companion cases, arose under Title VII of the Civil Rights Act of 1964. From a purely legal perspective, the issue before the Supreme Court was a highly technical one. Nevertheless, because it involved a controversial

matter, the rights of LGBT people – in this case specifically their rights regarding employment – it had rather far-reaching implications. W. contrasts the majority and minority approaches of the Supreme Court judges and looks at the implications of this case for religious employers and businesses run by religiously faithful people. He also analyses the case law around the Free Exercise clause of the First Amendment in the US Constitution in the light of this decision.

LJ 185 (2020), 121-139: Christopher Grout: Freedom of Expression and Freedom of Religion in the Context of the Transgender Debate. (Article)

The debate concerning the rights of transgender individuals is a very public one. It manifests itself throughout the mainstream media and is often a hot topic for discussion (sometimes constructive, but often not so) on social media platforms such as Twitter. The courts have had to grapple with transgender issues in a variety of contexts and across jurisdictions – civil, family, and criminal. G. focuses on the impact issues concerning transgender rights have had in the context of freedom of expression and freedom of religion. Both these rights are protected under the European Convention on Human Rights and the courts have, over the years, become all too familiar with trying to balance them in a range of different circumstances. In recent years, however, the enactment of legislation which has sought to protect and advance transgender rights has resulted in a new type of clash which courts are required to resolve, with transgender rights on one side and freedom of expression and freedom of religion on the other. In examining the transgender debate, G. looks at some of the recent judgments issued by courts and tribunals in England and Wales with a view to exploring how judges have sought to balance competing rights and the outcomes that have followed.

RGDCDEE 54 (2020): Frank Cranmer – David Pocklington: The impact of the Covid-19 pandemic on the exercise of religion in the United Kingdom. (Article)

C. and P. trace the history of the UK's and the devolved governments' responses to the Covid-19 outbreak and, in particular, the impact of those responses on the exercise of religion. They discuss the legal and constitutional background and the implications for the right to manifest religion or belief under Article 9 of the European Convention on Human Rights, and offer some thoughts as to how the situation might develop if and when the pandemic is brought to a close, suggesting that there are

constitutional questions to be asked, especially concerning the government's use of emergency powers to legislate without the prior approval of Parliament.

RGDCDEE 54 (2020): Stefan Mückl: Libertad religiosa y Covid-19: la situación en Alemania. (Article)

After a summary description of the constitutional framework and options for action under German civil legislation, M. analyses – from the perspective of their impact on religious freedom – the measures taken by the State and Church authorities from March 2020 to contain the coronavirus pandemic. He distinguishes three phases: until mid-March 2020, certain regulations were passed only at regional or local level. A period of lockdown ensued, lasting for six weeks until the end of April 2020, during which no public worship took place on account of State and Church regulations. From the end of April onwards, public worship was once again permitted, under sometimes considerable restrictions. Three decisions of the Federal Constitutional Court emphasizing the high value of religious freedom deserve special attention. From a broader perspective, the reactions to the challenge of this pandemic reflect the significance of religion and free practice in a secularized society.

(For other similar articles dealing with the impact on religious freedom of governmental measures taken in response to the Covid-19 pandemic – specifically in Argentina, Belgium, Brazil, Chile, Colombia, France, Italy, Mexico, Peru, Poland, Portugal, Spain, the United States, Uruguay, and the Vatican – see

https://www.iustel.com/v2/revistas/detalle_revista.asp?id=2&numero=54.)

Social issues

Verg 11 (2020), 31-45: Luis R. Guzmán – Brittany Smith: Human dignity beyond borders: an ecclesiastical argument for the rights of forced migrants. (Article)

Following influxes of Latin Americans across the US–Mexico border and similar mass migrations across the Middle East and Europe, liberal democracies are experiencing increased xenophobia motivating States to restrict such movements. In the wake of the international refugee crisis, these sentiments have led to more exclusionary immigration policies and

morally problematic treatment of asylum seekers. Given that no international consequence exists for inferior treatment of asylum seekers, States are guided only by moral imperative and domestic law. This lack of international accountability has led States to enact policies contradicting the moral/philosophical principles upon which they are founded. This suggests the question, do States have solely moral or philosophical obligations to grant asylum, or is there an applicable juridical construct? The authors propose that States proclaiming a Christian tradition may derive such obligations from canon (ecclesiastical) law, which provides a juridical tradition pre-dating and informing modern liberal democracies. With reference to canon law's emphasis on human dignity, they argue that Christian States have a juridical obligation to provide sanctuary to people fleeing oppressive circumstances.

Verg 11 (2020), 75-92: Manuel J. Arroba Conde: La nueva sensibilidad sobre el cuidado de la creación y su reflejo en el liderazgo y en el estilo de Gobierno Eclesial. Reflexiones desde el Derecho Canónico. (Article)

A.C. provides insights, from the perspective of canon law, regarding the new sensitivity concerning the care of creation, focusing on its specific reflection in the context of leadership and governance in the Church. He analyses the main content of the norms that refer to the qualities of those who carry out leadership functions, as well as of other norms that deal with governance. He then defines and summarizes the main principles of the magisterial reflection on the care of creation. He looks at the relationship between the teachings of the Magisterium and the canonical norms related to leadership and governance, indicating some possible connections.

HISTORICAL SUBJECTS

1st millennium

RDC 70/1-2 (2020), 5-309: La tentation du cléricalisme. (Compilation)

See above, General Subjects (*Compilations*).

Classical period

CLSN 197/20, 60-143: Gerard Deighan: The Extraordinary Minister of Sacred Ordination. (Article)

See below, canon 1012.

IE XXXII (2020), 549-577: Ferdinando Treggiari: Il lessico giuridico della povertà. Ideale minoritico e diritto nel primo secolo dopo Francesco. (Article)

The Franciscan ideal of poverty lasted only a century, from the confirmation of the *Regula* by Pope Honorius III in 1225 until the allegation of heresy issued by Pope John XXII in 1325 towards anyone affirming that Christ and the Apostles had never owned things or had the right to use them. T. describes the attempts made during those hundred years to arrive at a definition of poverty based on the rejection of the *dominium rerum*.

IE XXXII (2020), 579-622: José Miguel Viejo-Ximénez: Adiciones y glosas marginales a los *Exserpta ex decretis Sanctorum Patrum de Sg.* (Article)

V.-X. establishes the chronology of the additions and marginal glosses of the first part of *Sg*. The annotations are grouped by author and are framed in Gratian's tradition through their contrast with the stages of composition of the *Decretum*, as well as with the teachings of the first decretists. The only extant copy of the *Exserpta ex decretis Sanctorum Patrum* was produced and used at a time and place close to the time and place when the old versions of the first *ius canonicum* handbook were revised.

RDC 69/2 (2019), 307-320: Laura Viaut: Les manuscrits de droit canonique de l'abbaye Saint-Martial de Limoges (9^e-11^e siècle). (Article)

Little is known about the dissemination and circulation of canonical collections from the early Middle Ages. The history of libraries is poorly documented, as the sources are so scarce. The Abbey of Saint-Martial in Limoges (France), however, is an exception: its numerous catalogues make it possible to reconstruct the initial state of its library and form an idea of the way in which canonical manuscripts were disseminated and circulated.

RDC 69/2 (2019), 321-331: Frédérique Cahu: La production des manuscrits des *Décrétales* de Grégoire IX en Italie. Quelques spécificités en matière d'histoire du livre. (Article)

Published in 1234, the collection of Gregory IX's Decretals was disseminated principally in the universities of the 13th and 14th centuries. A systematic analysis of the libraries' manuscript catalogues has facilitated the drawing up of a significant corpus of *Liber Extra* manuscripts and brought to light certain specific matters concerning the history of the Italian production of the book, including not only the names of copyists and illuminators, but also singularities in the transmission of the text, the mention of *pecia* (sections of the overall manuscript which could be rented out to students to copy), and the identity of the owners.

RDC 70/1-2 (2020), 5-309: La tentation du cléricisme. (Compilation)

See above, General Subjects (*Compilations*).

Verg 11 (2020), 61-74: Bruce C. Brasington: *Sine testibus tabulariis*: a late-twelfth century civilian *notabilium* in memory of Professor Dr. Peter Landau. (Article)

Sine testibus tabulariis, a late 12th-century *notabilium*, is preserved in Oxford, University College MS. 117. It originally belonged to St Augustine's at Canterbury. This anonymous work appears to be entirely drawn from the *Authenticum*. B. provides a transcription of *Sine testibus* and then a comparison of the work with similar, contemporary texts from the Anglo-Norman world. He concludes with a brief consideration of the *notabilium*'s purpose.

16th-19th centuries

AC 59 (2018), 13-33: Jean-Paul Durand: Concordat avorté de Louis XI, concordat de François I^{er}. (Article)

In 2016 a conference was held to mark the 500th anniversary of the Concordat of Bologna, signed by Pope Leo X and François I. Here D. deals with provisions prior to 1516. A Concordat of Amboise (1472) and the *Sanction pragmatique* of Bourges (1438) that governed relations between the Pope and the King of France show traces of Gallicanism. The Concordat of Bologna should be read in the context of the Fifth Lateran Council (1512-1517). Its influence endured until 1790.

AC 59 (2018), 35-53: Bertrand Marceau: Droit et politique au XVI^e siècle. Le Concordat de Bologne (1516) et la collation des bénéfices monastiques. (Article)

In 1996, the historian Paolo Prodi suggested that if the Concordat of Bologna had not subjected the French episcopate to the King, the Church in France would have become totally detached from Rome, as happened in England. The Concordat annulled elections to benefices, secular and regular; in giving authority to the King, it weakened the power of Rome.

AC 59 (2018), 55-63: Joseph Bergin: After 1682 – the real crisis begins? (Article)

The origins of the Concordat of Bologna lay in clashes following the Great Schism. Major conflicts were few, due to shared interests. A process of “Gallicanization” led to the acceptance of the Gallican Articles in 1682. A chain of incidents in the 1680s raised tensions with Rome and rendered normal relations impossible. A compromise was reached in 1696.

AC 59 (2018), 65-73: Lucien Jaume: La Constitution civile du clergé: l'Église n'a ni corps ni territoire. (Article)

The civil constitution of the clergy (1789) represents Gallicanism at the extreme. A constitution of 1791 put an end to “bodies” such as the Church. Clergy became functionaries of the State, elected by the citizens, salaried by the State (the only “body”), and required to take an oath of allegiance. The Church is in the State, not the inverse, and is no longer rooted in territory.

AC 59 (2018), 75-84: Patrice Gueniffey: Le Concordat de 1801. (Article)

Napoleon as First Consul agreed a Concordat in 1801 with the Pope. It allowed the Church to set up foundations to fund worship, the presence of a legate in Paris, the re-establishment of worship as a public freedom, the suppression of the constitutional Church, an end of schism, and the restoration of regular pastoral life. Despite this, Napoleon re-established the Gallican Articles and imposed a strict oversight of Church life.

AC 59 (2018), 85-94: Françoise Mélonio: Les catholiques libéraux pris dans le conflit des souverainetés. (Article)

Louis XVIII (1814-1824) wanted to annul the 1801 Concordat and reinstate the Concordat of Bologna. The refusal of the Pope to agree led to conflict between “intransigent” Catholics who dreamt of a restoration of the old alliance between throne and altar, and “liberal” Catholics who regarded that as lost for ever. The latter were caught between two sovereignties, spiritual and temporal, an acceptance of the modern world and fidelity to the spiritual sovereignty of the Church.

AC 59 (2018), 95-108: Marie-Claude Blais: À la recherche d’un spirituel républicain. (Article)

B. presents the philosophy of two influential figures – Auguste Comte, a positivist, and Charles Renouvier, a neo-Kantian – on what makes a republican. Comte (b. 1798) was anxious to find a religious power that would replace Christianity and create a bond between citizens. Based on science, a religion without God or soul, it would develop a doctrine of love, self-sacrifice, and altruism. Moral leadership and guidance come into the sphere of education. For Renouvier (b. 1815), freedom and law are the basis of government. Though not religious, he defends religious freedom. Two key concerns of a republic are education and the preservation of the welfare and freedom of citizens. He sees the republic as a genuine spiritual reality.

AC 59 (2018), 109-118: Jacqueline Lalouette: Les vains débats de la Seconde République en matière de religion. (Article)

L. documents debates on religious issues in the National Constituent Assembly in 1848.

AC 59 (2018), 119-128: Bernard Bourdin: Le religieux et la cohésion nationale: histoire française et défis contemporains. (Article)

The move from an identity based on Gallican Catholicism and the monarchy of the *Ancien Régime* to one founded on *laïcité* and the Republic following the separation of Church and State (1905) involves both continuity and rupture. History is the spiritual principle that constitutes the French nation; from this arise the sovereignty of the State and *laïcité*; the Catholic Church, no longer Gallican and separate from the State, makes its contribution to the cohesion of the nation.

CLSN 197/20, 60-143: Gerard Deighan: The Extraordinary Minister of Sacred Ordination. (Article)

See below, canon 1012.

IC 60/120 (2020), 795-839: Francisco Luis Rico Callado: El gobierno de las diócesis y su configuración institucional: Las curias diocesanas y su estructura en la corona de Castilla en la Edad Moderna (ss. XVI-XVIII). (Article)

R.C. studies the diocesan curia, focusing on the episcopal secretariat and the diocesan court. Although the two institutions specialized in different procedures, nevertheless cooperation and exchange of information between them were usual. The role of the provisor encompassed both procedural and administrative responsibilities. R.C. explores other roles in the diocesan court, including those of notary and prosecutor. The secretary was linked to the bishop, and his importance increased after the Council of Trent. The lack of official registries means that all extant records must be examined to shed light on the issues raised in this paper.

RDC 69/2 (2019), 261-296: Christian Wehking: Le repos dominical et sa perception évangélique à l'époque de la Réforme. Une approche franco-allemande des sources au sujet du «Dies Domini» . (Article)

See below, canons 1246-1247.

RDC 70/1-2 (2020), 5-309: La tentation du cléricanisme. (Compilation)

See above, General Subjects (*Compilations*).

1917 Code

EIC 60 (2020), 587-617: Caterina Zanini: Il contributo di Serédi alla codificazione del CIC del 1917: la ‘riscoperta’ del fondo di Pannonhalma. (Article)

Within the process of codification of the CIC/17, of great interest is the recognition of the Séredi archival Fonds, preserved by Pannonhalma Abbey. The documents, of which a large number are handwritten, demonstrate the original and valuable contribution of Séredi as author and editor of the footnotes to the Code, through a hidden and painstaking labour of locating and collating sources, including some very ancient ones. This means that he was the true author of the volumes of *Fontes*, the last great *Collectio* of ecclesiastical legislation. The pre-Code doctrine reveals continuity in the development of law within the Church, including at the methodological level, and leads to a better knowledge of the history of canonical science, while providing each canon with juridical legitimacy.

SC 54 (2020), 623-683: Michael-Andreas Nobel: L’enquête préliminaire dans les procédures de nullité de mariage. (Article)

See below, canons 1671-1691.

20th century

AC 59 (2018), 201-220: Wilfried Jousten: Le diocèse d’Eupen et Malmedy: un va-et-vient pour «le bien spirituel des fidèles»? (Article)

The Treaty of Versailles of 1919 stated that Germany would cede to Belgium 13% of its territory and 10% of its population. Two provinces – Eupen and Malmedy, which were German-speaking and 90% Catholic – were, subject to local consultation and the League of Nations, to become part of Belgium and, in Church terms, separated from the archdiocese of Cologne. In 1921 the diocese of Eupen-Malmedy was created, but in 1925 Eupen and Malmedy were incorporated into the diocese of Liège as deaneries. J. believes these decisions were driven by politics, rather than by the *salus animarum*.

Historical Subjects (20th century / Vatican II and revision of the CIC and CCEO)

Comm 52 (2020), 542-546: P. Parolin: “Il cardinale Silvestrini e la Ostpolitik vaticana”, Allocutio Em.mi D. Petri Parolin, Secretarii Status, occurrente celebratione XLV anniversarii Conventus securitati et cooperationi in Europa fovendis in urbe Helsinki habendum, 14-15 septembris 2020. (Address)

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

QDE 33 (2020), 257-262: Janusz Kowal: Ricordando Padre Urbano Navarrete, S.I. (Memoir)

K. offers a memoir of Cardinal Navarrete, illuminating the main inspirations of his canonical ministry and life.

QDE 33 (2020), 263-270: Urbano Navarrete: Intervista per la rivista “Życie Duchowe”. (Interview)

In this previously unpublished interview, N. offers brief thoughts on the situation of marriage in the Church and the world. The interview was conducted on 2 May 2003.

RDC 70/1-2 (2020), 5-309: La tentation du cléricalisme. (Compilation)

See above, General Subjects (*Compilations*).

Second Vatican Council and revision of the CIC and CCEO

Comm 52 (2020), 139-240: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

Here are set out: 1. the opinions of the Consultors (31 January 1967) on the general principles that should govern the revision of the Code, addressing the nature of legislation in the Church; the scope of canon law; the relationship between universal and particular legislation; subjective rights; the exercise of power in the Church; pastoral structures; the editorial style of the revision; sources for revision of the Code; method of working; 2. a report of the session 3-7 April 1967, which considered the question of the proposed *Lex fundamentalis* or basic law, and set out the principles for revision in ten points (the juridical nature of the Code; the juridical nature of

the internal forum; certain means to foster pastoral care; the incorporation of special faculties into the text of the Code; the principle of subsidiarity; the safeguarding of personal rights; the recognition of subjective rights; the extent of the principle of territoriality; the reduction of ecclesiastical penalties; the systematic arrangement of the Code); a *votum* of consultor Ch. Munier (7 March 1968) on the systematization of the revised Code, in which he expressed some perplexity as to the extent and nature of what was proposed, and suggested a light touch – a document differing little in order from the CIC/17, homogeneous in style but with a first book setting out general principles, and a preliminary Constitution setting out the dogmatic and juridical basis, as Gregory IX did in his Decretals; 4. a letter of 2 July 1968 from Cardinal Felici to Cardinal Stickler asking the latter to prepare a digest compiling the essential elements of the views expressed on the systematization of the revised Code; 5. a report of Cardinal Stickler of 24 September 1968 summarizing the views of the Cardinal members on a number of points: the *Lex fundamentalis*; the nature of “general norms” and their relationship with physical and moral persons, the hierarchy and Magisterium, administration of temporal goods, the relationship between penal and procedural law and the safeguarding of rights; and also seeking advice on several questions: whether the nature of the *Lex fundamentalis* should be set out in detail; whether the Commission should set out a complete systematization; how the flaws identified by the Cardinals might be addressed. He suggested possible ways ahead in regard to “the people of God”, the Hierarchy, and the pastoral ministry of the Church; 6. the *votum* of consultor U. Beste in the session 24-27 May 1968, in which he offered his view on the canons on ecclesiastical laws and custom; mostly he accepted them as they stood in the CIC/17, but he discussed in particular whether the Church could impose things on those who were not members, and the nature of precepts and “dominative” power as distinct from “jurisdiction”; 7. the *votum* of consultor A. Fogliasso in the same session, in which he presented only those matters concerning ecclesiastical laws and custom on which he felt change or amplification of the CIC/17 was needed; he focused in particular on the term “public order” and the question of exemption, whether of religious or individuals such as prelates, and the need for clarity if the term were to be retained; 8. the *votum* of consultor G. O’Connell in the same session, in which he limited his comments on ecclesiastical laws and custom to a few points stating that it was undesirable to make unnecessary changes. He sought greater clarity in the use of terms such as universal/particular, obrogate/derogate, and whether “particular laws” should include only those that were territorial. He also discussed the question of whether Ordinaries who were not diocesan bishops, e.g. vicars

or prefects apostolic, could grant dispensations, especially if they lacked episcopal orders. He considered it unwise to expand what was said on custom since this might lead to more confusion than clarity; 9. the *votum* of consultor J. M. Moss Tapajós in the same session, in which he sought some kind of introduction explaining the concept of ecclesiastical laws. He distinguished between the concept of promulgation and factually making a law known. He urged that laws should be promulgated through episcopal conferences everywhere on the day of signature and should take effect immediately. He also considered that those baptized as Catholics but lacking Catholic formation should not be bound by ecclesiastical laws. To claim that ignorance did not excuse from obeying a law was an unsustainable legal fiction, and he wanted to go further than merely exempting baptized non-Catholics; 10. the *votum* of consultor P. Tocanel in the same session, in which he commented on the preliminary canons as well as those on ecclesiastical laws and custom. His recommendations mostly concerned detail rather than raising questions of principle.

Comm 52 (2020), 241-318: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo. (Documents)

Here are set out: 1. a report comparing the first draft and emended text of the preliminary canons on clerics, and presenting in summary form questions arising in the remaining part of this title; 2. a report setting out the texts and comments on the preliminary canons on clerics arising from the discussions of February 1980; 3. a report of a discussion from the February/March 1980 session focusing mostly on the preliminary canons on clerics but towards the end moving on to other questions concerning formation and adscription; 4. a report of 16 September 1981 offering two alternative texts of canons on the loss of the clerical state; 5. a reconsideration in the session of 16 September 1981 – in the light of a Circular Letter of the Congregation for the Doctrine of the Faith of 14 October 1980 – of the draft canons on the loss of the clerical state; 6. a 1981 schema introducing in general and then in particular the draft canons of Titles IX (clergy), X (laity), and XII (associations of the faithful); there follows the text of the schema or draft canons for each of these titles (where there is an equivalent text in *Cleri Sanctitate* the reference is given in brackets).

Comm 52 (2020), 603-635: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

Here are set out: 1. the *votum* of consultor Pierre Andrieu-Guitrancourt in the session 13-17 November 1966, proposing three sections for the structure of General Norms: law and custom; administrative law; and disciplinary power and measures; 2. the *votum* of consultor A. Fogliasso in the same session, in which he confines his comments to proposals on general decrees and instructions and singular administrative acts, and sets out draft canons on administrative acts in general, norms arising from administrative power, rescripts, privileges, and dispensations; 3. the *votum* of consultor Pietro Tocanel in the same session, in which he does not offer concrete proposals but explores the notion and nature of administrative acts; he looks first at the essential, formal, and accidental elements that make an administrative act, and then at the stages of such an act, classifying such acts according to origin, scope, content, and purpose; 4. the *votum* of consultor J. M. Moss Tapajós in the same session, in which he offers his comments on the existing (1917) canons on rescripts, privileges, and dispensations.

Comm 52 (2020), 638-658: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et de magisterio ecclesiastico”: Coetus Specialis “De Magisterio”, sessio diebus 22 martii-2 aprilis 1982: “Raccolta delle Osservazioni allo Schema de evangelizatione, Magisterio ecclesiastico et oecumenismo”. (Document)

This report on the working of the Code Commission dated 22 March – 2 April 1982 on the Magisterium and Ecumenism lists the *vota* received (29 from the 55 bodies contacted). It then sets out a brief summary of the content of each one individually.

IE XXXII (2020), 497-524: Stefan Mückl: Il contributo della canonistica tedesca al progetto della *Lex Ecclesiae Fundamentalis*. (Article)

On the basis of archival sources, M. examines the little-known origins of the project of a *Lex Ecclesiae Fundamentalis* (LEF) during Vatican II. It has been proved beyond doubt that the German Professor Klaus Mörsdorf was the originator of the idea of the LEF. In addition, in the phase of intense public debate following the leaked publication of the *textus emendatus*, two groups of German canon lawyers tried to contribute to the LEF project of by means of two alternative *schemata* to that produced in Rome.

CODE OF CANONS OF THE EASTERN CHURCHES

General

ETJ 24 (2020), 1-98: In Memoriam Bishop Mar A.D. Mattam. (Articles)

This issue of ETJ, a tribute to Bishop Mar Abraham D. Mattam († 2019), contains articles by **Joseph Powathil** on Bishop Mattam as a man of the Church and for the Church; **Joseph Kodakallil** on Bishop Mattam as a visionary and missionary; **Thomas Neendoor** on Bishop Mattam as a theologian; **Pauly Maniyattu** on the liturgical contributions of Bishop Mattam; **Lonappan Arangassery** on the disinterested ecclesial commitment and ecclesial vision of Bishop Mattam; **George Mangalapilly** on the life and times of Bishop Mattam; and **Devamitra Neelankavil** on books and articles by Bishop Mattam.

CCEO 11

Verg 11 (2020), 19-29: Burkhard J. Berkmann: Migrants from Eastern Catholic Churches in Germany. (Article)

In 2015, about one million refugees arrived in Germany, including 200,000 Christians from the Middle East. To an increasing extent, these are members of Eastern Catholic Churches. This poses a new challenge to the pastoral structures shaped by the Western Latin Church. From a canon law perspective, two issues are of particular importance: the administration of the sacraments beyond the borders of the *Ecclesiae sui iuris*, and the creation of organizational structures. The various solutions provided by canon law lie in a field of tension between integration and identity. On the one hand, Eastern Catholic Churches are in full communion with the Latin Church and are therefore completely integrated in this respect. True equality exists between all the faithful (CCEO, canon 11) and they can receive sacraments in the Latin Church. On the other hand, canon law protects their identity which is based on historically important traditions (e.g. the right and obligation to observe their own rite: CCEO canons 17 and 40 §3).

CCEO 17

Verg 11 (2020), 19-29: Burkhard J. Berkmann: Migrants from Eastern Catholic Churches in Germany. (Article)

See above, CCEO canon 11.

CCEO 27-41

SC 54 (2020), 511-524: Alexander M. Laschuk: Adscription to a *Sui Iuris* Church. (Article)

See below, CIC canons 111-112.

CCEO 40

Verg 11 (2020), 19-29: Burkhard J. Berkmann: Migrants from Eastern Catholic Churches in Germany. (Article)

See above, CCEO canon 11.

CCEO 43-47

AnC 16 (2020) 1, 39-58: Tomasz Rozkrut: Współczesne kanony na temat Biskupa Rzymskiego: łacińskie i wschodnie. Porównanie oraz ich źródła (*Modern canons relating to the Bishop of Rome: Latin and Eastern. Comparison and their sources*). (Article)

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

CCEO 85

Comm 52 (2020), 373-374: Pope Francis: Rescriptum ex Audientia Ss.mi quoad iurisdictionem catholicorum orientalium patriarcharum in Araba Paeninsula, 22 iulii 2020. (Document)

In derogation of the rescripts of 6 March 2003 and 8 April 2006 Pope Francis by a rescript of 22 July 2020 grants jurisdiction to all and only the Patriarchs of Catholic Eastern Churches over the entire Arabian Peninsula in coordination with the Vicars Apostolic of North and South Arabia. The latter are the representatives of the Church to civil authorities, saving the responsibilities of pontifical representatives. Derogating from canon 85 §1 CCEO, in future the Synods of Patriarchal Churches will need prior

authorization rather than simple consultation with the Holy See before erecting new circumscriptions – a provision to be reviewed after five years. The rescripts aforementioned remain in force for those not appertaining to Patriarchal Churches.

CCEO 323-398

Comm 52 (2020), 241-318: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo. (Documents)

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

CCEO 359

QDE 33 (2020), 434-460: Enrico Massignani: L'incardinazione di chierici appartenenti a un'altra Chiesa *sui iuris*. (Article)

See below, CIC canon 267.

CCEO 399-409

Comm 52 (2020), 241-318: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo. (Documents)

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

CCEO 435

Canonist 11/2 (2020), 186-196: Pope Francis: Apostolic Letter issued *Motu Proprio Authenticum Charismatis* amending Canon 579 CIC, with commentary by Rodger J. Austin. (Document and comment)

See below, CIC canon 579; see also the following entry.

CCEO 435

Comm 52 (2020), 337-338: Pope Francis: Litterae apostolicae motu proprio datae “Ab initio” quibus can. 435 §1 et can. 506 §1 Codicis Canonum Ecclesiarum Orientalium mutantur, 21 novembris 2020. (Document)

This motu proprio adjusts the law in the CCEO in line with the provisions of the CIC/83 as amended by *Authenticum charismatis* (see below, CIC canon 579). Canon 435 §1 maintains the right of the eparchial bishop to erect a monastery *sui iuris* once he has received permission in writing either from the Patriarch within the territory of a Patriarchal Church, or in other cases from the Holy See. Canon 506 §1 states that an eparchial bishop can erect only congregations but that he is not to do so without the prior written permission of the Holy See nor, within the territory of a Patriarchal Church, without consulting the Patriarch. The text is not as explicitly invalidating as that of the CIC/83 but is left implicit in the word “*nisi*”.

CCEO 506

Canonist 11/2 (2020), 186-196: Pope Francis: Apostolic Letter issued Motu Proprio *Authenticum Charismatis* amending Canon 579 CIC, with commentary by Rodger J. Austin. (Document and comment)

See below, CIC canon 579.

CCEO 506

Comm 52 (2020), 337-338: Pope Francis: Litterae apostolicae motu proprio datae “Ab initio” quibus can. 435 §1 et can. 506 §1 Codicis Canonum Ecclesiarum Orientalium mutantur, 21 novembris 2020. (Document)

See above, CCEO canon 435.

CCEO 573-583

Comm 52 (2020), 241-318: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo. (Documents)

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

CCEO 584-666

Comm 52 (2020), 638-658: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et de magisterio ecclesiastico”: Coetus Specialis “De Magisterio”, sessio diebus 22 martii-2 aprilis 1982: “Raccolta delle Osservazioni allo Schema *de evangelizatione, Magisterio ecclesiastico et oecumenismo*”. (Document)

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

CCEO 590

SC 54 (2020), 495-509: Alphonse Ky-Zerbo: La notion d’«Église pleinement constituée». (Article)

See below, CIC canon 786.

CCEO 902-908

Comm 52 (2020), 501-541: Pontificium Consilium ad Christianorum Unitatem Fovendam: Vademecum oecumenicum “Il Vescovo e l’unità dei cristiani”, 4 decembris 2020. (Document)

See below, CIC canon 383.

CCEO 902-908

Comm 52 (2020), 638-658: Ex Actis Pontificiae Commissionis Codicis Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et de magisterio ecclesiastico”: Coetus Specialis “De Magisterio”, sessio diebus 22 martii-2 aprilis 1982: “Raccolta delle Osservazioni allo Schema *de evangelizatione, Magisterio ecclesiastico et oecumenismo*”. (Document)

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

CCEO 916

Comm 52 (2020), 107: Congregatio pro Ecclesiis Orientalibus: Decretum Austriae de iurisdictionis extentu, 26 iulii 2018. (Document)

In 1945 Ukrainian-rite Catholics in Austria were entrusted to the care of the Archbishop of Vienna, an arrangement confirmed in 1956. By a decree of the Congregation for the Eastern Churches this jurisdiction is now extended to all Eastern-rite Catholics in Austria who lack a proper hierarch of their own.

CCEO 1464

AnC 16 (2020) 1, 59-106: Piotr Skonieczny: Przepięstwo kanoniczne naruszenia przepisów Kościoła w Polsce o ochronie danych osobowych. Komentarz do art. 42 ust. 2-4 dekretu KEP z 13 marca 2018 roku (*The canonical delict of violating the regulations of the Church in Poland on the protection of personal data. Commentary on Article 42 section 2-4 of the general decree of the Polish Bishops' Conference of 13 March 2018*). (Article)

See below, CIC canon 220.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

1-6

Comm 52 (2020), 139-240: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

1-203

Comm 52 (2020), 603-635: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

2

REDC 77 (2020), 829-867: Julio García Martín: Duración de la ley litúrgica. (Article)

See below, canon 838.

7-22

Comm 52 (2020), 139-240: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

22

EE 95 (2020), 843-879: María J. Roca: Régimen jurídico de la restitución de bienes culturales de titularidad eclesiástica: la relación entre los ordenamientos nacional, confesional y europeo. (Article)

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

23-28

Comm 52 (2020), 139-240: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

29-93

Comm 52 (2020), 603-635: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

51

Ius Comm VIII (2020), 197-213: Dominique Mamberti: La justicia administrativa canónica: actualidad y perspectivas. (Lecture)

See below, canon 1445.

57

Ius Comm VIII (2020), 197-213: Dominique Mamberti: La justicia administrativa canónica: actualidad y perspectivas. (Lecture)

See below, canon 1445.

59-93

Comm 52 (2020), 603-635: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo. (Documents)

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

96

EE 95 (2020), 701-743: Manuel J. Arroba Conde: Aproximaciones a la subjetividad canónica de la familia. (Article)

See above, General Subjects (*Family issues*).

111-112

SC 54 (2020), 511-524: Alexander M. Laschuk: Adscription to a *Sui Iuris* Church. (Article)

The proper determination of the ecclesial adscription of the Catholic faithful is necessary in ensuring the presence of the requisite jurisdiction which can be a factor impacting sacramental validity. The faithful are, in virtue of their baptism, incorporated into a specific Church. Membership in these Churches is governed by the norm of law and regulated by the Roman Pontiff in his capacity as supreme judge of relations between the Churches. L. first examines the canonical notion of the Church *sui iuris* and its conciliar and juridical foundations. He then considers how one is incorporated into a specific Catholic Church and how that adscription can be transferred from one Church *sui iuris* to another.

126

Ap XCII (2019), 11-49: Francesco Catozzella: *Error recidens in condicionem sine qua non* (Can. 126) ed *error in qualitate directe et principaliter intenta* (Can. 1097 §2). Profili di distinzione e di applicabilità nelle Cause di nullità matrimoniale. (Article)

See below, canon 1097.

129

QDE 33 (2020), 309-333: Roberto Interlandi: Il laico, soggetto passivo della delega. (Article)

I. begins with a survey of the nature of delegated power in the context of the power of governance in the Church, arguing that lay people are excluded from this power only by merely ecclesiastical law, since it is not intrinsic to orders. He reviews the development of the exercise of power by lay people from the CIC/17 to the present, and examines the offices which the current law allows to be entrusted to lay people (on the basis that *a fortiori* the

power exercised in these offices can be delegated). In cases where delegation to lay people is not forbidden, I. suggests two criteria to guide theological and canonical decisions about such delegation. The first is the secular character proper to the laity; the second is the notion that some offices are intrinsically hierarchical (that is, those which require orders for their exercise). The scope of these principles is examined, and examples of their application given.

131

QDE 33 (2020), 278-299: G. Paolo Montini: La facoltà di delegare.
(Article)

M. limits his analysis to the one delegating, and the reasons for his decision, setting this in the context of the power of governance and distinguishing delegated from vicarious power. Referring to the various mentions of delegation in the Code he shows that not all power can be delegated, but that when delegation is possible there are no requirements for the validity of a delegation. Given that the one delegating has such broad discretion, M. makes suggestions for avoiding problems between delegates and other office holders.

133

QDE 33 (2020), 278-299: G. Paolo Montini: La facoltà di delegare.
(Article)

See above, canon 131.

137

QDE 33 (2020), 278-299: G. Paolo Montini: La facoltà di delegare.
(Article)

See above, canon 131.

BOOK II, PART I: CHRIST'S FAITHFUL

204

LW 123/4 (2017), 133-200: Antony Kurisinkal (ed.): The Laity: Role and Vocation. (Articles)

This issue of LW focuses on the vocation of the lay faithful. **Gregory Arby** (pp. 210-216) explains that local churches can be alive and dynamic only with the active participation of the laity, and that the lay faithful are co-workers in the vineyard of the Lord along with the priests and religious, in their own specific and unique way. **Antony Kurisinkal** (pp. 217-249) looks at the true identity of the laity in the ecclesial community and in its law, examining from a canonical perspective the juridical status of the lay faithful as it has evolved over time, and the conceptual clarifications arrived at in the CIC/17, then in Vatican II, and subsequently in the CIC/83. He concludes that all the members of the people of God, endowed with a radical equality originating from baptism, are called to strive for the salvific mission of the Church, each according to his or her personal vocation and subjective juridical status. **Clement Valluvasery** (pp. 250-264) analyses the role and vocation of the laity in the light of Vatican II and the post-synodal Apostolic Exhortation *Christifideles laici*. He argues that “clericalization” is not a solution for the empowerment of the laity; rather, the solution arises as the natural result of understanding the distinguishing and unifying elements between the common priesthood and the ministerial priesthood.

204-231

IC 60/120 (2020), 695-739: María Blanco: La mujer en la Iglesia. (Article)

B. offers a brief overview of the history of women in the Church, based on the idea that Jesus Christ was the true inspiration and proponent of their dignity. She analyses the position of the abbess of Las Huelgas, who held civil and ecclesiastical jurisdiction from 1187 to 1874, and as such exercised powers that would be unthinkable today. B.’s purpose is to contextualize the debate about the role of women in the Church, showing institutional support for their work, challenging the idea that their contribution to the official and organizational activities of the Church is due to a series of accidental circumstances, and highlighting the fact that the true position corresponding

to women is not due to their participation in ecclesiastical office, but rather to respect for the gift received. However, B. also explores specific ways in which lay people may play a part in offices of the Church, and concludes that the specific contribution of women is “an indispensable contribution to the growth of a culture which unites reason and feeling, to a model of life ever open to the sense of ‘mystery’, to the establishment of economic and political structures ever more worthy of humanity” (Pope St John Paul II, Letter to Women, 29 June 1995).

207

LW 123/4 (2017), 133-200: Antony Kurisinkal (ed.): The Laity: Role and Vocation. (Articles)

See above, canon 204.

207

RDC 70/1-2 (2020), 5-309: La tentation du cléricanisme. (Compilation)

See above, General Subjects (*Compilations*).

208

IE XXXII (2020), 477-496: Gabriela Eisenring: La posizione della donna nella Chiesa. (Article)

E. presents some considerations concerning the position of women in canon law. The Catholic Church has a positive view of women and their dignity, as also of men. This attitude is founded upon the Christian view of human nature and a clear awareness of the fundamental dignity of human persons, in view of which men and women have equal rights in Church law. Although the Church has always affirmed the equality of men and women in her fundamental principles, there needed to be a progressive recognition of their juridical equality in canon law, as can be seen in the developments from the CIC/17 to the CIC/83. Alongside the equal rights of men and women, Christian anthropology also recognizes the difference between the sexes, which shows itself in the manner in which the tasks of men and women are performed. In this sense, woman has a specifically feminine way of carrying out her tasks in the family, in society, and in the Church, which signifies great potential for the Church. Man and woman have a concrete mission in the Church. Both have the same dignity as persons and the same

rights and responsibilities, but each fulfils his or her calling and task in the Church in a specific way as man and woman, as God created them.

220

AnC 16 (2020) 1, 7-23: Robert Czarnowicz – Piotr KroczeK: Rejestr duchowieństwa w perspektywach: praktycznej, ochrony dobrego imienia i ochrony danych osobowych (*Register of clergy from a practical perspective and the perspectives of protection of one's good name and protection of personal data*). (Article)

In Poland, there is a problem of priests who are forbidden to minister and who, contrary to canon law, perform priestly services, such as administering sacraments or preaching the word of God. The article analyses the idea of a centralized, nationwide register of priests forbidden to exercise ordained authority, as a way of solving this problem. The authors evaluate this register from a practical point of view, from the perspective of protection of one's good name, and from that of the protection of personal data. They conclude by rejecting the idea of the register in question and by proposing an alternative to it, based on a uniform model of clergy ID.

220

AnC 16 (2020) 1, 59-106: Piotr Skonieczny: Przystępstwo kanoniczne naruszenia przepisów Kościoła w Polsce o ochronie danych osobowych. Komentarz do art. 42 ust. 2-4 dekretu KEP z 13 marca 2018 roku (*The canonical delict of violating the regulations of the Church in Poland on the protection of personal data. Commentary on Article 42 section 2-4 of the general decree of the Polish Bishops' Conference of 13 March 2018*). (Article)

S. studies a new canonical delict established by the Polish Bishops' Conference on 13 March 2018 with regard to the processing of personal data in the Catholic Church. He analyses the problem against the background of canon 1389 §§1-2 of the CIC/83 and canon 1464 §§1-2 of the CCEO, as well as the corresponding Italian decree of 2018 (see *Canon Law Abstracts*, no. 125, pp. 40-41). He points out many errors in the new legislation and proposes some amendments.

220

Canonist 11/2 (2020), 246-274: Elizabeth Ong: New Zealand Privacy Law in Relation to Canon Law. (Article)

Privacy is a right protected by civil law internationally and by canon law. Privacy laws are subject to much reform worldwide now as the law tries to catch up with advancements in technology. O. sets out the challenges facing the Church, which has long been engaged in the development and protection of human rights, in proactively addressing and matching these civil law reforms for the protection of Christ's faithful.

221

EE 95 (2020), 745-799: Carlos M. Morán Bustos: El tiempo y los procesos en la Iglesia: la «duración razonable» de los procesos canónicos como derecho fundamental de los fieles. (Article)

See below, canon 1453.

221

SCL XV (2020), 349-400: Merlin Rengith Ambrose: *Ius Defensionis*: Fulcrum of Justice in the Rotal Jurisprudence. (Article)

See below, canon 1620.

228

QDE 33 (2020), 309-333: Roberto Interlandi: Il laico, soggetto passivo della delega. (Article)

See above, canon 129.

245

LW 123/3 (2017), 133-200: Antony Valungal (ed.): Socially Oriented Priestly Formation. (Articles)

This issue of LW is dedicated to the social orientation aspect of priestly formation. **Rajesh Pollayil** (pp. 136-148) examines the social orientation of human formation according to Pope Francis, who stresses that human formation must flow naturally into pastoral ministry, and that all its

dimensions and subdimensions must be harmonized and blended with true missionary zeal. **Joseph Joy Arakkal** (pp. 149-163) looks at the contemplative dimension of formation and the spirituality of the diocesan priest, based on the “communion of persons” which John Paul II talks of in *Familiaris Consortio*, no. 11. **Antony Valungal** (pp. 164-185), focusing on the importance of the integral element in priestly formation, presents the results of an empirical study regarding spiritual formation in Kerala today. **Arun D. P.** (pp. 186-200) looks at faith formation in families, and the family as a domestic church.

267

QDE 33 (2020), 434-460: Enrico Massignani: L'incardinazione di chierici appartenenti a un'altra Chiesa *sui iuris*. (Article)

M. reviews incardination from an inter-ecclesial perspective, beginning with a comparative study of the institution in the CIC/83 and the CCEO. He distinguishes incardination in a particular Church from adscription to a Church *sui iuris*, and examines a number of cases where a cleric might be incardinated into a particular Church different from his Church of adscription: the situation of a priest ministering to faithful who have migrated from the traditional territory of their Church, the ordination of a cleric belonging to another Church, the indult of bi-ritualism, the incardination of married Eastern priests in Latin dioceses, and the problems of transfer (or transmigration). He concludes with a case study of a married Eastern priest being incardinated into an Italian diocese.

270

QDE 33 (2020), 391-416: Matteo Visioli: L'escardiazione per giusta causa: tra il bene del chierico e l'utilità della Chiesa. (Article)

V. examines excardination (and its correlative incardination) by looking at the notions of usefulness for the Church and the good of the cleric concerned. Having set the present law in the context of its historical development he proceeds to analyse the notion of usefulness for the Church from both universal and local perspectives, and offers a series of criteria which would help assess this both as regards the Church and in relation to the particular cleric in question. He then looks at the notion of the good of the cleric and suggests that this should be considered in the light of the rights conferred on clerics by the Code. He concludes by addressing the question of recourse, from both procedural and substantive points of view.

270

QDE 33 (2020), 417-433: Alberto Perlasca: L'incardinazione nei movimenti ecclesiali e nelle associazioni. Qualche novità? (Article)

P. addresses the problem of incardinations in ecclesial movements and associations by starting from recent guidance from the Congregation for the Clergy and the power to incardinate given to a number of clerical associations. He looks at the current situation of new movements, examining current thought on their ecclesial identity and the ways in which the problem of incardination is addressed, before studying the issues surrounding the question of whether they can incardinate. He highlights the problems of lay people exercising the power of governance over clerics, and the issue of dimissorial letters. He then looks at clerical associations, and sets the recent guidance of the Congregation for the Clergy concerning them in the specific context of the case of the Emmanuel Community (in which regard see *Canon Law Abstracts*, no. 122, p. 52). His conclusion is that the ecclesial identity of the new movements is still not sufficiently clear to make this possibility for associations one to recommend, and suggests that the existing expedients should be continued.

302

QDE 33 (2020), 417-433: Alberto Perlasca: L'incardinazione nei movimenti ecclesiali e nelle associazioni. Qualche novità? (Article)

See above, canon 270.

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

331-335

AnC 16 (2020) 1, 39-58: Tomasz Rozkrut: Współczesne kanony na temat Biskupa Rzymskiego: łacińskie i wschodnie. Porównanie oraz ich źródła (*Modern canons relating to the Bishop of Rome: Latin and Eastern. Comparison and their sources*). (Article)

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

336-341

Ap XCII (2019), 127-176: Paolo Gherri: Episcopato ed Episcopati: Chiese ed ecclesialità. (Article)

G. reflects on the complex network of relationships that exist nowadays between, on the one hand, the episcopate (as sacrament and as *ordo episcoporum*) with its different expressions (as *ministerium* and as groupings of bishops), and, on the other, Churches, in the dynamic between *universa Ecclesia* and *particulares Ecclesiae*. He looks at how the relationship between the *status episcopalis* and the *officium episcopalis* impacts on the relationship between Church and Churches. Sixty years on from Vatican II, the category of “episcopal collegiality” is quite inadequate in the light of current ecclesiological awareness, which is probably more suitably expressed in terms of synodality.

342-348

L 61 (2020), 509-547: Silvio de Almeida: Il Sinodo dell’Amazzonia: per un’ecclesiologia integrata. (Article)

De A. analyses the Synod of Bishops for the Pan-Amazon region (6-27 October 2019), on the basis of integration hermeneutics. After surveying the current context that motivated the Synod, he presents its ecclesiology.

342-348

LS 43 (2020), 205-312: “For a Synodal Church”. The Catholic Church on Her Way into the Third Millennium. (Articles)

See above, General Subjects (*Ecclesiology*).

353

QDE 33 (2020), 356-371: Fabio Franchetto: Commento a un canone. II concistorio ordinario (can. 353 §2). (Comment)

The present Code has changed the classification of consistories from secret, public, or semi-public, to divide them between ordinary and extraordinary. F. presents the ordinary consistory, and examines the reasons why the Pope might summon such: consultation on grave matters, performance of solemn acts, and the celebration of a solemnity; only in the last case can a consistory be public. These possibilities are analysed in the light of the ordinary consistories that have taken place since the CIC/83 came into force; the practice reveals that the norms have not always been followed and that the previous categorization has remained in some degree of use. F. suggests that this offers an opportunity to redefine the consistory as an instrument of synodality, so that it may continue to perform its consultative function to assist the Roman Pontiff.

360

Comm 52 (2020), 339-343: Pope Francis: Litterae apostolicae motu proprio datae “Una migliore organizzazione” quoad nonnullas facultates de oeconomicis et nummaris rebus, 26 decembris 2020. (Document)

The purpose of this motu proprio is to achieve better regulation of the economic and financial activities of the Holy See, and in particular to define the roles of the Secretariat of State, the Administration of the Patrimony of the Apostolic See, and the Secretariat for Economic Affairs. The first article sets a timetable for transferring to the Administration of the Patrimony funds and assets hitherto entrusted to the Secretariat of State. In future all funds attributable to the Holy See are to be paid into an account named “General Budget of the Holy See”. Expenses incurred by the Secretariat of State will be paid by the Administration. Article 2 spells out how the Administration is to manage this. Article 3 places the role of supervision with the Secretariat

for Economic Affairs. Article 4 limits the ongoing role of the Administrative Office of the Secretariat of State to human resource matters.

360

Comm 52 (2020), 344-345: Pope Francis: Statutum Commissionis de reservatis materiis, 1 octobris 2020. (Document)

This statute sets out the responsibilities of the Commission for Reserved Matters established by a rescript of 15 June 2020. Its role is to make a judgement concerning the balance between confidentiality and transparency in the area of awarding public contracts. The statute is approved on an experimental basis for five years from 1 October 2020.

360

Comm 52 (2020), 346-353: Pope Francis: Chirographum et Statutum quoad erectionem personae iuridicae canonicae et Vaticanae Foundationis “Rete Mondiale di Preghiera del Papa”, 17 novembris 2020. (Documents)

This chirograph establishes a new statute for the *World Network of the Prayer of the Pope*, formerly known as The Apostolate of Prayer founded by Fr F.-X. Gautrelet to make known the Pope’s prayer intentions month by month. Following a preamble, which sets out the history of the organization, there are 18 articles spelling out its role and structure.

360

Comm 52 (2020), 354-363: Pope Francis: Chirographum ad probandum novum statutum Auctoritatis de communicatione nummaria nunc “Autorità di Supervisione e Informazione Finanziaria (ASIF)”, 5 decembris 2020. (Documents)

The chirograph sets out briefly the legislative history of the *Autorità di Informazione Finanziaria* and its role in combating money-laundering, terrorism, and weapons of mass destruction, and following changes in Vatican City law, renames it as *Autorità di Supervisione e Informazione Finanziaria* and approves a new set of statutes. The text of the new Statute follows.

360

Comm 52 (2020), 364-366: Pope Francis: Epistula Em.mo Secretario Status Card. Petro Parolin quoad rerum oeconomicarum Secretariae Status translationem Administrationi patrimonii Sedis Apostolicae, 25 augusti 2020. (Document)

In a letter to the Secretary of State, Pope Francis sets out the reasons for the changes he has made with regard to the responsibility for the financial affairs of the Secretariat and suggests that he convokes a meeting of the appropriate heads of departments to prepare for the transition, with a view to everything being in place by 1 November 2020.

372

FCan XIV/2 (2019), 37-79: João Vergamota: O Papa Francisco e os Ordinariatos Pessoais da Constituição *Anglicanorum Coetibus*: reflexão canónica no seu 10º aniversário; Congregation for the Doctrine of the Faith: Complementary norms for the Apostolic Constitution *Anglicanorum Coetibus* (19.03.2019). (Article and document)

In 2009, Pope Benedict XVI created, by means of the Apostolic Constitution *Anglicanorum Coetibus*, the Personal Ordinariates for the corporate reception of groups of former Anglican faithful who wished to enter into full communion with the Catholic Church, bringing at the same time certain elements of Anglican Patrimony as a treasure to conserve and share. Between 2011 and 2012, three Ordinariates were instituted, which today are present in the United Kingdom, the United States of America, Canada, Australia, and Japan. The tenth anniversary of the Apostolic Constitution provides an opportunity to evaluate, from various perspectives, the progress made by these Personal Ordinariates. From a canonical perspective, V. studies the relationship of the Supreme Legislator of the Church to the Personal Ordinariates, in particular through three canonical interventions of Pope Francis since his election in 2013: two amendments to the Complementary Norms, in 2013 and 2019 (concerning incardination of former Anglican clerics already incardinated in a Catholic diocese; admission of faithful; liturgical celebrations according to *Divine Worship*; and formation for the priesthood) and the appointment, in 2015, of Steven J. Lopes as Ordinary of the Personal Ordinate of the Chair of Saint Peter, the first Ordinary of Personal Ordinariates with episcopal character. The updated English text of the Complementary Norms is given on pp. 73-79.

377

Comm 52 (2020), 557-561: Prorogatio conventii ad tempus inter Sanctam Sedem et Rem Publicam Popularem Sinarum de episcoporum designatione, 22 octobris 2020. (Document)

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

383

Comm 52 (2020), 501-541: Pontificium Consilium ad Christianorum Unitatem Fovendam: Vademecum oecumenicum “Il Vescovo e l’unità dei cristiani”, 4 decembris 2020. (Document)

The Pontifical Council for Christian Unity has prepared this *Vademecum* to assist bishops in their work for ecumenism. The Eastern Code emphasizes the importance of this work even more strongly than the Latin Code. The first part addresses the promotion of ecumenism within the Catholic Church, formation as well as structures. The second examines the relationship between the Catholic Church and other Christians: the spiritual ecumenism of shared prayer and spirituality, but also “purification of memory”; dialogue in charity, in truth, and the dialogue of life. It then looks at practical implications of the latter, including mixed marriages and sacramental sharing, and collaboration in service of the world, and also at a cultural level. There follows a lengthy appendix which gives a synopsis of the state of dialogue between the Catholic Church and various groups of Churches, both Eastern and from the Reformed tradition.

447-459

Ap XCII (2019), 177-192: Émile Kouveglo: Chiese, Vescovi e Conferenze episcopali. (Article)

In a context where the celebration of particular councils was becoming difficult or in any event rare, episcopal conferences began to exist – even before being officially instituted – as a spontaneous response by the bishops to the need to meet and discuss the problems of the Churches within the territory of the same nation. Even today, notwithstanding any theoretical difficulty in defining their theological and juridical status, episcopal conferences are seen to be highly active organisms facilitating pastoral integration and communion at the local level. For this reason, they can be effective instruments of intermediate synodality, so long as the *communio episcopalis* is placed at the service of the *communio Ecclesiarum*.

447-459

EIC 60 (2020), 357-370: Péter Erdö: Le basi teologiche delle Conferenze Episcopali. (Article)

At every phase of her history, the Church is called upon to seek the theological value of each institutional solution in her development. With regard to episcopal conferences, these are not simply a manifestation of episcopal collegiality: they also play a role in bringing about communion among the Churches, and are above all effective instruments (though not the only ones) for accomplishing the mission of the whole Church.

447-459

EIC 60 (2020), 371-389: Giorgio Feliciani: Le Conferenze Episcopali dalle origini al Concilio Vaticano II. (Article)

F. studies the origins of episcopal conferences, their first experiences, their theological basis, the matters they are called upon to deal with, particular councils, and factors influencing their development. He then considers how they have come to be regulated by universal law, from the first dispositions under Pius X, the CIC/17, the interventions of Pius XI (and certain contradictions to which these gave rise), and the decisive impulse of Pius XII.

447-459

EIC 60 (2020), 391-409: Juan Ignacio Arrieta: La comunione ecclesiale nella recente esperienza giuridica delle Conferenze Episcopali. (Article)

One of the functions of episcopal conferences is to act as a bridge between the organization of nation States and the sacramental organization based on the episcopacy, which the Church aspires to. While political organization has developed according to the historical and cultural experience of each country, ecclesiastical organization has maintained a structure based on the model of the Apostolic College founded by Christ, retaining the two hinges delineated by the episcopal office: the individual and the collegial. This experience, which dates back to Apostolic times, offers no reference point of ecclesiastical governance equivalent to that which has emerged with the development of the modern States. With Vatican II a way of responding to this need was found in the episcopal conferences, opportunely inserted within the sacramental structure of the Church.

447-459

EIC 60 (2020), 410-433: Benedict Ndubueze Ejeh: Le Conferenze Episcopali come fonte di magistero. (Article)

Analysing the ecclesiological and juridical profile of episcopal conferences, E. concludes that this institution is a collective body endowed with its own capacity to act, different from that of each of the individual member bishops; as such it is also capable of issuing authentic Magisterium. However, for its teaching to command the religious adherence of all the faithful within the territory of the Conference, it needs in all cases to obtain juridical legitimacy through the *recognitio* of the Holy See. On its own, the Conference does not exercise any ecclesiastical jurisdiction beyond that granted it by the Holy See.

447-459

EIC 60 (2020), 435-462: Massimo del Pozzo: Il ruolo delle Conferenze Episcopali nell'ordinamento della liturgia. (Article)

See below, canon 838.

447-459

EIC 60 (2020), 523-564: Romeo Astorri: Istituzioni ecclesiastiche ed emergenza sanitaria. Le Conferenze Episcopali tra normativa civile e legislazione canonica. (Article)

Recent events in Europe, which have seen episcopal conferences playing an important role, serve as an opportunity for reflecting on how the conferences have exercised their competences and interpreted their own goals. The purpose of episcopal conferences is to provide for the common good of particular Churches through collaboration among the pastors under their care. Their activity during the particular circumstances of a pandemic could offer a clue as to how the law in force becomes living law.

455

EIC 60 (2020), 463-491: Luigi Lacroce: Il diritto particolare della Conferenza Episcopale Italiana nel secondo decennio del secolo ventunesimo. (Article)

L. offers a survey and analysis of the normative output of the Italian Episcopal Conference concerning ecclesiastical tribunals, privacy, and the safeguarding of minors, between 2010 and 2020.

455

Ius Comm VIII (2020), 333-369: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 3 mayo 2018. Del ordenamiento judicial para constituir la jurisdicción eclesiástica para la protección de los datos personales; 2. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de primera instancia para la protección de los datos personales; 3. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de segunda instancia para la protección de los datos personales; Matthias Ambros: Comentario: La jurisdicción para la protección de datos en el ámbito de la Conferencia episcopal alemana, ¿paso previo a una erección de tribunales administrativos generales locales? (Documents and comment)

The text is given of three decrees of the Apostolic Signatura dated 3 May 2018, granting *recognitio* to a decree of the German Bishops' Conference for the erection of a data protection tribunal, and its internal ordering; approving a decree of the same Conference for the erection of a first instance interdiocesan data protection tribunal; and approving a decree of the same Conference for the erection of a second instance interdiocesan data protection tribunal. Commenting on the decrees, A. notes that in practice these tribunals often rely on State law, even when corresponding canonical norms exist. He argues that the erection of data protection tribunals should be discussed within the context of the possible introduction of general administrative tribunals. The data protection tribunals already established could be seen as a first step towards such general administrative tribunals.

459

EIC 60 (2020), 493-521: Alberto Fabbri: Il CCEE e il CELAM, organi di collegamento tra Conferenze Episcopali, tra prassi e nuovi scenari. (Article)

The presence of different forms of Catholic episcopal aggregation at continental and regional levels is a clear indication of the Church's vitality as it continuously promotes and stimulates new models of synodality. Episcopal conferences are an instrument capable of responding to the need for a joint exercise of office for the greater good of the Church. With particular reference to the Council of the Bishops' Conferences of Europe (CCEE) and the Episcopal Conference of Latin America (CELAM), F. examines the relationship between different episcopal bodies and the autonomy of the organs of collaboration among individual conferences based on the ecclesiology of communion.

471

Comm 52 (2020), 72: Pope Francis: Rescriptum ex audientia SS.mi quo art. 1 n. 11 Instructionis "Secreta continere" mutatur, 15 iunii 2020. (Document)

A rescript of 5 December 2016 modified the Instruction *Secreta continere* of 4 February 1974 attaching the pontifical secret to juridical, economic, and monetary matters of the Holy See (art. 11). This is now changed by adding a requirement that prior permission be obtained from a Commission to be established for this purpose by the Supreme Pontiff. (See also *Canon Law Abstracts*, no. 124, p. 64-66.)

471

IE XXXII (2020), 721-740: Matteo Visioli: L'istruzione sulla riservatezza delle cause. Considerazioni al margine del rescriptum ex audientia ss.mi del 6 dicembre 2019. (Document and comment)

See below, canon 1395.

494

QDE 33 (2020), 300-308: Mauro Rivella: Delega e procura nell'amministrazione dei beni temporali. (Article)

R. sets his work in the context of the distinction between canon and civil law, comparing the application of the canonical concept of the delegation with the (Italian) civil law concept of the *procura notarile* (a rough English law equivalent would be agency). These two are briefly described, and then applied to diocesan and parish levels. R. argues that the diocesan finance officer should not be delegated the oversight function of canon 1278, but might receive a *procura* for diocesan business. In a parish an administrator should be overseen by a parish finance council, but might sensibly receive a *procura*.

515

RDC 69/2 (2019), 209-228: Benoît Pigé: Repenser la gouvernance des communautés paroissiales. (Article)

On the basis of the experience of the diocese of Poitiers, France, in the 1990s and 2000s, P. suggests an alternative organizational model for the parish, in which the priest is not so much a “leader” as a guarantor of communion. According to this model the bishop is no longer primarily the head of an organization but is above all responsible for the communion of Catholic communities and for the communion of his diocesan Church with the universal Church.

515-552

Comm 52 (2020), 427-467: Congregatio pro Clericis: Instructio “La conversione pastorale della comunità parrocchiale al servizio della missione evangelizzatrice della Chiesa”, 29 iunii 2020. (Document)

This Instruction sets out and explores developments in pastoral organization that have taken place in various particular Churches in recent years, and draws lessons on how the whole parish community can be involved in proclaiming the Gospel so that pastoral care can become missionary in character. The topics addressed are: pastoral conversion; parish in a contemporary context; the value of the parish today; mission – the criteria that guide renewal; an inclusive parish, evangelizing and attentive to the poor; the conversion of both persons and structures; parishes and other pastoral groupings within a diocese – parish clusters, deaneries, pastoral

units and pastoral regions; ordinary and extraordinary forms of the entrustment of pastoral care (cf. canon 517); parochial tasks and ministers; organs of co-responsibility – finance committees, parish pastoral councils, other expressions; Mass stipends and stole fees.

519

RDC 69/2 (2019), 209-228: Benoît Pigé: Repenser la gouvernance des communautés paroissiales. (Article)

See above, canon 515.

522

QDE 33 (2020), 500-504: Enrico Massignani: La nomina dei parroci *ad certum tempus*. (Response to a question)

M. addresses the question as to whether the legal category of prorogation is appropriate to analyse the situation when a parish priest appointed for a set term reaches the end of that term and the bishop does not act. He concludes that although the bishop's failure creates a problematic and undesirable situation, prorogation is not an appropriate solution.

537

QDE 33 (2020), 300-308: Mauro Rivella: Delega e procura nell'amministrazione dei beni temporali. (Article)

See above, canon 494.

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

573

FCan XIV/2 (2019), 21-35: Hugo Cavalcante: A ação jurídico-reformadora do Papa Francisco no âmbito dos Institutos de Vida consagrada e das Sociedades de vida apostólica em seus seis anos de Pontificado. (Article)

The Church has always held institutes of consecrated life and societies of apostolic life in high regard, perceiving them as a true gift of the Holy Spirit who makes known the several charisms and the *modus vivendi* of the *sequela Christi*. From the start of his pontificate Pope Francis has been promoting modifications to the norms of the Code of Canon Law, with the evident intention of making those norms more suitable to today's requirements, in order that the members of institutes of consecrated life and societies of apostolic life may bear witness through the new life, rooted in their own baptism, which they have freely assumed. C. gathers together all the changes made either by the Holy Father in his six years of Petrine ministry, or by the relevant dicasteries of the Roman Curia: the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, the Congregation for the Eastern Churches and the Congregation for the Evangelization of Peoples or *De Propaganda Fide*. The main documents referred to are the rescript *ex audientia Sanctissimi* of 11 May 2016 requiring prior consultation with the Holy See as a condition for the valid erection of a diocesan institute of consecrated life (see *Canon Law Abstracts*, nos. 118, pp. 60-61; 121, p. 56; 125, p. 56); the Instruction *Cor orans* of 1 April 2018, implementing the Apostolic Constitution *Vultum Dei quaerere* (see *Canon Law Abstracts*, nos. 123, pp. 67-69; 124, p. 73); the motu proprio *Communis vita* of 19 March 2019 (see *Canon Law Abstracts*, nos. 123, pp. 70-73; 124, pp. 73-74; and below, canon 694) and the Circular Letter of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life *Siamo consapevole* of 8 September 2019 giving more specific instructions on *Communis vita*.

579

Canonist 11/2 (2020), 186-196: Pope Francis: Apostolic Letter issued Motu Proprio *Authenticum Charismatis* amending Canon 579 CIC, with commentary by Rodger J. Austin. (Document and comment)

The text is given of Pope Francis's motu proprio of 1 November 2020 amending canon 579, together with that of the 2016 rescript requiring prior consultation with the Holy See as a condition for the valid erection of a diocesan Institute of consecrated life (see *Canon Law Abstracts*, nos. 118, pp. 60-61; 121, p. 56; 125, p. 56). The new text of canon 579 is: "Diocesan Bishops, in their own territories, can by formal decree validly erect institutes of consecrated life, having received in writing the permission of the Apostolic See." A. notes in his comment that the Pope situates the decision to erect a new institute in the context of the charisms with which "the Holy Spirit enriches the entire evangelizing Church". The responsibility for discerning the ecclesial nature and reliability of charisms rests with pastors of the particular Churches. (On 21 November 2020 the Pope issued a separate motu proprio *Ab initio* amending two canons of the CCEO relating to the same issue in respect of monasteries *sui iuris* and religious institutes: see above, CCEO canon 435.)

579

Comm 52 (2020), 333-336: Pope Francis: *Litterae apostolicae motu proprio datae "Authenticum charismatis"* quibus can. 579 Codicis Iuris Canonici mutatur, 1 novembris 2020. (Document)

See preceding entry. The judgement as to the ecclesial nature and trustworthiness of a charism belongs to the pastors of the Church. It is important to welcome the movements of the Spirit but also to be cautious about institutes arising that are not useful to the Church or lack sufficient vigour. For this reason Pope Francis changes the text of canon 579 to strengthen the prior oversight of the Holy See. The requirement for prior consultation is changed to prior written permission. The previous statement that this consultation or approval was for validity is no longer implicit in "*dummodo*" but stated explicitly "*valide*". The Latin text is followed by an Italian translation.

579

REDC 77 (2020), 1063-1066: Carta apostólica en forma de *motu proprio* del Sumo Pontífice Francisco *Authenticum Charismatis*, 01.11.20. Texto y comentario. (Document and comment)

See preceding entries. The Spanish text of the *motu proprio* is given, together with a comment by Luis A. García Matamoros.

579

FCan XIV/2 (2019), 21-35: Hugo Cavalcante: A ação jurídico-reformadora do Papa Francisco no âmbito dos Institutos de Vida consagrada e das Sociedades de vida apostólica em seus seis anos de Pontificado. (Article)

See above, canon 573.

579

Ius Comm VIII (2020), 293-319: Juan Manuel Cabezas Cañavate: Itinerario canónico de un nuevo instituto de vida consagrada. (Article)

In recent times, together with an unprecedented crisis of religious life, there has also been a flowering of new communities of consecrated life that require careful attention. C. studies the various steps that bishops should take in order to welcome, accompany, and mature these new institutions until they are recognized as such by the Church. He looks in particular at the criteria that can help them to exercise discernment concerning the origin of such communities, paying special attention to the recent modification of canon 579.

634-640

Cla n.s. 11, 60 (2020), 241-296: Gian Franco Poli: “Economia a servizio del carisma e della missione”. Orientamenti per una corretta “gestione dei beni”. Seconda parte: Linee ispirative. (Article)

For the first part of this article see *Canon Law Abstracts*, no. 122, p. 66. Here P. offers some “inspiring guidelines” on the document *Economy at the service of the charism and mission* issued by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL) in 2018. The sources of “inspiration” for the document include Scripture, conciliar

Magisterium, papal teachings, the CIC/83, and CICALSAL's own praxis. The "fundamental criteria" of the document include fidelity to God and the Gospel, fidelity to the institute's charism, poverty, respect for the ecclesiastical nature of the institute's goods, sustainability of works, and the need for accountability. Those who have specific functions in this regard are the Roman Pontiff, bishops, superiors, and financial administrators. Relevant norms are those of universal law, proper law, and magisterial documents, concerning the temporal goods of institutes of religious life and societies of apostolic life.

662-672

REDC 77 (2020), 909-935: Laura Magdalena Miguel: Limitación de la capacidad de obrar en miembros de Institutos de Vida Consagrada. (Article)

The possibility of limiting individuals' capacity to act is not an option alien to legal systems, but the legislator rejects any norm that might restrict the free exercise of rights. In this sense, the Code of Canon Law is no exception, which may explain the absence of any such limitation in situations in which, on account of mental illness or advanced age, the person is not in a condition to provide certain services, and may not be capable of undertaking the psychological process necessary for making certain decisions. In these circumstances, the limitation of the individual's capacity to act may appear as a necessity.

667

FCan XIV/2 (2019), 21-35: Hugo Cavalcante: A ação jurídico-reformadora do Papa Francisco no âmbito dos Institutos de Vida consagrada e das Sociedades de vida apostólica em seus seis anos de Pontificado. (Article)

See above, canon 573.

675

VR 129 6-10 (2020), 280, 328, 378, 425, 471: Hans Zollner: La misión de la vida consagrada frente a los abusos. (Articles)

In a series of short articles, Z. looks at 1. the responsibility of institutes of consecrated life to draw up directives for child protection, not only as a way

of complying with State laws but also in order to recover lost trust: a duty which – on account of the energy and time it requires – constitutes an ascetical exercise which the religious should be willing to embrace; 2. the work of the Centre for Child Protection of the Pontifical Gregorian University (<http://childprotection.unigre.it>) in helping avoid the abuse of minors and vulnerable adults and above all in promoting a broad and profound knowledge of the causes, accompanying factors, and effects of sexual abuse; 3. the protection of minors as part of the mission of the religious in the world; 4. the distorted attitudes that have made it possible not only for abuse to be committed over a period of decades, but also for crimes to be covered up, without thinking of the victims or even asking for forgiveness; and in this regard the need for religious to explore new ways of faith and prayer; 5. the role of religious in fighting sexual abuse, through their institutions, technical competences, and influence.

684-704

EIC 60 (2020), 565-586: Luigi Sabbarese: Normativa canonica e prassi dicasteriale nella separazione dall'Istituto. (Article)

The separation of members from their religious institute is one of the complex themes of the law of religious life. After a brief introduction, S. reflects on the praxis of the Roman Curia, in particular that of the dicastery for consecrated life, with reference to the relevant norms of the Code. He highlights normative novelties and dicasterial praxis as they relate to the 2020 Guidelines on the subject.

694

FCan XIV/2 (2019), 21-35: Hugo Cavalcante: A ação jurídico-reformadora do Papa Francisco no âmbito dos Institutos de Vida consagrada e das Sociedades de vida apostólica em seus seis anos de Pontificado. (Article)

See above, canon 573.

694

REDC 77 (2020), 869-907: Erika Jacinto Muñoz: La expulsión de un miembro de un instituto religioso por ausencia ilegítima prolongada de la casa religiosa a tenor de los cánones 694 §1, 3° y 696 §1. (Article)

Life in community is considered an essential constitutive element of religious life. Nonetheless, the experience of recent years has demonstrated that situations of unlawful absences from the religious house arise, during which the member of the community withdraws himself or herself from the jurisdiction of the lawful superior and at times cannot be located. Faced with this reality, the canonical legislator provides administrative procedures for the dismissal from the institute, which set out ways of dealing with these complex situations in order both to resolve, with the greatest possible respect, the juridical situation of the unlawfully absent member, and to guarantee religious discipline and justice within the institute.

694

IE XXXII (2020), 711-719, 787-788: Francisco José Regordán: Breve análisis del nuevo tipo sancionador de ausencia ilegítima promulgado con la carta apostólica en forma de “motu proprio” *Communis vita*. (Comment)

See preceding entry. Commenting on the objective and subjective elements that constitute the situation contemplated in the new canon 694 §1, 3°, R. examines how it is to be established that the whereabouts of the religious are unknown and that the religious wishes to extract himself or herself from obedience to the superior. He also looks at how the *ipso facto* nature of dismissal from the institute is to be reconciled with the requirement that a declaration of illegitimate absence is to be issued by the superior in conjunction with his or her council; and at certain procedural difficulties that may arise. (The Italian text of the document is given on pp. 787-788.)

696

REDC 77 (2020), 869-907: Erika Jacinto Muñoz: La expulsión de un miembro de un instituto religioso por ausencia ilegítima prolongada de la casa religiosa a tenor de los cánones 694 §1, 3° y 696 §1. (Article)

See above, canon 694.

741

SPW 23 (2020), 471-488: Dariusz Walencik: Opinia prawna na temat beneficjenta rzeczywistego w przypadku spółki kapitałowej, której jedynym (100%) udziałowcem czy akcjonariuszem jest zakon bądź jego jednostka organizacyjna (prowincja zakonna, opactwo, klasztor niezależny, dom zakonny) (A legal opinion on the real beneficiary of a limited company in which the only [100%] stockholder or shareholder is an order or its organizational unit [a monastic province, an abbey, an independent monastery, or a monastic house]). (Article)

On the basis of Polish law and canon law W. concludes that, in the case of a limited company whose only (100%) stockholder or shareholder is an order or its organizational unit (a monastic province, an abbey, an independent monastery, or a monastic house), the true beneficiaries are the competent superior of the order and the members of its council.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

751

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l'apostasie dans l'Église catholique après le motu proprio *Omnium in mentem*? (Article)

See below, canon 1086.

767

SPW 22 (2019), 101-117: Włodzimierz Broński: Prawnoautorskie aspekty kazania (*Copyright aspects of the sermon*). (Article)

B. studies the question of sermons and copyright law in Poland.

786

SC 54 (2020), 495-509: Alphonse Ky-Zerbo: La notion d'«Église pleinement constituée». (Article)

The concept of a “fully constituted Church” can only be understood if it is situated within the framework of specific missionary action. The criteria used to determine it are to be found not only in the legislative provisions of the 1983 and 1990 Codes related to their conciliar sources, but also in the decision of the supreme authority based on elements in the practical order. A “fully constituted Church” is a young Church which has become autonomous and is recognized as such by the supreme authority. It is a particular Church in its own right, capable of making its contribution to the universal Church.

796-806

Ius Comm VIII (2020), 215-229: Zenon Grocholewski †: Identidad y misión de la escuela católica: el ordenamiento canónico. (Lecture)

In the CIC/83, the Catholic school appears as the result of two requirements that are integrated, that is, of two interdependent sets of rights and duties: on the part of the parents, the right and the obligation to provide a Catholic education for their children; and on the part of the Church, the right and the

obligation to offer parents help so that they can fulfil their mission. As places for the formation of authentic Catholics, Catholic schools will contribute to the building of a better world by helping all to grow in truth, true freedom, and good works. The more clearly they retain their identity, the more fruitful and beneficial will be their commitment to transmitting faith and hope.

807-814

Comm 52 (2020), 468-500: Congregatio de Institutione Catholica (de Studiorum Institutis): Instructiones pro studiorum superiorum Institutis, 8 decembris 2020. (Documents)

On 8 December 2020 the Congregation for Catholic Education issued three related Instructions concerning Catholic institutes of higher studies. These set out detailed norms, both common and those specific to faculties of theology, canon law, philosophy and others. The first (pp. 468-478) covers the process of affiliation. The second (pp. 479-489) covers aggregation. The third (pp. 490-500) covers incorporation.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

EIC 60 (2020), 435-462: Massimo del Pozzo: Il ruolo delle Conferenze Episcopali nell'ordinamento della liturgia. (Article)

Del P. analyses the provisions of the Vatican II Constitution *Sacrosanctum Concilium* regarding episcopal conferences, as well as subsequent developments, in the light of the guiding principles set out in the motu proprio *Magnum principium* of 3 September 2017. The activity of episcopal conferences is primarily carried out through the exercise of legislative power and the coordination of pastoral activities by means of a shared approach and common directives. Common difficulties in applying the reform concern translations, adaptations and, more generally, liturgical inculturation. The resolution of individual problems calls for a qualitative increase in communion between the Roman Curia and the episcopal conferences. Del P. expresses his hope for a consolidation and maturing of episcopal organisms in such a way as to foster an enrichment of signs, improved quality in celebrations, and the formation of the people of God in prayer.

838

REDC 77 (2020), 829-867: Julio García Martín: Duración de la ley litúrgica. (Article)

The liturgical reform, carried out in accordance with the principles and norms of the Vatican II Constitution *Sacrosanctum Concilium*, involves a set of ecclesiastical laws regulating the correct celebration of liturgical actions, sacraments, and other acts of worship, as well as determining the functions of all who take part. Such laws are subject to the provisions of canon law concerning promulgation, duration, and revocation, so that they can be amended by the competent authority when necessary; thus they are not immutable, as is evidenced by the various liturgical laws issued since the time of the reform.

BOOK IV, PART I, TITLE I: BAPTISM

849

Comm 52 (2020), 422-426: Congregatio pro Doctrina Fidei: Responsa ad proposita dubia de validitate baptismatis, 24 iunii 2020. (Reply)

The Congregation for the Doctrine of the Faith rules that the use of the formula “*We* baptize you in the name of the Father and of the Son and of the Holy Spirit” is invalid and that in such a case the person must be rebaptized absolutely. An explanatory note accompanies the reply. Recently at some baptisms the minister had changed the words to emphasize the communal nature of the sacrament, sometimes including references to the family or community alongside the Trinity and with the intention of avoiding an over-emphasis on the power of the minister. However, this is contrary to the teaching of Aquinas, derived from Augustine, and reiterated by Trent and Vatican II. It is for the Church as a whole to determine the form of the sacraments, not individual ministers. Christ baptizes through the minister. He is not a functionary describing what he is doing.

849

SC 54 (2020), 475-493: John M. Huels: The CDF Responses on the Baptismal Formula ‘We Baptize You’. Text and Comment. (Documents and comment)

On 24 June 2020, the Congregation for the Doctrine of the Faith published two Responses and a Doctrinal Note on the invalidity of the use of an unauthorized baptismal formula that substitutes the plural “*We* baptize” for the required singular “*I* baptize.” After presenting the English version of the Responses and the Doctrinal Note, H. offers some brief comments on its import. He explores the possible reasons for the decision, seeking to determine in particular whether the basis for invalidity is a defective intention on the part of the minister or a defect of form *per se*. The French version of the text is also given in an Appendix.

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

898

SC 54 (2020), 457-474: Judith Hahn: Communion in an Online Mass? Sacramental Questions in Light of the Covid Crisis. (Article)

The Covid crisis has reignited an old debate on whether some sacraments can be administered from a distance. Due to lockdowns, the 1980s debate on penance by telephone has resurfaced, as has the question of whether it is possible to receive Communion in an online Mass. Both issues revolve around how we understand the sacraments and what emphasis we place on physical presence. The pandemic has encouraged us to examine more closely how essential is physicality with regard to sacramentality. Discussing sacramental doctrine and law with regard to validity shows that we are currently dealing with two approaches to sacramentality, one juridical and one liturgical. Depending on which we favour, we might come to a different conclusion as to whether online sacraments are a realistic option.

912

Vid 84 10/20, 784-800: Vimal Tirimanna: Reception of Holy Communion in Post-Covid-19 Period. Receiving the Lord or Diffusing the Virus? (Article)

T. gives his theological-pastoral perspectives on the issues surrounding the manner of reception of Holy Communion – in the hand or on the tongue – in the post-Covid-19 context. He highlights how the Church attributes an uncompromising supreme value to human life, which takes precedence over any cherished liturgical practices, as is evident from the pastoral guidelines issued by bishops all over the world in view of the pandemic. He then analyses in greater detail the guidelines issued for Italy, India, Sri Lanka, and Ireland, and argues that the reality of Covid-19 demands the reception of Holy Communion only in the hand.

932

RDC 69/2 (2019), 229-260: Pierre-Marie Berthe: L'Église de France face à l'interdiction des rassemblements dans les lieux de culte pour raison sanitaire: la question de la messe à domicile. (Article)

B. examines the different approaches of bishops in France during the time when public worship has been prohibited as a result of the coronavirus pandemic. Whereas some bishops have allowed priests to celebrate Mass in family circles or private places for small numbers, others have opposed it. The evolution of the norms governing the place of celebration, now addressed in canon 932 §1 of the CIC/83, throws some light on these two attitudes. B. assesses the pastoral motives which have led some priests to organize Masses for the faithful outside churches, but also points out the dangers of such a practice with respect to the common good of the Church.

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

959

SC 54 (2020), 387-405: Pierre-Marie Berthe: Le sacrement de la pénitence dans le magistère de François. Réflexions pastorales sur quelques dispositions canoniques. (Article)

The magisterium of Pope Francis offers many reflections on the sacrament of penance which, without referring directly to precise norms, provide a pastoral commentary on several provisions of the Code of Canon Law. The writings or speeches of the sovereign Pontiff concern the confession of priests, the instrumental and ecclesial dimension of the sacrament of penance, the role of the confessor, the right to absolution, the obligation of secrecy, and the availability of ministers. Desiring to return penance to the centre of Church life, Francis celebrates the gift of mercy and emphasizes the medicinal aspect of the sacrament. If he often repeats the teachings of his predecessors, the Pontiff deviates from them on certain themes, such as the confession of the divorced and remarried faithful. In general, Francis values discernment and invites confessors to take care of the quality of the sacramental exchange with their penitents.

964

SC 54 (2020), 457-474: Judith Hahn: Communion in an Online Mass? Sacramental Questions in Light of the Covid Crisis. (Article)

See above, canon 898.

977

FCan XV/2 (2020), 105-131: Jorge Albeiro García Ramírez: Absolución del cómplice en pecado contra el sexto mandamiento. (Article)

The crime of absolving an accomplice in a sin against the sixth commandment of the Decalogue is regarded as one of the most serious against the sanctity of the sacrament of Penance. G.R. studies the dispositions of canon 977 and the *motu proprio Sacramentorum sanctitatis tutela*, analysing what elements constitute the offence, what is meant by accomplice, who commits the offence, the exception in danger of death, the reason behind the norm, the penalties established by the Church, the

competences of the Congregation for the Doctrine of the Faith with regard to the *delicta graviora*, the prescription period applicable to the offence, and the competences of the Apostolic Penitentiary for matters regarding the internal forum.

978-986

SC 54 (2020), 387-405: Pierre-Marie Berthe: Le sacrement de la pénitence dans le magistère de François. Réflexions pastorales sur quelques dispositions canoniques. (Article)

See above, canon 959.

983-984

Canonist 11/2 (2020), 275-287: Brian Lucas: The Sacrament of Reconciliation and Civil Law after the Royal Commission. (Article)

L. considers developments in the law relating to the reporting of child sexual abuse following, and in the light of, the Royal Commission into Institutional Responses to Child Sexual Abuse. He summarizes the Royal Commission's recommendations relevant to the law governing child sexual abuse in the States and Territories of Australia, giving particular attention to Recommendation 16.26 which requires the Australian Catholic Bishops Conference to "consult with the Holy See, and make public any advice received, in order to clarify whether: a. information received from a child during the sacrament of reconciliation that they have been sexually abused is covered by the seal of confession; and b. if a person confesses during the sacrament of reconciliation to perpetrating child sexual abuse, absolution can and should be withheld until they report themselves to civil authorities". L.'s view is that the approach of the Royal Commission, adopted by many States and Territories, is pragmatic and reflective of public opinion rather than principled and based on a proper assessment of the right of a person to practise his or her religion while ensuring that children are protected and offenders brought to justice.

983-984

FCan XIV/2 (2019), 97-109: Cardeal Mauro Piacenza: Apresentação da nota sobre a importância do foro interno e a inviolabilidade do sigilo sacramental (29.06.2019); Penitenciaria Apostólica: Nota sobre a

importância do foro interno e a inviolabilidade do sigilo sacramental (29.06.2019). (Article and document)

The Portuguese text is given of the Apostolic Penitentiary's Note of 29 June 2019 (published on 1 July 2019) on the importance of the internal forum and the inviolability of the sacramental seal (see *Canon Law Abstracts*, no. 124, pp. 82-84). It is preceded by the text of the presentation given by the Major Penitentiary, explaining that the Note arose from points emphasized by Pope Francis in his address at a course on the internal forum on 29 March 2019. The sacrament of reconciliation is a blessing that the Church has always protected, and the seal is essential for the holiness of the sacrament and the freedom of conscience of the penitent. The context is that of a society powerfully influenced by the media and public opinion. The secret of the confessional is not something imposed externally but is intrinsic to the sacrament. Moreover, failure to preserve it would discourage the faithful from making use of it. The Note then considers confidentiality more widely both in the internal but non-sacramental forum and in a professional context. It is a principle of natural law that secrets are to be preserved as part of the common good.

BOOK IV, PART I, TITLE VI: ORDERS

1012

CLSN 197/20, 60-143: Gerard Deighan: The Extraordinary Minister of Sacred Ordination. (Article)

Canon 1012 of the CIC/83 states that the minister of sacred ordination is a consecrated bishop. However, there seems to be evidence from the 15th century that the Apostolic See granted certain abbots the faculty to ordain their subjects not only to the minor orders but also to the subdiaconate and even to the diaconate and presbyterate. What is more, canonical and theological thought at that time, and indeed for some centuries beforehand and afterwards, was open to the possibility that a presbyter who had not been consecrated a bishop could, with the permission of the Pope, confer those major orders. D. examines the papal bulls which seem to give evidence of such practice, before going on to discuss the world of thought out of which these texts emerged. He then examines developments from the Tridentine period up to the present. In his conclusion he asks whether the idea of the extraordinary minister of sacred ordination remains relevant today. His view is that the real value of the historical reality, and the canonical and theological possibility, of an extraordinary minister of sacred ordination, lies not in justifying any future occurrence of the phenomenon, but in the lesson which it teaches in the present about the nature of the presbyterate in relation to the episcopate: two orders which are united in the one priesthood, and which are both equal in essential sacramental power.

1012

QDE 33 (2020), 374-381: Alceste Catella: Tutti i vescovi presenti impongono le mani nelle ordinazioni presbiterali? (Response)

C. analyses the reasons why the Congregation for the Doctrine of the Faith forbade other bishops present at a priestly ordination to lay hands on the one being ordained. Having considered the symbolic reference of the imposition of hands, C. looks at the liturgical history of the three ordination liturgies, and notes that while all bishops present lay on hands at an episcopal ordination, and only the bishop lays on hands at a diaconal ordination, it is only priests who lay on hands along with the bishop at a presbyteral ordination. He suggests that the reason for this lies in the way in which ordination also incorporates into a distinct presbyterate.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Comm 52 (2020), 88-92: Pope Francis: Allocutio ad sodales Tribunalis Rotae Romanae in inauguratione Anni Iudicialis, 25 ianuarii 2020. (Address)

In his annual address to the Roman Rota, Pope Francis takes as his theme the need for the Christian to journey in the company of Christ. He applies this in a particular way to marriage, drawing on the example of married couples such as Aquila and Priscilla. Pastors are called on to accompany couples in this journey. In recent years decisions of the Rota have identified a lack of faith as a possible ground for nullity. The Church must strive to overcome this by offering a positive image of the beauty of family life illustrated by couples such as Aquila and Priscilla. (See also *Canon Law Abstracts*, no. 125, p. 72.)

1055

FCan XV/1 (2020), 133-137: Papa Francisco: O exemplo de Áquila e Priscila como modelo de casais evangelizadores (25.01.2020). (Address)

See preceding entry. The Portuguese text is given of the Pope's address to the Roman Rota of 25 January 2020.

1055

IE XXXII (2020), 419-443: Katherine Beall: The *inclinatio naturalis* to Conjugal Union and the Sponsal Dimension of the Human Person in the Writings of Pedro-Juan Viladrich. (Article)

A proper understanding of the *inclinatio naturalis* to conjugal union is radically inseparable from any authentic comprehension of the nature and characteristics of said union. B. examines the general contextual framework within which Viladrich addresses the *inclinatio naturalis* as a foundation for its consideration as a constitutive element of the ontic structure of the human person as a sponsal being, and the implications of this for the canonical system's understanding and protection of the conjugal union.

1055

PS LV 165 (2020), 203-238: Danilo Flores: The World War Against Marriage. (Article)

F. re-echoes the warning of the Pope Emeritus Benedict XVI on the modern ideologies, especially the “anthropological reduction” and the “technological Prometheanism” that attack and weaken the true concept of *humanitas*, *Matrimonium*, and *familia*, which are all natural and divine institutions. The absolutization of man is a fatal consequence of the ideologies mentioned above that legally wage war against the institution of marriage through legal positivism. The primary causes underlying the ideologies that lead to an erroneous conception of these institutions are the deformation of the concept of natural law and the abuse of the power entrusted to the human person (reason and freedom). To defend marriage from these threats, it is essential to reaffirm the anthropological, philosophical, and theological nature of marriage and family, and to defend them by civil and canonical legislations appropriately protective of these institutions. F. reiterates the proposal of Pope Emeritus Benedict to reinterpret the concept of natural law, by moving from Grotius’s *etiamsi Deus non daretur* to Ratzinger’s *veluti si Deus daretur*. This will eventually lead not only to spiritual progress but also to a new and more profound aspect of authentic humanism.

1055-1057

IE XXXII (2020), 673-688: Montserrat Gas-Aixendri: Possono i non credenti celebrare un valido matrimonio sacramentale? Considerazioni a margine del documento della Commissione Teologica Internazionale sulla reciprocità tra fede e sacramento. (Comment)

On 3 March 2020 the International Theological Commission issued a document entitled *The Reciprocity between Faith and Sacraments in the Sacramental Economy*, aimed at helping overcome “the fracture between faith and sacraments” (no. 10). G. explains the nature of the problem within the context of the Magisterium and Tradition of the Church, before analysing the contribution of the document concerning the matrimonial intention of non-believers. The document rejects, on the one hand, “an absolute sacramental automatism ..., which holds that every marriage between the baptized would be a sacrament, either through the presence of a minimal faith linked to the ‘character’ of baptism or through the intervention of Christ and the Church presupposed by baptism”, and, on the other hand,

“an elitist sacramental scepticism that holds that any degree of absence of faith would vitiate the intention and thus invalidate the sacrament”, going on to state that “in the case of an absence of faith as explicit and clear as that of ... ‘baptized non-believers,’ serious doubts about an intention that includes the goods of natural marriage, as understood by the Church, make it possible to maintain serious reservations about the existence of a sacramental marriage” (no. 181). G. points out that the document clarifies how an absence of faith may affect the validity of marriage between baptized persons: that is to say, it describes what the possible (although not the inevitable) consequences may be of a lack of personal faith as regards the conjugal intention, and how a lack of faith may project itself onto the object of consent (which is none other than marriage at the natural level). Importantly, the document assumes that a correct intention of wishing to marry according to the natural reality of marriage constitutes an authentic personal act of faith, in the sense that it is an (albeit unconscious) acceptance of the divine plan: a sign of a latent faith, which may be hidden beneath the ashes, but which is a true faith, something completely different from an absence of faith. This interpretation is far removed from a “sacramental automatism” that would hold that the sacrament of marriage automatically arises regardless of the will of the spouses. The key to understanding the importance of faith in the sacrament of marriage lies in the discernment of the intention of the spouses.

1063

EE 95 (2020), 801-841: Eduardo José Gonçalves López: La preparación al matrimonio: el can. 1063, 2 y la propuesta de catecumenado matrimonial del papa Francisco. (Article)

Preparation for the sacrament of marriage – before and after its celebration – has always been considered an important pastoral need, of great spiritual significance both for the life of the couple and for the Christian community. The Church has come to a greater awareness of the need for a process of kerygmatic and catechumenal evangelization for the future families. G.L. studies the juridical and pastoral aspects of marriage preparation, through the presentation of the Church’s legislation, as set out in the Codes of 1917 and 1983. He highlights some important interventions from the teaching of Pope Francis regarding the need for suitable marriage preparation and the specific proposal of a pre-marriage catechumenate as a much-needed response to this pastoral challenge.

1063-1072

Canonist 11/2 (2020), 288-317: Janette Murphy: Adequate and Sufficient Canonical Marriage Preparation for the Christian Faithful in the Deaf Community. (Article)

M. explores what it means to be “deaf” and the impact this may have on a person’s acquisition of knowledge and understanding of what marriage is. In exploring the canons on marriage preparation she focuses on how they serve deaf members of the Catholic faithful, and draws attention to the practical realities for deaf couples, including the use of interpreters and pastoral care advocates. She highlights the issues which pastors need to be aware of when approached by a deaf couple seeking marriage.

1063-1072

ITS 57 (2020), 639-667: T. Lourdusamy: Pastoral Care and the Prerequisites for the Celebration of Marriage: From the Canonical Perspective (Part I). (Article)

The CIC/83 has enacted norms not only for the valid celebration of marriage, but also concerning the adequate pastoral preparation of young people before marriage and support for the couple after the marriage (cf. canons 1063-1065). Furthermore it has stipulated norms to ensure, through the pre-nuptial enquiry, that those who are seeking to receive the sacrament of marriage possess the canonical requirements for a valid and lawful celebration of marriage (cf. canons 1066-1070). L. looks at the responsibility of pastors and the Christian community in catechesis and other preparations for marriage; the different stages of marriage preparation; the responsibility of the local Ordinary in marriage preparation; the spiritual preparation of the couple to be married and the reception by them of confirmation, penance and the Eucharist; and the precautions to be taken to ensure the valid and lawful celebration of the marriage.

1071

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l’apostasie dans l’Église catholique après le motu proprio *Omnium in mentem*? (Article)

See below, canon 1086.

1086

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l'apostasie dans l'Église catholique après le motu proprio *Omnium in mentem*? (Article)

The removal of the phrase *actus formalis defectionis a fide catholica* from canons 1086, 1117, and 1124, as required by the motu proprio *Omnium in mentem* (26 October 2009), raises the question of whether apostasy (defined by the *Catechism of the Catholic Church*, no. 2089, as “the total repudiation of the Christian faith”) still has moral or canonical significance. Baptism in the Catholic Church, regardless of later conduct, makes a person a subject of ecclesiastical law. *Omnium in mentem* has led to some inconsistencies, for example in relation to canon 1071 §1, 4°, concerning “a marriage of a person who has notoriously rejected the Catholic faith”.

1095 2°

IE XXXII (2020), 642-672: Tribunale Apostolico della Rota Romana: *Tolosana seu Elnen*. – Nullità del matrimonio – *Gravis defectus discretionis iudicii* – Sentenza definitiva – 16 giugno 2015 (N. 134/2015) – Giordano Caberletti, *Ponente*, con un commento di Ángel Rustrian, *La maturità affettiva raggiunta dai nubendi attraverso le fasi dell'amore coniugale*. (Sentence and comment)

The Rota was called upon to decide a case under canon 1095 2°. In the opinion of the experts there was a certain affective immaturity in the plaintiff at the time of the wedding, but no clinical pathology or serious anomaly. The Rota nevertheless concluded that the psychic cause affecting him was grave in relation to the marriage, since it did not allow the harmonious development of his affectivity, imagination, intelligence, and will in relation to conjugal love. Commenting on the case, R. notes that, as Viladrich points out (see above, canon 1055), discretion of judgement viewed positively allows the human person to develop the *inclinatio naturalis* to marriage in its various stages, enhancing the unitive inclination of the flesh, elevating it, and transforming it into an interpersonal bond. Immaturity is grave in relation to marriage when it impedes the development of the *inclinatio naturalis*: in such a case, there may arise a loving relationship, or a relationship of convenience, but not a truly conjugal one. The defect of discretion is to be considered grave if it prevents the person from giving and accepting himself or herself as a spouse: that is, from expressing marital consent. Thus the gravity relates to the object of consent.

The Rotal judgment also highlights one of the basic principles of the dialogue between the judge and the expert, in that the judge is not limited simply to receiving the conclusions of the psychiatric report and applying them to the specific case, but must focus on the real and proven facts in the light of a correct anthropology. A correct anthropology makes it possible to go beyond the data and assessments offered by the positive sciences so as to reach moral certainty.

1095 2°-3°

Ius Comm VIII (2020), 265-291: Grzegorz Erlebach: Algunas notas sobre el concepto de inmadurez noógena. (Article)

After explaining the concept of psycho-affective immaturity and the specific criteria used in the canonical forum for the expert assessment of such immaturity, E. goes on to describe noogenic immaturity. This is understood as a kind of psycho-affective immaturity, characterized by the fact that its effects are mainly due to causes of a noogenic nature; that is, as countervalues integrated in the personality throughout its development. Knowing how to detect it is of relevance in cases in which the expert – on the basis of particular anthropological premises – does not appreciate the noogenic dimension of the anomaly, and hence reaches an assessment that only partly accounts for the abnormal condition of the person being examined.

1097

Ap XCII (2019), 11-49: Francesco Catozzella: Error recidens in condicionem sine qua non (Can. 126) ed error in qualitate directe et principaliter intenta (Can. 1097 §2). Profili di distinzione e di applicabilità nelle Cause di nullità matrimoniale. (Article)

C. studies the relationship between *error recidens in condicionem sine qua non* – a legal principle falling within the scope of the invalidating acts referred to in canon 126 – and *error in qualitate directe et principaliter intenta*, a legal principle of marriage nullity cases (canon 1097 §2). After a brief historical excursus, he sets out the doctrine and the majority Rotal jurisprudential opinion, according to which there is a substantial identity between the two principles because of the identity of the underlying invalidating legal concept. However, some recent *coram* Erlebach decisions propose a different interpretation, arguing for the autonomy of the two principles, and therefore of their applicability to marriage nullity cases.

1108-1111

AC 59 (2018), 183-199: Bruno Gonçalves: Le mariage des fidèles fréquentant la Fraternité sacerdotale Saint-Pie X depuis la lettre du 27 mars 2017 de la commission *Ecclesia Dei*. (Article)

The formation of the Society of St Pius X (SSPX) as a result of the schism of Archbishop Lefebvre in 1988 raised canonical issues relating to marriages at which these priests officiated. The motu proprio *Omnium in mentem* removed the phrase “and has not by a formal act defected from it” from three canons. A letter from the Pontifical Commission *Ecclesia Dei* on 27 March 2017 sought to promote full ecclesial communion between the SSPX and the Catholic Church and to give peace of mind to members of the Society regarding the validity of the sacraments. In the event of a marriage between a Catholic and a member of the SSPX, the former could seek a dispensation from the canonical form (cf. canon 1127 §2). An Ordinary can delegate a priest in good standing for these situations, with Mass celebrated in the *vetus ordo*. The faculty can be delegated to priests of the SSPX, on a case-by-case basis or generally. G. documents the praxis in the French dioceses of Fréjus-Toulon, Carcassonne-Narbonne, and Strasbourg. When the faculty is given to an SSPX priest, notification of the celebration must be sent to the diocesan curia. (See also *Canon Law Abstracts*, nos. 119, p. 74; 120, p. 86; 121, pp. 86-87.)

1117

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l’apostasie dans l’Église catholique après le motu proprio *Omnium in mentem*? (Article)

See above, canon 1086.

1124

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l’apostasie dans l’Église catholique après le motu proprio *Omnium in mentem*? (Article)

See above, canon 1086.

1124-1129

ITS 57 (2020), 691-711: Sunil Kumar D’Souza: Mixed Marriage and Pastoral Challenges. (Article)

D’S. looks at the pastoral challenges arising out of mixed marriages in India. These include the inability of the spouses to share their deepest spiritual values and experiences with each other; the danger of religious indifference or the non-practice of any religion; the implementation of the promise to baptize and bring up the children in the Catholic faith; tension and quarrels with in-laws; and the increased likelihood of divorce. He then focuses on particular pastoral challenges in the context of ecumenism (Catholic-Orthodox marriages) and interreligious dialogue (marriages with Hindus, Muslims, Sikhs, Jains, or Buddhists), before setting out a number of other practical difficulties that may need to be overcome. He concludes that, although the CIC/83 does not speak of joint pastoral care explicitly, cooperation between ministers can enhance progress in Church unity, as visualized by conciliar and post-conciliar documents.

1125-1126

PS LV 166 (2020), 399-412: I Made Markus Suma: The Declarations and Promises Made in Mixed Marriages: Procedural Acts for Legislation. (Article)

The *ius connubii* or right to marry is the freedom of each Christ’s faithful to choose a person to become his or her spouse in living out the partnership of one’s whole life (*totius vitae consortium*), which includes the possibility of entering into a mixed marriage. The marriage of at least one party who is a Catholic is governed not only by divine law but also by canon law. Canon 1125 requires the making of a declaration by the Catholic party to be faithful to the Catholic faith and a sincere promise to have all children baptized in the Catholic Church. Canon 1126 establishes that it is for the bishops’ conference to determine the procedural acts involved in making the declarations and promises. In so doing, the bishops’ conference exercises its legislative power, and at the same time offers juridical and pastoral assistance to those intending to enter into a mixed marriage.

BOOK IV, PART III: SACRED PLACES AND TIMES

1222

REDC 77 (2020), 1047-1059: Lluís Martínez Sistach: Causa grave para poder reducir una iglesia a usos profanos. (Article)

The problem of the non-use of places of worship today affects many regions in the West, and is linked to a process of advanced secularization. As the particular Churches become more aware of the historical-artistic and symbolic value of their sacred buildings, they reflect on the use that can be given to buildings where worship is no longer held. M.S. addresses this complex situation by examining the provisions of canon 1222 on the possible grave causes that might justify the reduction of a church to a secular but not unbecoming use, in the light of the teaching of Pope Francis and the jurisprudence of the Apostolic Signatura.

1230-1234

AC 59 (2018), 241-255: Michel Ouattara: Problématique canonique de la basilique, monument local et symbole théologopolitique de l'Église catholique romaine. (Article)

The CIC/17 had one reference to basilicas (canon 1180); the CIC/83 has none, although there are four canons (1230-1234) that deal with shrines. Relevant documents are *Domus Ecclesiae* (Norms for the Granting of the Title of Minor Basilica: 9 November 1989) and the Directory on Popular Piety and the Liturgy (17 December 2001), both issued by the Congregation for Divine Worship and the Discipline of the Sacraments (CDW). O. traces the development of basilicas from the imperial-pontifical period (4th-16th centuries) to the Romano-centric Catholic basilica (16th-18th centuries) and minor basilicas (19th-21st centuries). He sets out the steps to be followed in building a basilica or raising an existing church to that status (the CDW is the competent Congregation, according to *Pastor bonus*, no. 69), and the related Church-State issues.

1246-1247

RDC 69/2 (2019), 261-296: Christian Wehking: Le repos dominical et sa perception évangélique à l'époque de la Réforme. Une approche franco-allemande des sources au sujet du «Dies Domini» . (Article)

The issue of the *Dies Domini* and Sunday rest is part of a long tradition in the Catholic Church. However, in the 16th and 17th centuries, profound changes affected Western Christianity. Protestant thought allowed a wider scope of possibilities for the relaxation of body and soul on the Lord's Day, and W. ponders a possible *aggiornamento* in this area, which would also have ecumenical aspects.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1277

Canonist 11/2 (2020), 318: Australian Catholic Bishops Conference: Complementary legislation for Australia pertaining to Acts of Extraordinary Administration and Alienation. (Document)

The Australian Catholic Bishops Conference sets limits for acts of extraordinary administration at A\$ 1.54 per capita or A\$ 307,739 (annual repayment), and A\$ 0.62 per capita or A\$ 123,096 (sum forgone), as from June 2020.

1278

QDE 33 (2020), 300-308: Mauro Rivella: Delega e procura nell'amministrazione dei beni temporali. (Article)

See above, canon 494.

1284

EIC 60 (2020), 655-678: Matteo Carnì: Contratti assicurativi e diritto canonico. (Article)

C. examines the relationship between liability and insurance in canon law. He pays special attention to canonical legislation (both universal and particular) on insurance contracts within the larger horizon of the administration of temporal goods in the Church.

1290

EE 95 (2020), 843-879: María J. Roca: Régimen jurídico de la restitución de bienes culturales de titularidad eclesíastica: la relación entre los ordenamientos nacional, confesional y europeo. (Article)

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

1290

EIC 60 (2020), 655-678: Matteo Carnì: Contratti assicurativi e diritto canonico. (Article)

See above, canon 1284.

1291

IE XXXII (2020), 689-710: Cristian Mendoza: La figura finanziaria dell'Endowment: uno strumento per garantire l'integrità del patrimonio ecclesiastico. (Article)

M. describes some of the basic features of the endowment, which is a financial vehicle allowing any entity to preserve the integrity of its patrimony, on the condition that it manages it suitably. An endowment is an accumulation of assets for preserving the value of a specific capital while at the same time providing revenues for the entity in question. M. studies whether this investment vehicle could be a suitable means of ensuring the patrimonial integrity of a canonical public juridical person. The “stable patrimony” mentioned in canon 1291 aims to safeguard the economic basis of the public juridical person and the achieving of its purposes over a period of time. M. considers the endowment to be of assistance in this regard.

1292

Canonist 11/2 (2020), 318: Australian Catholic Bishops Conference: Complementary legislation for Australia pertaining to Acts of Extraordinary Administration and Alienation. (Document)

The Australian Catholic Bishops Conference sets the approved amounts for alienation of temporal goods of the Church at A\$ 6,154,807 (maximum sum) and A\$ 30,774 (minimum sum), as from June 2020.

BOOK VI: SANCTIONS IN THE CHURCH

1311-1399

Comm 52 (2020), 97-99: Pope Francis: Allocutio ad participes Sessionis Plenariae Pontificii Consilii de Legum Textibus, 21 februarii 2020.
(Address)

In his address to those taking part in the Plenary Session of the Pontifical Council for Legislative Texts Pope Francis takes as his theme the revision of Book VI, the penal law of the Church. Law is not an obstacle to pastoral efficacy but is concerned with the protection of rights, something just and truly pastoral. Penal sanctions are the last resort when other remedies have failed. In the Church a penalty always has a pastoral motivation which includes the reform and good of the person at fault. It is a medicinal and not a purely coercive instrument.

1311-1399

Comm 52 (2020), 100-101: Pontifical Council for Legislative Texts: Allocutio Exc.mi Praesidis ad Summum Pontificem occasione audientiae Pontificio Consilio de Legum Textibus, 21 februarii 2020.
(Address)

The president of the Pontifical Council responds to the Pope's address. In addition to the general need for updating after nearly 40 years there has been the need to overcome the tendency to see a penal system as incompatible with the charity called for in pastoral action and the accompanying risk of living with customs contrary to the Church's discipline. Canon 1752 reminds us that in the end the purpose of penal law too is the salvation of souls. The president cites Aquinas to the effect that justice without mercy leads to cruelty but mercy without justice brings about the dissolution of order.

1311-1399

FCan XV/1 (2020), 139-141: Papa Francisco: A actualização da legislação penal na igreja (21.02.20). (Address and comment)

See preceding entries. The Portuguese text of the Pope's address of 21 February 2020 is accompanied by a comment from Miguel Falcão.

1311-1399

FCan XIV/2 (2019), 7-20: Bruno Gonçalves: Refundar o Direito Penal Canónico: O *Iter* possível de uma reforma a longo prazo. (Article)

Since 2011, at the request of Pope Benedict XVI, the reform of Book VI of the 1983 Code of Canon Law has been taking place. The intuition of the Pontiff was then to give penal law full effectiveness in the painful context of the crimes against the sixth commandment of the Decalogue committed by clerics. The current reform project is however divided between, on the one hand, a daring reform taking the form of a real reworking of Book VI, and, on the other, a suitable adjustment of the existing legislation according to the evolution of penal matters. After the reservations formulated by the faculties and institutes of canon law that were consulted on a preliminary draft, G. presents more precisely a possible reworking according to the principles set out by Cardinal Francesco Coccopalmerio, the then president of the Pontifical Council for Legislative Texts, in different conferences. The three principal objectives should be the abolition of the distinction between medicinal and expiatory penalties, the formulation of a new list of canonical penalties, and a revision of the penalty of excommunication. However, several projects of penal law reform remain to be initiated, in particular those concerning the reform of remissions of *latae sententiae* penalties in the internal forum, or a reflection on the principle of legality of penalties and the lifting of prescription in the case of *delicta graviora*. Will these intuitions and possible projects finally be honoured in the forthcoming reform? Only the publication of the new Book VI will allow us to answer the question.

1314

EE 95 (2020), 881-911: José Luis Sánchez-Girón Renedo: Análisis de la situación canónica que comportan las penas «latae sententiae» no declaradas. (Article)

A *latae sententiae* penalty produces certain effects even before the Church authority has ruled on the alleged offence for which the penalty is established, so that the question of whether the alleged perpetrator is subject to those effects depends essentially on his or her will. This is an example of how canon law can oblige in conscience. The Code does however provide for a variety of circumstances in which it is lawful not to submit to those effects. This can give rise to complex situations for the ecclesial community,

and make one wonder whether in practice it is worth maintaining this type of punishment.

1321-1362

EE 95 (2020), 881-911: José Luis Sánchez-Girón Renedo: Análisis de la situación canónica que comportan las penas «latae sententiae» no declaradas. (Article)

See above, canon 1314.

1341-1342

BV 80 (2020), 595-608: Stanislav Slatinek: Izbira upravnega kazenskega postopka za vzpostavitev pravičnosti v Cerkvi: dileme in kritične ugotovitve (*Choice of administrative penal procedure to restore justice in the Church: dilemmas and critical findings*). (Article)

See below, canons 1717-1731.

1362

AC 59 (2018), 257-270: Emmanuel Petit: La prescription en droit pénal canonique, entre tradition et questions actuelles. (Article)

The canonical tradition prior to the CIC/17, drawing on Roman law, set five years for sexual offences, whereas others were imprescriptible. A response of the Congregation for Bishops and Religious on 15 June 1830 regarding rape established a period of five years; however the option of a civil action for damages remained. A second case (*decretum lublinense*) concerned a *delictum carnis* by a cleric. The Congregation of the Council issued an authentic response: five years were fixed for *delicta carnis* but this did not apply to habitual offences; in the case of a *delictum totaliter occultum*, prescription began from the moment when the accused or accuser became aware of it. Prescription at this point is not a law but a principle to guide judges. Gasparri points to these cases as sources of canons 1703-1705 of the CIC/17. The Instructions *Crimen sollicitationis* (1922/1962) dealing with delicts reserved to the Holy Office make no reference to prescription. The law regarding *graviora delicta* reserved to the Congregation for the Doctrine of the Faith (CDF) is clarified in the motu proprio *Sacramentorum sanctitatis tutela* (2001). This was refined in norms issued in 2010: in regard to delicts *contra sextum*, the period of 20 years of prescription now begins

from the moment the complainant reaches 18. A 2002 rescript allows the CDF to derogate from the current norms at the request of an Ordinary. P. holds that in more serious cases prescription should not be a pretext for failure to take action, such as removing from orders a person who is unfit to fulfil his duties or who is a cause of danger or scandal to the faithful.

1362-1363

SC 54 (2020), 343-385: Brian T. Austin: Prescription of Criminal Action in the *Ius Vigens*. Theory and Disputed Questions. (Article)

Despite the renewed interest in penal law occasioned by the ongoing scandal of clerical sexual abuse of minors, a number of theoretical questions regarding the canonical institute of prescription of criminal action remain disputed. A. describes the juridical foundations of prescription and addresses a number of these questions. He also offers an overview of the various reasons proposed in doctrine for this institute.

1364

AC 59 (2018), 221-240: Benoît Merly: Que reste-t-il du droit à l'apostasie dans l'Église catholique après le motu proprio *Omnium in mentem*? (Article)

See above, canon 1086.

1389

AnC 16 (2020) 1, 59-106: Piotr Skonieczny: Przepięstwo kanoniczne naruszenia przepisów Kościoła w Polsce o ochronie danych osobowych. Komentarz do art. 42 ust. 2-4 dekretu KEP z 13 marca 2018 roku (*The canonical delict of violating the regulations of the Church in Poland on the protection of personal data. Commentary on Article 42 section 2-4 of the general decree of the Polish Bishops' Conference of 13 March 2018*). (Article)

See above, canon 220.

1389

RDC 70/1-2 (2020), 5-309: La tentation du cléricalisme. (Compilation)

See above, General Subjects (*Compilations*).

1395

Canonist 11/2 (2020), 197-217: Brendan Daly: An Analysis of the *Vademecum* of the Congregation for the Doctrine of the Faith. (Article)

The bishops at the meeting of Heads of Bishops' Conferences with Pope Francis in February 2019 requested a handbook to help them with procedures and jurisprudence. Responding to that request, the Congregation for the Doctrine of the Faith on 16 July 2020 published a *Vademecum: On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*. The *Vademecum* only concerns crimes against the sixth commandment committed with minors although it provides standardized practice for dealing with other complaints of misconduct. Cardinal Ladaria, the Prefect of the Congregation, explained that it was not a normative legal text, but a manual to guide investigations in a detailed step-by-step instruction. After analysing the document D. concludes that it provides answers to the most common issues faced by bishops and religious superiors. The procedures are described in a very organized way. Transparency and honesty are promoted. Coupled with a better discernment of vocations to priesthood and religious life, improved formation and ongoing formation, effective safeguarding and preventative measures, the *Vademecum* does a great deal to help bishops, hierarchs, and other Church leaders deal with the sexual abuse crisis.

1395

CLSN 197/20, 35-59: Congregation for the Doctrine of the Faith: *Vademecum: On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*. (Document)

See preceding entry. The text is given of the *Vademecum* issued by the Congregation for the Doctrine of the Faith (CDF) on 16 July 2020. The *Vademecum* begins with an Introduction explaining that its purpose is to serve as a handbook for those charged with ascertaining the truth in cases of sexual abuse of minors by clerics, by providing a step-by-step guide from the *notitia criminis* to the definitive conclusion of the case (it does not include guidelines for carrying out the judicial penal process in the first

grade of judgment, for which sufficiently clear and detailed procedures are provided by the present Codes). It deals with the issues of what constitutes a delict; what must be done when information is received about a possible delict (what is meant by a *notitia de delicto*, and what actions should be taken on receiving a *notitia de delicto*); how the preliminary investigation should take place (what the preliminary investigation is, what juridical acts must be carried out to initiate the preliminary investigation, what complementary acts can or must be carried out during the preliminary investigation, how precautionary measures are to be imposed, and what must be done to conclude the preliminary investigation); what the CDF can do once the preliminary investigation has taken place (what are non-penal disciplinary measures, penal precepts, penal remedies, penances, and public rebukes); what decisions are possible in a penal process; what penal procedures are possible (what an extrajudicial penal process is, how it is carried out according to the CIC/83 and the CCEO, and whether a penal decree falls under the secret of office); what can happen once a penal procedure ends; what should be done in the case of recourse against a penal decree according to the CIC/83 and the CCEO; and other matters to be kept in mind.

1395

Comm 52 (2020), 393-421: Congregatio pro Doctrina Fidei: Vademecum “su alcuni punti di procedura nel trattamento dei casi di abuso sessuale di minori commessi da chierici”, 16 iulii 2020. (Document)

See preceding entries.

1395

CLSN 197/20, 3-34: Aidan McGrath: Vos Estis Lux Mundi: A Canonist Reads the Motu Proprio of Francis. (Article)

McG. provides a detailed point-by-point commentary on the provisions of the motu proprio *Vos Estis Lux Mundi* of 7 May 2019, which outlines the procedures for dealing with complaints of sexual abuse or failures of cardinals, bishops, papal legates and others with equivalent pastoral responsibility to deal properly with complaints in both canon and civil law (see *Canon Law Abstracts*, nos. 123, pp. 110-111; 124, 101-107; 125, 94-101).

1395

EE 95 (2020), 913-953: Valeska Ferrer Usó: «Misericordia quiero, y no sacrificios» (Os 6,6). Posibles vías de reconciliación en el supuesto del abuso sexual a menores. (Article)

F. studies the possibility of reconciliation in the case of clerical child abuse through the penal judicial process, taking into account canonical as well as spiritual and pastoral considerations, and sociocultural influences. She looks for possible ways of achieving restorative justice in the three parties: victim, abuser, and Church-institution. She concludes with some proposals for a way forward.

1395

ELJ 22 (2020), 300-313: Helen Costigane: *Vos estis lux mundi*: Too Far or Not Far Enough? (Article)

In the light of the abuse crisis in the Catholic Church, several inquiries have given recommendations on what should be done in the future, to ensure that such crimes are dealt with both civilly and canonically. In 2017, the Royal Commission of Australia produced a number of specific points to be addressed. Two years later, Pope Francis introduced guidelines to be observed universally whenever cases are reported, and these addressed many of the commission's recommendations. A question remains as to whether these have gone too far, or far enough.

1395

FCan XIV/2 (2019), 81-96: Santa Sé: Comunicado da Sala de Imprensa (09.05.2019); Papa Francisco: Carta Apostólica sob forma de Motu Proprio *Vos Estis Lux Mundi* (07.05.2019); Cardeal Marc Ouellet: “Medidas Eficazes contra o flagelo dos abusos. A propósito do Motu Proprio *Vos Estis Lux Mundi*”: entrevista realizada por Sergio Centofani para o Portal *Vatican News* (09.05.2019). (Documents and interview)

The Portuguese text is given of the Holy See Press Office's communiqué of 9 May 2019 announcing the promulgation of the motu proprio *Vos estis lux mundi*, and of the motu proprio itself. This is followed by an interview in which the Prefect of the Congregation for Bishops answers questions concerning the origins of the document, the extent to which recent cases worldwide have influenced its drafting, the principal novelties it introduces,

the possibility of false reports or calumnies against innocent persons, whether the bishops now feel they are under scrutiny or suspicion, the new role of the metropolitan archbishop in the investigations, and the role of the lay faithful as envisaged in the document.

1395

FCan XIV/2 (2019), 111-121: João Pedro Bizarro: *Vos estis lux mundi: um Motu proprio a valorizar.* (Article)

B. explains how, from the time of the promulgation of the CIC/17 until today, the concept of sexual abuse of minors has developed and been broadened to include “vulnerable persons”; the periods of prescription have also been extended. He highlights the importance of the circumstances associated with the crime that may aggravate or decrease the guilt of the perpetrator. Finally, he offers some possibilities regarding repairing the damage caused.

1395

IE XXXII (2020), 721-740: Matteo Visioli: *L’istruzione sulla riservatezza delle cause. Considerazioni al margine del *rescriptum ex audientia ss.mi* del 6 dicembre 2019.* (Document and comment)

V. analyses point by point the Rescript of 6 December 2019 and the related Instruction clarifying that the pontifical secret does not apply to denunciations and processes concerning cases in article 6 of the norms in *Sacramentorum Sanctitatis Tutela* or in article 1 of *Vos estis lux mundi*, or when such allegations arise in connection with other delicts (see *Canon Law Abstracts*, nos. 123, p. 58; 124, pp. 64-66; 125, p. 101). He looks at the background to the new provision, and identifies certain areas where it might have been expressed more clearly. He also questions whether an “Instruction” is the most appropriate instrument for a new norm, and notes that, with the number of successive documents and amendments that have been issued in recent years, often in response to grave and urgent situations, there is the risk of inconsistency or lack of clarity, in view of which a serene revisiting of this whole area would be desirable, so that a more homogeneous set of norms may be issued. (The Italian versions of the Rescript and Instruction are given on pp. 789-790.)

1395

REDC 77 (2020), 987-1046: Michele Riondino: Protection of children's rights in the international community and in the Catholic Church: A comparative analysis. (Article)

R. analyses, by means of a comparative approach, the evolution of the juridical protection and promotion of children and their rights, including the state of current regulations and their implementation. He first considers existing and previous international legislation, before examining the reforms within the Church's canonical legal system, particularly those recently promulgated by Pope Francis. Throughout he draws attention to laws and regulations aimed at protecting children from any kind of sexual abuse and exploitation.

1395

SC 54 (2020), 525-578: Joseph Lee: The Use of a 'Lie Detector' in Investigations of Clergy. Canonical and Socio-Legal Implications. (Article)

See below, canon 1527.

1395

SC 54 (2020), 579-621: Valère Nkouaya Mbandji: Le pape François et la crise des abus sexuels. La poursuite de la réforme du droit pénal canonique. (Article)

M. highlights, in chronological order, the major changes made to the penal law of the Church with regard to the protection of minors and vulnerable persons. The praiseworthy changes made by Pope Francis are situated within the dynamic of the pursuit of a reform previously undertaken by his predecessors. The recent publication of the Congregation for the Doctrine of the Faith's *Vademecum* (see pages 98-99, above) further demonstrates the determination of the canonical legislator to clarify penal procedures in cases of *graviora delicta contra mores*.

1395

SC 54 (2020), 685-728: Roman Rota: Violation of Canon 1395 § 1 by a Cleric with an Adult. Judgement *coram Vaccarotto, Extensore Jaeger*, 23 June 2015. (Article)

The defendant in the case appealed directly to the Rota against a first instance decision whereby he had been found guilty of the offence in canon 1395 §1 of a cleric continuing “in some other external sin against the sixth commandment of the Decalogue which causes scandal”. The Rotal judgment sets out the chief principles of canonical penal law, looking in particular at what is meant by “concubinage” in 1395 §1 and what might constitute the “other” external sin against the sixth commandment of the Decalogue which causes scandal; it also reflects on the law concerning the parties to the trial, the evidence, and the definitive judgment. Applying the law to the facts of the case the Rota found that the handling of it at first instance had been very confused. There were inconsistencies in the witnesses’ evidence; in any event, the alleged sin could not have been “continuing” at the time of the first trial, as the defendant priest had moved (for unconnected reasons) to another place far away from the woman with whom he was supposed to have sinned; nor was there any evidence of “scandal” among the faithful. The Rota concluded that the first instance judgment was not to be confirmed, but reformed – indeed reversed – since it was not proved that the defendant had committed the offence.

1395

VR 129 6-10 (2020), 280, 328, 378, 425, 471: Hans Zollner: La misión de la vida consagrada frente a los abusos. (Articles)

See above, canon 675.

BOOK VII: PROCESSES

1400

Ius Comm VIII (2020), 333-369: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 3 mayo 2018. Del ordenamiento judicial para constituir la jurisdicción eclesiástica para la protección de los datos personales; 2. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de primera instancia para la protección de los datos personales; 3. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de segunda instancia para la protección de los datos personales; Matthias Ambros: Comentario: La jurisdicción para la protección de datos en el ámbito de la Conferencia episcopal alemana, ¿paso previo a una erección de tribunales administrativos generales locales? (Documents and comment)

See above, canon 455.

1400

IE XXXII (2020), 623-641: Tribunale Apostolico della Rota Romana: Iurium – Decretum – 5 giugno 2018 – Erlebach, *Ponente*, con un commento di Eduardo Baura, *Il risarcimento del danno causato da un'autorità ecclesiastica*. (Decree and comment)

See below, canon 1405.

1403

ITS 57 (2020), 713-746: Merlin Rengith Ambrose: Canonization: A Historical Glimpse Through the Centuries and Canonical Legislations. (Article)

Over the two thousand years of the Church's history, the process for the proclamation of saints has developed significantly. A., after analysing the concept of canonization, describes the main stages of the evolution of the process for canonization: the cult of martyrs (early Christianity to 5th century); episcopal canonization (5th to 10th centuries) and the cult of confessors; papal canonization (up to the CIC/17) and the gradual institution of beatification; beatification and canonization in the CIC/17; and the

legislative activity of Popes Pius XI, Paul VI, John Paul II, Benedict XVI, and Francis.

1405

IE XXXII (2020), 623-641: Tribunale Apostolico della Rota Romana: Iurium – Decretum – 5 giugno 2018 – Erlebach, Ponente, con un commento di Eduardo Baura, *Il risarcimento del danno causato da un'autorità ecclesiastica.* (Decree and comment)

The case involved a contentious action brought before the Rota by a priest who claimed that his good name had been harmed by false accusations made against him by two bishops. Although the Rota is able to judge contentious cases involving bishops by virtue of canon 1405 §3, 1°, in this case it was alleged that there had been abuse of power on the bishops' part (canon 1389 §§1-2) as well as calumnious denunciation (canon 1390 §2); and canon 1405 §1, 3° states that penal cases involving bishops are outside the Rota's competence. Nevertheless, it was argued that the case before the Rota was not an action within the penal process itself (canon 1729 §1), but an autonomous contentious-administrative action for damages, and on this basis the promoter of justice defended the Rota's competence *in casu*. Apart from the difficult question of whether there can be a contentious-administrative action autonomous from the penal case, there is also the consideration that under the existing legislation only the Apostolic Signatura is competent to judge actions for damages arising out of an administrative act, and only after the administrative recourse procedure has been exhausted. When the damage is caused by a bishop not as a private person but within the scope of the exercise of his administrative function, the Rota is not competent. Despite a contrary Rotal precedent, it is not possible to accept a trial for the vindication of subjective rights under canon 1400 §1, 1°, if the harm is the result of an administrative act, because canon 1400 §2 reserves to the Superior or to an administrative tribunal disputes arising from an act of administrative power, and because the whole canonical system is so arranged that subjective rights damaged by administrative activity should be defended through the administrative recourse procedure. Hence the Rota may not judge bishops when they act not as private individuals but as hierarchal superiors.

1423

Ius Comm VIII (2020), 333-369: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 3 mayo 2018. Del ordenamiento judicial para

constituir la jurisdicción eclesiástica para la protección de los datos personales; 2. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de primera instancia para la protección de los datos personales; 3. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de segunda instancia para la protección de los datos personales; Matthias Ambros: Comentario: La jurisdicción para la protección de datos en el ámbito de la Conferencia episcopal alemana, ¿paso previo a una erección de tribunales administrativos generales locales? (Documents and comment)

See above, canon 455.

1429

Ius Comm VIII (2020), 333-369: *Supremum Signaturae Apostolicae Tribunal*: 1. Decreto, 3 mayo 2018. Del ordenamiento judicial para constituir la jurisdicción eclesiástica para la protección de los datos personales; 2. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de primera instancia para la protección de los datos personales; 3. Decreto, 3 mayo 2018. Aprobación del decreto de erección del tribunal interdiocesano de segunda instancia para la protección de los datos personales; Matthias Ambros: Comentario: La jurisdicción para la protección de datos en el ámbito de la Conferencia episcopal alemana, ¿paso previo a una erección de tribunales administrativos generales locales? (Documents and comment)

See above, canon 455.

1432-1434

AC 59 (2018), 165-182: Clovis Douanla Tankeu: *Fonction, prérogatives et importance processuelle du défendeur du lien dans la procédure en nullité de mariage depuis le motu proprio Mitis Iudex Dominus Iesus*. (Article)

The role of the defender of the bond, instituted by Benedict XV in 1741, is reflected in the CIC/17. Paul VI's *Causas matrimoniales* (1971) created some parity between the prerogatives of the defender of the bond and the rights of private parties. This was reflected in the CIC/83. *Mitis Iudex* sought to reduce delays in nullity cases. It removed the requirement of a doubly affirmative decision and introduced the *processus brevior coram episcopo*. The defender of the bond should offer reasonable arguments to

oppose the claims of the petitioner and contribute to a search for the truth (*pro rei veritate*). A judge who carries out a procedural act without the involvement of the defender of the bond acts invalidly (canon 127 §2, 2°). The defender of the bond is required to submit *animadversiones*, is to receive a copy of the sentence, and may enter a plea of nullity of the sentence and appeal to a higher instance. Following *Mitis Iudex*, the defender of the bond is required to appeal to second instance a decision that damages the public good. When this occurs, the presiding judge at second instance must forward the full dossier to the defender of the bond of that forum, who may request that the case be admitted to an ordinary examination. When the *processus brevior* is being considered, the judicial vicar must seek the advice of the defender of the bond, who may appeal against an affirmative decision of the bishop (or his delegate) to the competent archbishop.

1445

FCan XV/2 (2020), 37-76: Mário Rui de Oliveira: A Assinatura Apostólica e os tribunais eclesiásticos portugueses: a competência da vigilância na administração da justiça e o contencioso administrativo. I Parte: a situação dos tribunais da Província Eclesiástica Bracarense. (Article)

The annual reports on the state and activity of the Church's tribunals are the best way to learn about the organization and operation of the tribunals, while helping acquire a better understanding of one of the most important competences of the Apostolic Signatura: that of vigilance over the administration of justice in the Church. This article examines the current state of one particular ecclesiastical province in Portugal and gives details of a number of observations from the Signatura on the correct administration of justice, particularly in the field of matrimonial law: these include comments on incapacity under canon 1095; total simulation; exclusion of the *bonum coniugum*; pending causes; accumulation of offices (*Dignitas connubii*, art. 36); the absence of advocates (*Dignitas connubii*, art. 101); and requests to the State authorities in Portugal to give civil effect to ecclesiastical sentences.

1445

Ius Comm VIII (2020), 197-213: Dominique Mamberti: La justicia administrativa canónica: actualidad y perspectivas. (Lecture)

Among the progress made in administrative justice after the Second Vatican Council, it is worth noting the establishment of the first administrative tribunal of the Church in the Apostolic Signatura by Paul II in 1967, as well as the insertion into the Code of canons governing the formation of administrative acts and the procedure for their revision (canons 51, 57, and 1732-1739). Thus the omission of the establishment of local administrative tribunals has not meant for canonical administrative justice a return to the situation of pre-conciliar times. The purpose of administrative justice is not only the defence of the rights of persons, but also the restoration of *communio* or the fostering of the *munera* or charisms of each one.

1453

EE 95 (2020), 745-799: Carlos M. Morán Bustos: El tiempo y los procesos en la Iglesia: la «duración razonable» de los procesos canónicos como derecho fundamental de los fieles. (Article)

M.B. promotes the idea of a “right to the reasonable length of processes”, to complement the right to effective legal protection already recognized in canon 221. Procedural rapidity is not an essential principle of proceedings, but rather a pastoral principle, characteristic of a community like the Church, which is concerned with the timely completion of nullity proceedings. Although the fundamental reason for the process is to ascertain the truth of the bond – and in that sense procedural swiftness is of a subsidiary and instrumental nature – nevertheless swiftness in proceedings needs to be sought as a requirement of a fundamental right. After identifying the true causes of delays in processes, M.B. proposes “canonizing” the right to a process without unjustified delays, as is typical of the majority of “secular” legal systems, and to do so through what could be called the “(fundamental) right to the reasonable length of the process”. This fundamental right would be a guiding principle of the entire process, and could be backed up by corrective mechanisms in cases of lack of diligence.

1483

Ius Comm VIII (2020), 371-391: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 4 mayo 2015. Nulidad de matrimonio. Prórroga

de competencia; 2. Decreto, 11 julio 2016. Rechazo de la inscripción en el elenco de los abogados o, al menos, de la admisión *ad casum*; Roberto Serres López de Guereñu: Comentario. (Documents and comment)

See below, canons 1671-1691.

1513

IC 60/120 (2020), 567-607: William L. Daniel: The *Litis contestatio* in the Canonical Penal Trial. (Article)

One of the principal elements of the trial is the act by which the judge, after hearing the parties and weighing the *libellus*, determines the terms of the controversy (the *litis contestatio*). Canonical tradition suggests that this moment can be reconfigured in a penal trial as the *delicti contestatio*, since it involves making known to the judge the *notitia criminis* and the defendant's opposition to it, or at least an acknowledgment of being the accused party. This moment marks the initiation of the *contradictorium* in the penal process and constitutes the basis for procedural self-defence. Judicial praxis deems it sufficient for the formula of the doubt to indicate the alleged delict together with, normally, an indeterminate penalty, except in the case of most serious penalties. However, natural justice and the rationality of the judicial process seem to suggest that the formula of the doubt be endowed with greater specificity concerning the threatened penalty. This could also have implications for a more just administrative penal process.

1520

Ius Comm VIII (2020), 231-264: Nikolaus Schöch: La perención de la instancia después del motu proprio *Mitis Iudex*. (Article)

See below, canons 1671-1691.

1527

SC 54 (2020), 525-578: Joseph Lee: The Use of a 'Lie Detector' in Investigations of Clergy. Canonical and Socio-Legal Implications. (Article)

The protection of minors and vulnerable persons in the Catholic Church has entered at new "safeguarding" era. To address allegations of sexual abuse,

some suggest that polygraph examinations be used in the psychological evaluations of clerics accused of sexual abuse. However, such investigations have canonical implications, interrelating with society and its laws. Mindful of recent papal and curial changes to norms, L. seeks to establish foundations for a clergy charter of rights and protections in response to movement towards ecclesiastical acceptance of polygraphs. In Part One he discusses the polygraph, and canonists' thinking. Part Two is a case study of a priest referred for a polygraph-assisted evaluation. This is followed in Part Three by some canonical observations. Part Four consists of a series of considerations to lay the groundwork for a charter to inform clerics including ordinaries and hierarchs.

1548-1552

AC 59 (2018), 129-149: Joseph Domingo: La prise en compte des enfants dans la procédure de nullité de mariage. (Article)

Canon law is silent on the involvement of children in nullity cases. In France, a law of 27 July 1987 provides for the hearing of children in divorce cases. The 1989 United Nations Convention on the Rights of the Child affirms the right of a child who is capable of forming his or her own views to express those views freely in all matters affecting the child, such as place of residence and rights of visitation. Canon 1549 of the CIC/83 provides that everyone can be a witness, unless expressly excluded by the law. Minors under 14 and those of feeble mind are deemed incapable of being witnesses (canon 1550). Others are exempt from the obligation of replying to questions, if they fear that a loss of reputation, dangerous harassment, or some other grave evil will arise for themselves, their spouses, or those closely related to them (canon 1548 §2, 2°; cf. *Dignitas connubii*, art. 194, §2, 3°). Letters from a child of a marriage can be admitted in evidence, at the discretion of the judge; so too can reports submitted in civil proceedings relating to the welfare of children. Expert witnesses familiar with nullity procedures counsel against the participation of children prior to the issuing of the sentence. Children should be informed that a declaration of nullity does not affect their status (canon 1061 §3). The natural obligations of parents towards children do not cease with a declaration of nullity. The fourth commandment of the Decalogue endures. D. suggests that the principle of *favor filii*, accepted in French divorce jurisprudence, be brought into canonical legislation.

1548-1552

AC 59 (2018), 151-164: Bénédicte Lucereau: L'enfant confronté à la procédure de nullité du mariage de ses parents: quelques clés de lecture psychologique. (Article)

On the tragedy of separation or divorce, cf. *Amoris laetitia*, nos. 241-246. L. gives the negative reactions of five minors to the declaration of their parents' respective marriages. She is opposed to children being called to give evidence in nullity cases.

1608

Canonist 11/2 (2020), 218-245: Judith Hahn: What does it mean to be "Morally Certain"? How secular standards of proof help to understand canonical decision making. (Article)

H. compares the moral certitude of ecclesiastical judges with selected standards of proof used in secular jurisprudence, with a view to better understanding the merits and demerits of continuing to use the concept of moral certitude. She enquires, from a canon lawyer's point of view, whether it makes sense for the Catholic Church to cultivate its own standard of proof, or whether the Church would be better advised to seek greater convergence with the secular law of evidence and its terminology.

1619-1627

Ap XCII (2019), 223-270: Gino Gatto: Origine e sviluppo della *Querela nullitatis*: la nullità della Sentenza nella storia del Processo. (Article)

G. describes the historical development of the *querela nullitatis* as an ordinary means of challenging sentences in canon law (cf. canons 1619-1627). Its origins lie outside the ecclesial world, and G. looks at the historical evolution of the concept, starting from Roman Law, and passing through Germanic and communal statutory law, up to the present. He examines the characteristics of the *querela nullitatis* in the Church prior to the codification of canon law, seeking to identify what it was that prompted the Church to adopt and maintain this specific remedy for defective sentences.

1620

SCL XIV (2019), 305-362: Merlin Rengith Ambrose: Right of Defence a *Conditio sine qua non*: A Critical Evaluation in the light of *Mitis Iudex Dominus Iesus*. (Article)

See below, canons 1671-1691.

1620

SCL XV (2020), 349-400: Merlin Rengith Ambrose: *Ius Defensionis*: Fulcrum of Justice in the Rotal Jurisprudence. (Article)

A. examines the concept of jurisprudence before going on to analyse eight Rotal cases concerning the right of defence: *coram* Erlebach, 7 May 1998; *coram* Turnaturi, 14 December 2009; *coram* De Angelis, 26 May 2010; *coram* Arokiaraj, 28 May 2010; *coram* Monier, 28 May 2010; *coram* Yaacoub, 24 October 2012; *coram* Erlebach, 9 April 2013; *coram* Arokiaraj, 13 December 2017. He then looks at the question of clarity regarding the specific procedural formalities and principles of the right of defence that have evolved out of Rotal decisions and decrees in the past. These principles are a great help in applying the law in marriage nullity cases and for safeguarding the provisions for the right of defence whereby justice is rendered. When the canonical provisions for the right of defence of the parties are meticulously observed by the judges in the trial, the sentence will be just and fair.

1634

QDE 33 (2020), 496-499: Paolo Bianchi: Le osservazioni e l'appello del difensore del vincolo alla luce del *motu proprio Mitis Iudex Dominus Iesus*. (Response to a question)

B. considers that the intervention of the defender of the bond is still obligatory in the shorter process, but that the absence of observations leads to nullity only when there has been a denial of the right of defence, not an imperfection in its exercise. He then outlines a suggested process for the defender to appeal against a sentence issued in the shorter process.

1671-1691

AC 59 (2018), 165-182: Clovis Douanla Tankeu: Fonction, prérogatives et importance processuelle du défenseur du lien dans la procédure en

nullité de mariage depuis le motu proprio *Mitis Iudex Dominus Iesus*.
(Article)

See above, canons 1432-1434.

1671-1691

Ap XCII (2019), 51-124: Amelia Vincitore: Il Processo matrimoniale luogo di discernimento ecclesiale specializzato. (Article)

The norms governing the current canonical matrimonial process are the result of changes made to the CIC/83 by the motu proprio *Mitis Iudex*, following the reflection on the family that took place in the 2014 Synod of Bishops. The new norms are the expression of a renewed pastoral sensitivity which is concretely achieved through the specific formalization of the “preliminary phase”, now regulated in a precise manner (cf. *Ratio procedendi*, articles 1-5) and through the enhancement of the interpersonal dimension of the canonical process at each and every stage. This dynamic also includes the content of the decision, which now more clearly expresses concern for the care and evangelization of the person. Attention to the matrimonial process has also allowed a deeper reflection on the methods for exercising judicial power, and on the responsibility and function of ecclesiastical tribunals in the mission of the Church.

1671-1691

Ap XCII (2019), 193-220: Paolo Giuseppe Maria Lobiati: *Nullitas Matrimonii ob defectum Consensus: implicazioni processuali attuali*.
(Article)

The formula *nullitas matrimonii ob defectum consensus* goes to the heart of the marriage nullity process, which requires a holistic consideration of the person. L. advocates a revival of this formula in the decisions of the Roman Rota, which in turn would benefit lower tribunals and offer them the possibility of a new way of formulating the doubt in the case, especially when there are several incompatible grounds for nullity.

1671-1691

FCan XV/2 (2020), 7-36: Alejandro Arellano Cedillo: El *Processus Brevior* ante el Obispo. (Article)

One of the features of the *processus brevior* is that the diocesan bishop called upon to judge the case cannot delegate his power to judge to another bishop. A hypothetical delegation would not only be against the spirit of the new law and the *mens* of Pope Francis, but would also lead to the nullity of the process. There are two prerequisites for the *processus brevior*: a *libellus* proposed by both spouses, or by one of them with the explicit consent of the other; and the manifest nullity as evidenced by the various elements presented in the *libellus*. The instruction of the case has all the characteristics of a judicial-declarative process. It should be concluded, as far as possible, in one single session. In the *processus brevior*, it is not envisaged that the acts will be published, on account of the active participation of the parties in the introductory and instructional phases. It is foreseen that there should be a discussion phase, consisting of the obligatory animadversions of the defender of the bond and of any defence that may be submitted by the private parties. In the decision phase, the bishop, after being acquainted with the acts, consults with the instructor and assessor and evaluates the animadversions of the defender of the bond and the defences of the parties. If he reaches moral certainty, he pronounces an affirmative sentence, which should be his own personal decision. If not, the case is forwarded by decree to an ordinary examination.

1445

FCan XV/2 (2020), 37-76: Mário Rui de Oliveira: A Assinatura Apostólica e os tribunais eclesiásticos portugueses: a competência da vigilância na administração da justiça e o contencioso administrativo. I Parte: a situação dos tribunais da Província Eclesiástica Bracarense. (Article)

See above, canon 1445.

1671-1691

Ius Comm VIII (2020), 231-264: Nikolaus Schöch: La perención de la instancia después del motu proprio *Mitis Iudex*. (Article)

Canon 1520 establishes that if over a period of six months no procedural act is performed by the parties, and they have not been impeded from doing so,

the trial is abated. This implies the extinction of that particular judicial instance but does not extinguish the right to an action. Abatement comes about through the inactivity of the parties, not that of the judge or of others involved in the process, such as the defender of the bond. In the case of an appeal, if the time limit for appealing has expired without the filing of the appeal or if the appeal has been abandoned through not being pursued, then unless sufficient reasons were given at the time the appeal was filed, the judge of the lower tribunal is competent to issue the executive decree of the affirmative sentence.

1671-1691

Ius Comm VIII (2020), 371-391: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 4 mayo 2015. Nulidad de matrimonio. Prórroga de competencia; 2. Decreto, 11 julio 2016. Rechazo de la inscripción en el elenco de los abogados o, al menos, de la admisión *ad casum*; Roberto Serres López de Guereñu: Comentario. (Documents and comment)

The text is given of two decrees of the Apostolic Signatura. The first, dated 4 May 2015, extended competence for a marriage case to a tribunal which would otherwise be incompetent. This was to avoid the appearance of suspicion when the plaintiff happened to be a financial adviser to the diocese in which the only tribunal competent to hear the case was located; it was therefore fitting that the case be heard elsewhere. The second decree, dated 11 July 2016, was a rejection of a recourse against a refusal to admit the recurrent to the panel of advocates of the metropolitan tribunal or to allow him to intervene in a particular case. In his comment on the decrees, S. points out that the first decree demonstrates the manner of proceeding according to law in order to avoid marriage nullity cases being tainted by any suspicion of favouritism. Any of the parties, as well as the bishop moderator or the judicial vicar, may request an extension of competence to another tribunal when the only competent tribunal is potentially open to suspicion; the right of defence in the new tribunal needs to be safeguarded and should not be hampered by the inadequacy or distance of the tribunal. The second decree shows how the canonical norms ensure that the advocates who assist the parties are suitable for carrying out their function; otherwise, apart from being gravely damaging for the right of defence of the parties, there would also be harm to the life of the Church in a matter as important as that of marriage and the matrimonial vocation of the faithful.

1671-1691

QDE 33 (2020), 461-495: Massimo Mingardi: Questioni legate alla scelta della via processuale nel nuovo processo di nullità matrimoniale. (Article)

M. examines a number of questions surrounding the choice of which process to follow in considering a matrimonial case. He asks which judicial vicar is competent in the case where there is an interdiocesan tribunal; examines possible recourse against the decree of the judicial vicar admitting the case to the shorter form; considers questions linked to the role of the defender of the bond; looks at the consent of the parties as a necessary element for the choice of the shorter process (considering that the key element of the consent is to the use of the shorter process with its lessened protection of rights); and asks whether a case can be transferred from one process to the other once it has started.

1671-1691

QDE 33 (2020), 496-499: Paolo Bianchi: Le osservazioni e l'appello del difensore del vincolo alla luce del *motu proprio Mitis Iudex Dominus Iesus*. (Response to a question)

See above, canon 1634.

1671-1691

SC 54 (2020), 407-455: William L. Daniel: Dicasterial Sources Supplemental to the *Motu Proprio Mitis Iudex* (2015-2020). (Article)

In the first five years following the publication of *Mitis Iudex*, certain dicasteries of the Roman Curia have issued several documents that, in their own ways, address the correct interpretation and implementation of the new norms governing marriage nullity trials. There was one common effort in Italy that led to some clarifications (the *Tavola di lavoro*), and each dicasterial participant has its own part to play in the just handling of marriage nullity causes subsequent to the reform. The Pontifical Council for Legislative Texts has replied to many questions, some of which may in fact be objective doubts of law. It could further serve the Church by updating the Instruction *Dignitas connubii*; D. proposes some derogations that have occurred. The Apostolic Signatura, too, offers general norms and illuminating direction in particular cases, while the Roman Rota's procedural jurisprudence stands as a great service and aid to tribunals.

1671-1691

SC 54 (2020), 623-683: Michael-Andreas Nobel: L'enquête préliminaire dans les procédures de nullité de mariage. (Article)

For centuries, a preliminary inquiry was recognized for criminal and canonization procedures to gather information necessary prior to commencing a specific procedure. In the context of marriage procedures, this concept appears to be rather “new”, and elements of it can be seen in the late 19th century. Local approaches had a significant impact on universal legislation, but not until after the Second Vatican Council. With reference to the legislation of the Latin Church, N. examines the universal law as promulgated in the CIC/17 and the CIC/83 under three aspects: a) whether it contains any legislation on a preliminary inquiry in the context of a process to obtain a declaration of nullity; b) the elements necessary for a petition and how this information is gathered; and c) the collection of proofs prior to the *litis contestatio*. The Instruction *Dignitas connubii* (DC) recognizes two “preliminary enquiries” according to articles 113 and 120. The partial dichotomy remains after the prescripts of the CIC/83 on marriage procedures were changed with the *motu proprio Mitis Iudex Dominus Iesus* and the *Ratio procedendi*, recognizing the “pre-judicial” or “pastoral inquiry” and, according to DC 120, the preliminary inquiry conducted by the judicial vicar, verifying specific aspects of a submitted *libellus*.

1671-1691

SCL XIV (2019), 305-362: Merlin Rengith Ambrose: Right of Defence a *Conditio sine qua non*: A Critical Evaluation in the light of *Mitis Iudex Dominus Iesus*. (Article)

A. explores whether the modifications and innovations introduced by *Mitis Iudex* in order to streamline the marriage nullity process may impede the exercise of the right of defence. While an excessive duration of the process does not respond to justice and risks the destiny and the life of the persons concerned, a swift process which is not respectful of the right of defence of the parties renders a negative service to justice and the truth. If it is true that the changes introduced by *Mitis Iudex* to canons 1671-1691 clearly impose the obligation of a swift and timely process, this must not result in the distortion of justice and the right of the parties to defend themselves. It is only through an assiduous application of the procedures required by the right of defence that just results can be achieved.

1717-1731

BV 80 (2020), 595-608: Stanislav Slatinek: Izbira upravnega kazenskega postopka za vzpostavitev pravičnosti v Cerkvi: dileme in kritične ugotovitve (*Choice of administrative penal procedure to restore justice in the Church: dilemmas and critical findings*). (Article)

In individual cases where a disputed matter in the Church between a complainant and an accused cannot be resolved by peaceful means or fraternal correction or reproof or by other means of pastoral solicitude, the Ordinary (e.g. the diocesan bishop) may, after he has information about an offence which has at least the semblance of truth, initiate a judicial or an administrative penal procedure. Before choosing which procedure to follow, he is to consult with experts in canon law. Even if the accused is suspected of a serious crime of sexual abuse of a minor (one of the *delicta graviora*), the Ordinary may, for justified reasons (e.g. to provide more suitably for ecclesiastical discipline), institute an administrative penal procedure and end it by means of an extrajudicial decree imposing a penalty on the perpetrator of the delict. However, if it is clearly established that the accused did not commit the delict, the Ordinary is to absolve the accused by an extrajudicial decree. S. examines the advantages and disadvantages of the administrative penal procedure for restoring justice in the Church.

1717-1731

Canonist 11/2 (2020), 197-217: Brendan Daly: An Analysis of the *Vademecum* of the Congregation for the Doctrine of the Faith. (Article)

See above, canon 1395.

1717-1731

CLSN 197/20, 35-59: Congregation for the Doctrine of the Faith: *Vademecum*: On Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics. (Document)

See above, canon 1395.

1717-1731

Comm 52 (2020), 393-421: Congregatio pro Doctrina Fidei: *Vademecum* “su alcuni punti di procedura nel trattamento dei casi di

abuso sessuale di minori commessi da chierici”, 16 iulii 2020.
(Document)

See above, canon 1395.

1728

IC 60/120 (2020), 567-607: William L. Daniel: The *Litis contestatio* in the Canonical Penal Trial. (Article)

See above, canon 1513.

1732-1739

Ius Comm VIII (2020), 197-213: Dominique Mamberti: La justicia administrativa canónica: actualidad y perspectivas. (Lecture)

See above, canon 1445.

1734

QDE 33 (2020), 334-355: Matthias Ambros: Il ricorso gerarchico contro la decisione di un delegato: L’interpretazione del can. 1734 §3, 1°.
(Article)

A. notes the majority view that there is no need to seek first a revocation from the decree of a delegate, but that recourse can be made directly to a bishop because of the exception in canon 1734 §3, 1°. He disagrees with that view, on the basis of analysis of the work of the revision process leading to the current text and of CCEO canon 997 §2: in both cases authorities subject to the bishop should be distinguished from delegates. He supports this by arguing that the basic legal rules about delegation distinguish it from vicarious power, entailing that recourse is made from the delegate to the one delegating. He then points out that this opens up a difficult choice about which of two paths to follow – a choice made especially acute when a vicar general is acting under a special mandate, which could be viewed either as a delegation or as a description of vicarious power. He suggests that the solution is that in a decree the one making the decree should indicate precisely the appropriate route of recourse; his alternative is that the one aggrieved should proceed along both tracks. He then reviews that application of principles of delegation to recourse against the delegate of a Congregation of the Roman Curia and even of the Roman Pontiff.

1752

ITS 57 (2020), 669-689: Innasi Amalraj: Amendments in the Code of Canon Law – 1983 [up to 2020]: The Canonical and Pastoral Influences in the Life of the Church (Part I). (Article)

See above, General Subjects (*Law reform*).

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Anuario de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletín Eclesiástico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- De Processibus Matrimonialibus
- Eastern Legal Thought
- Ephemerides Iuris Canonici
- Ephrem's Theological Journal
- Estudio Agustiniiano
- Estudios Eclesiásticos
- Folia Theologica et Canonica
- Forum Canonikum
- Forum Iuridicum
- Indian Theological Studies
- Immaculate Conception School of Theology Journal
- Irish Theological Quarterly
- Ius Canonicum
- Ius Communionis
- Ius Ecclesiae
- Iustitia: Dharmaram Journal of Canon Law
- Journal of Sacred Scriptures
- The Jurist
- Kościół i Prawo
- Laurentianum
- Law and Justice
- Louvain Studies
- Periodica
- Philippine Canonical Forum
- Philippiniana Sacra
- Quaderni dello Studio Rotale
- Quærens
- Revista Española de Derecho Canónico
- Revista Mexicana de Derecho Canónico
- Revue de Droit Canonique
- Revue Théologique de Louvain
- Salesianum
- Studia Canonica
- Studies in Church Law
- Studium Generale Marcianum
- Studium Ovetense
- Teología y Vida
- Vida Religiosa
- Vidyajyoti

ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

AC	L'Année Canonique, Paris – Most Rev. Dr John McAreavey, Co. Down.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
Cla n.s.	Claretianum ITVC, new series, Rome – Abstracts supplied by publisher.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
ETJ	Ephrem's Theological Journal, Satna, India – Abstracts supplied by publisher.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
ITS	Indian Theological Studies, Bangalore – Editor.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
L	Laurentianum, Rome – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
LS	Louvain Studies, Louvain – Abstracts supplied by publisher.

LW	The Living Word, Kerala – Editor.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
RGDCDEE	Revista General de Derecho Canónico y Derecho Eclesiástico del Estado (online publication: https://www.iustel.com/) – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
SCL	Studies in Church Law, Bangalore – Editor.
SPW	Studia z Prawa Wyznaniowego, Wydawnictwo KUL, Lublin – 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.
Vid	Vidyajyoti, Delhi – Editor.
VR	Vida Religiosa, Madrid – Editor.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- John D. FARIS – Jobe ABBASS (eds.) *A Practical Commentary on the Code of Canons of the Eastern Churches*, Gratianus Series, Wilson & Lafleur, Montreal, 2019, 2 vols., cliv + 3209pp., ISBN 978-2-924974-03-2 (reviewed by Alexander M. Laschuk in *SC 54* (2020), 740-741)
- Stephen J. FICHTER – Thomas P. GAUNT – Catherine HOEGEMAN – Paul M. PERI: *Catholic Bishops in the United States: Church Leadership in the Third Millennium*, Oxford University Press, New York, 2019, 210pp., ISBN 978-0-19-092028-9 (reviewed by Christopher Siuzdak in *SC 54* (2020), 741-743)
- Javier HERVADA: *Critical Introduction to Natural Right*, 2nd English edition supervised by Carlos José Errázuriz and Petar Popović with linguistic consultant Dawn Eden Goldstein, Gratianus Series, Wilson & Lafleur, Montreal, 2020, x + 135pp., ISBN 978-2-924974-06-3 (reviewed by John M. Huels in *SC 54* (2020), 743-744)
- Vitus Edem Yao MENSAH: *Impartiality of the Judicial Organ in the Penal Canonical Process*, Coll. *Corona lateranensis*, n. 92, Lateran University Press, Vatican City, 2019, 442pp., ISBN 9788846512451 (reviewed in *Ap XCII* [2019], 306)
- Anthony G. ROEBER: *Mixed Marriages: An Orthodox History*, Saint Vladimir's Seminary Press, Yonkers, NY, 2018, 290pp., ISBN 978-0-88141-631-2 (reviewed by W. Beckett Soule, *ELJ 22* [2020], 371-372)
- Russell SANDBERG – Norman DOE – Bronach KANE – Caroline ROBERTS (eds.): *Research Handbook on Interdisciplinary Approaches to Law and Religion*, Edward Elgar, Cheltenham, UK, 2019, 451pp., ISBN 978-1784714840 (reviewed by Sylvie Bacquet, *LJ 185* [2020], 179-182)
- Péter SZABO (ed.): *Primacy and Synodality. Deepening Insights. Proceedings of the 23rd Congress of the Society for the Law of the Eastern Churches. Debrecen (September 3-8, 2017)*, Kanon: Yearbook of the Society for the Law of the Eastern Churches 25, St Athanasius

Theological Institute, Nyíregyháza (Hungary), 2019, 724 pp., ISBN 978-615-5073-89-2 (reviewed by *Miguel Campo Ibáñez*, *EE* 95 [2020], 973-980; also by *Paolo La Terra*, *Ap* XCII [2019], 301-304; also by *Dominique Le Tourneau*, *IC* 60/120 [2020], 923-931; also by *Fernando Puig*, *IE* XXXII [2020], 763-766)

- Anzelm Szuromi SZABOLCS – Nicolás ÁLVAREZ DE LAS ASTURIAS (eds.): *Becoming a Priest. Canonical Discipline and Criteria on Suitability for Candidates* (Aus Religion und Recht), Frank & Timme, Berlin, 2019, 166pp., ISBN 9783732905515 (reviewed by *Bruno Esposito*, *IE* XXXII [2020], 784-785)

BOOKS RECEIVED

- Piotr KROCZEK (ed.): *Amoris laetitia* – pokłosie, *Annales Canonici Monographiae*, 8, Uniwersytet Papieski Jan Pawła II w Krakowie, 2020, 97pp., ISBN 978-83-7438-933-4 [see above, General Subjects (*Compilations*)]