

Canon Law Abstracts
No. 128 (2022/2)

Covering periodicals appearing
July – December 2021



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. 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

EIC 61 (2021), 389-649: The sacramental seal and ministerial secrecy: canon law and civil legal systems. (Articles)

See canons 983-984 below (articles by Piacenza, Incitti, Comotti, Boni, Palomino, Pree, Jenkins, and Carni).

EIC 61 (2021), 719-749: Eduardo Baura: Il diritto all'intimità nella Chiesa: bene giuridico e disponibilità del diritto. (Article)

See below, canon 220.

EIC 61 (2021), 751-785: Carlos Martínez De Aguirre: El Derecho a la intimidad Revisitado. (Article)

See below, canon 220.

Ius 12, No. 1 (2021), 9-18: Biju Varghese Perumayan: Revised Penal Sanctions of CIC Book VI and CCEO Title XXVII: A Comparative Reading. (Article)

This article studies the differences and similarities between the Latin and Eastern Codes following the revision of Book VI of the CIC/83.

Ius Comm IX (2021), 231-253: Cyril Vasil': Apuntes sobre el motu proprio *De concordia inter Codices*. (Comment)

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

SC 55 (2021), 209-243: Patrick Connolly: *Oikonomia* and Remarriage in the Orthodox Tradition: a Pastoral Solution for the Catholic Church? (Article)

See below, canon 1141.

SC 55 (2021), 477-510: Valère Nkouaya Mbandji: La répression de la pédopornographie en droit canonique, en droit criminel canadien et dans les instruments juridiques internationaux. (Article)

See below, canon 1398*.

Compilations

IC 61/122 (2021), 889-923: José Ignacio Rubio López: Crónica Judicial de Derecho Eclesiástico en los Estados Unidos de Norteamérica (2019-2021). (Compilation)

R.L. highlights some of the more significant federal cases involving religious freedom decided by the United States Supreme Court in the period 2019-2021.

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

This collection of essays was assembled to mark the 70th birthday of Prof. Giacomo Incitti of the Pontifical Urbaniana University. The first part focuses on questions of the history and theology of law, and contains contributions from **Alessandro Recchia**, who studies a miniature found in the ms. Vat. Lat. 2491 and assesses its bearing on the dating of the *Decretum Gratiani*; **Pier Virginio Aimone Braida** on canonists and juridical works in the library of Cardinal Capranica (15th century); **Stefano Testa Bappenheim** on the history of ecclesiastical archives; and **Sandra Mazzolini** on the Church as People of God and ecclesial fraternity.

The second part deals with various questions concerning the People of God in Book II of the CIC/83, the contributors being **Carlos José Errázuriz** on the relationship between holiness and law and rights in the Church; **Libero Gerosa** on the importance of mental prayer for the Christian life, from a canonical perspective; **Juan Ignacio Arrieta** on the participation of the lay faithful in the organization of the Church; **Achille P. Ouédraogo** on the social commitment of the laity and its juridical and magisterial foundations; **Cecilia Agule** on the co-responsibility of the faithful in the mission of the Church and the role of the laity in the light of canon 204 §1; **Ernest B.O. Okonkwo** on the suitability of candidates for admission to major seminary and integral formation, in the light of canons 241 §1 and 244; **Robert**

Bissell on the restoration of the permanent diaconate; **Raffaele Santoro** and **Federico Gravino** on the power of the ecclesiastical authority to appoint a commissioner to direct a public juridical association and to remove the moderator; **Massimo del Pozzo** on the rationality of the exercise of ecclesiastical governance; **Paolo Gherri** on ecclesiastical governance as “*pastorato*” (shepherding) in the reflections of Michel Foucault; **Maurizio Martinelli** on the *ius legationis* of the Pontiff; **Elias Frank** on the power of the apostolic administrator *sede vacante*; **Carlo Fabris** on military ordinariates within the geographical area subject to the jurisdiction of the Congregation for the Evangelization of Peoples; **Lorenzo Lorusso** on transfer to another Church *sui iuris*; **Matteo Carnì** on the imposition of the pallium on metropolitan archbishops, in the light of changes introduced by Pope Francis in 2015; **Szabolcs Anzelm Szuromi** on the rights and duties of the chapter of canons; **Armand Paul Bosso** on the *munus* of the parish priest; and **Elena Lucia Bolchi** and **Serenella Del Cinque** on the virginal consecration mentioned in canon 604, in the light of the Instruction *Ecclesiae Sponsae Imago*.

The third part contains studies on Books III and IV of the Code: those of **Antoine Mignane Ndiaye** on the teaching of “missionary canon law” as part of the patrimony of the Pontifical Urbaniana University; **Geraldina Boni** on the protection of the sacramental seal and ministerial secrecy in Italy; **Luigi Sabbarese** on whether the episcopate, presbyterate, and diaconate constitute three degrees of a sacrament or three sacraments; **José Fernández San Román** on the redactional process of the authentic interpretation of canon 1041, 4° and 5° (31 May 2016) on the applicability to non-Catholics of the irregularities for sacred orders; and **Antonio Interguglielmi** on confraternities and the management of tombs and sepulchres.

The fourth part focuses on Books V and VI of the Code, and contains studies by **Jesús Miñambres** on the governance, administration, and management of diocesan resources; and **Andrea D’Auria** on the principle of legality in the canonical penal system, with special reference to canon 1399.

(For bibliographical details see below, Books Received.)

Wim Decock – Janwillem Oosterhuis (eds.): Great Christian Jurists in the Low Countries. (Book)

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

Adriana Neri – Inés Lloréns (eds.): I fondamenti relazionali del diritto di famiglia. Un approccio interdisciplinare. (Book)

A conference organized by the Centre for Juridical Studies on the Family at the Pontifical University of the Holy Cross reflected on the foundations for a possible family law within the Church. The proceedings are published here, the main presenters being **Susy Zanardo** on the anthropology of family relationships in late modernity; **Francesco Botturi** on the social subjectivity of the family from a genetic perspective; **Blanca Castilla de Cortázar** on the theology of family relationships; **Carlos José Errázuriz** on the juridical anthropology of marriage and the family; **Héctor Franceschi** on the foundations and future prospects of the family of the Church; **Adriana Neri** on problems and proposals concerning civil matrimonial law; **Pierpaolo Donati** on the social genome of the family and its relational goods; and **Raffaella Iafrate** on the family as the primary place for growth and psychological aspects of family relationships. Other contributors were **Ana María Martín Algarra** on an initiative concerning family dialogue; **Margherita Daverio** on the generative capacity and law; **Maria Aparecida Ferrari** on the specific juridical nature of the conjugal union; **Ana Isabel Moscoso Freile** on personal love as an anthropological transcendental; **Antonio Interguglielmi** on marriage preparation courses in the light of *Amoris laetitia*; **María Martorell Estrenjer** on the mission of the human family in the family of God; **Jaime Rodríguez Díaz** on the family as a school of love, based on a poem by Karol Wojtyła; **Ana María Sanguineti** on the *imago Trinitatis* of the “primordial sacrament” and the projection of its light on marriage and the family; **Iliaria Vigorelli** on the relational dimension of human dignity; **Joan Carreras** on narrative and self-referentiality in relation to marriage; **Jorge Castro Trapote** on canon law as human order and law of the family; **Montserrat Gas Aixendri** and **M. Pilar Lacorte Tierz** on Church law as promoter of family relationships in the face of the challenges of postmodernity; **Álvaro González Alonso** on knowledge of one’s biological origins and personal identity as juridical goods to be safeguarded; **Inés Lloréns** on the canonical dimension of the domestic Church; **Pilar Solá Granell** on mediation in canonical family law; **Stefano Testa Bappenheim** on *Amoris laetitia*, religious freedom, and matrimonial impediments; **María Barril Rodríguez-Arana** on family models in Spain and Italy; **Francisco Insa** on the psychosocial challenge of matrimonial life according to Erik Erikson; **Ana María Vega Gutiérrez** on family politics in relation to sustainable development and the attainment of the common good; **Juan Velayos** on the family as constructor of the Western State; and **Belén Zárate Rivero** on the narrative of family policy over the last ten years. (For bibliographical details see below, Books Received.)

Philip L. Reynolds (ed.): Great Christian Jurists and Legal Collections in the First Millennium. (Book)

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

Anders Winroth – John C. Wei (eds.): Medieval Canon Law. (Book)

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

Ecclesiology

Canonist 12/2 (2021), 152-188: Pope Francis: Apostolic Letter issued Motu Proprio *Traditionis Custodes* On the Use of the Roman Liturgy Prior to the Reform of 1970; Letter to the Bishops of the World that accompanies the Apostolic Letter *Traditionis Custodes*. (Documents and comments)

See below, canon 838.

CLSN 201/22, 21-35: Dennis Giesa: The “Synodal Path” in Germany. A reflection from a canonical perspective. (Article)

G. considers how the Synodal Path taking place in Germany ought to be classified and assessed from a canonical perspective. He first explores the meaning of synodality in a canonical context, and then outlines how the so-called Synodal Path came about in Germany. Based on these principles he concludes with an assessment of the synodal process in Germany and the (non-)binding nature of its resolutions.

Ius Comm IX (2021), 189-218: Antonio M^a Rouco Varela: Joseph Ratzinger/Benedicto XVI y el diagnóstico de nuestro tiempo. Una aproximación teológico-jurídica. (Article)

The analysis of our times by Joseph Ratzinger/Benedict XVI allows us to speak of a time of moral crisis, a crisis of man, and a religious crisis or crisis of faith in God. His lucid diagnosis of the causes of the sickness of the present age calls for a description of the possible therapies of healing and the recovery of moral and spiritual health, as also proposed by Ratzinger/Benedict XVI.

General Subjects (Ecclesiology / Family issues / Law reform)

Ius Comm IX (2021), 277-296: Nicolás Álvarez de las Asturias: “Traducción al lenguaje jurídico”: categorías eclesiológicas y reformas canónicas en el pontificado de Francisco. (Article)

The theological categories of synodality and ministeriality are at the base of many of the legislative reforms carried out by Pope Francis. This article reflects on the way in which the categories have been translated into legal language.

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (articles by Sandra Mazzolini, Massimo del Pozzo, and Paolo Gherri).

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

This book consist of two interviews given by the President of the Pontifical Council for Legislative Texts: one on ecclesial synodality, the other offering recollections concerning Cardinal Carlo Maria Martini, who is presented as an authentic witness of ecclesial synodality. (For bibliographical details see below, Books Received.)

Family issues

Adriana Neri – Inés Lloréns (eds.): I fondamenti relazionali del diritto di famiglia. Un approccio interdisciplinare. (Book)

See above, General Subjects (*Compilations*).

Law reform

CLSN 201/22, 114-128: Martin Pusch – Hans Zollner: Observations from safeguarding work for the evaluation and revision of canonical penal law. (Article)

See below, canon 1398*.

EIC 61 (2021), 503-525: Matteo Visioli: La distruzione dei documenti delle cause penali nell'archivio segreto diocesano (can. 489 § 2 CIC): questioni aperte. (Article)

See below, canon 489.

Per 109 (2020), 493-503: Charles J. Scicluna: The Rights of Victims in Canonical Penal Processes. (Presentation)

See below, canons 1717-1731.

Per 109 (2020), 505-526: John P. Beal: Accountability and transparency according to canon and international Law: a human rights perspective. (Presentation)

B. addresses the failure of ecclesiastical authorities in the USA to deal adequately with the abuse by senior clergy of minors and others, in spite of having information, and calls for the development of structures and practices of transparency and accountability in which the faithful are also involved.

Per 109 (2020), 633-658: Neville Owen: The Ideal of Accessible Justice: in Praise of Jurisprudence. (Presentation)

O. examines the question of accessible justice in canonical penal procedures. In his view the lack of accessible jurisprudence in the form of written judgments with their reasoning lies at the heart of the question.

Legal theory

CLSN 200/21, 25-27: Catherine Godfrey-Howell: *Lex and Liturgia*. (Article)

G.-H. offers some reflections on the relationship between law and liturgy, justice and tradition, and memory and identity.

CLSN 201/22, 10-20: John Hadley: Putting Christ at the Centre. (Article)

H. studies the content of the CIC/83 to see to what extent it has Christ as the centre of its focus.

FCan XVI/1 (2021), 19-42: António Ary: A discricionariedade na atividade administrativa da Igreja. (Article)

To define and delimit the discretionary powers of public administration bodies, in the specific context of the Church, is a central issue which, together with the principle of legality, can be considered the cornerstone of juridical reflexion within the administrative sphere. The traditional concept of canonical equity allows us to go beyond considering discretion in purely negative terms, as a space limited by legal norms, and opens up the possibility of a positive characterization that sees discretion as an instrument at the service of the *salus animarum*.

IE XXXIII (2021), 405-440: Geraldina Boni: La tutela dei diritti e il giudizio penale nella Chiesa. (Paper)

B. traces the development of the thought of the canonist Joaquín Llobell concerning the penal process and the right to due process, which reveals his capacity to understand the demands emerging from ecclesial reality, as well as his passionate desire to contribute to the *bonum commune Ecclesiae*.

IE XXXIII (2021), 441-466: Massimo del Pozzo: Il giusto processo e l'ecosistema processuale nel pensiero di Joaquín Llobell. (Paper)

Del P. examines the “fundamental” perspective underlying the contributions of Joaquin Llobell to procedural law. He concentrates on the pastoral nature, principles, and values of the just process in the canonical sphere, as well as the centrality of the search for truth.

IE XXXIII (2021), 467-492: Carlos M. Morán Bustos: La ricerca della verità, ratio e telos del processo canonico di nullità del matrimonio. (Paper)

Inspired by the thought of Joaquín Llobell, M.B. analyses the profound ontological and anthropological influence of the search for truth in the context of marriage nullity procedures.

IE XXXIII (2021), 493-516: Paolo Bianchi: I presupposti antropologici dell'ordinamento matrimoniale canonico. (Article)

B. highlights the anthropological presuppositions underlying the substantive canon law on marriage. He rejects the specious and unfounded opposition between law and theology.

IE XXXIII (2021), 569-594: Jean-Pierre Schoupe: Positivismo, normativismo e realismo giuridico nello ius ecclesiae. (Article)

Normativism and juridical positivism are not synonymous. After investigating the distinctive criteria of (theoretical) juridical positivism, S. applies these criteria to canon law from 1917 until today, including so-called "canonical positivism". However, these criteria fail to reveal the practical juridical positivism denounced by some canonists of the 21st century. Only juridical realism seems to be able to resolve this subtle methodological problem.

IE XXXIII (2021), 595-622: Jorge Castro Trapote: Circularidad entre el derecho divino natural y el derecho divino positivo. (Article)

C.T. argues that natural law pertains to canon law because it is based on the person rather than on the norm.

RMDC 27/1 (2021), 165-197: Rogelio Ayala Partida: Ius y Lex, la distinción de términos que cambia la historia. (Article)

Law (*ius*) and laws (*leges*) are not equivalent terms. Both certainly pertain to the field of justice, but they have to be clearly distinguished. A.P. analyses the sources of Roman law, and the specific binomials that gave rise to the terms *ius* and *lex*, as well as the impact of interpretation that these terms have in the juridical field.

SC 55 (2021), 637-654: Rik Torfs: The Relationship between Theology and Canon Law under the Pontificate of Francis. (Article)

The German canonist Hans Barion (1899-1973) distinguished three aspects in the relationship between theology and canon law: law as *ancilla*, as *custos*, and as *illuminatrix* of theology. T. applies these analytical keys to three areas dear to Pope Francis, namely, marriage procedures, the missionary parish, and sexual relations outside of canonical marriage.

Methodology in canonical research

Per 110 (2021), 123-144: Ulrich Rhode: Las revistas canónicas. (Article)

R. offers some reflections on canonical periodicals and journals that have been and are still being published throughout the world. He takes into account all those publications listed on the website of the Gregorian University's website (www.iuscangreg.it), as well as the geographical range of the publications, their languages, digital accessibility, and their usefulness in drawing up bibliographies.

Relations between Church and State

Comm 53 (2021), 68-71: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae *Esigenze emerse, quibus nonnullae de iustitia normae mutantur*, 8 februarii 2021. (Document)

This motu proprio comprises three articles modifying the legislation of the Vatican City State. It modifies the rehabilitation process for those convicted under the penal code (article 17) and the penal process with regard to those who refuse to take part (articles 376 and 379); it also makes some textual emendations to Law CCCLI.

Comm 53 (2021), 72-74: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae “*Un futuro sostenibile, circa il contenimento della spesa per il personale della Santa Sede, del Governatorato dello Stato della Città del Vaticano e di altri Enti collegati*”, 23 martii 2021.
(Document)

This motu proprio addresses the financial implication of the Covid-19 pandemic for the Holy See and Vatican employees and makes various changes concerning their remuneration.

Comm 53 (2021), 75-78: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae “*La fedeltà nelle cose di poco conto, recante disposizioni sulla trasparenza della finanza pubblica*”, 26 aprilis 2021.
(Document)

This motu proprio addresses various forms of corruption and the need for transparency and to avoid conflicts of interest by inserting a new article (13bis) in the *Regolamento Generale* of the Roman Curia

Comm 53 (2021), 79-80: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae “*recante modifiche in tema di competenza degli organi giudiziari dello Stato della Città del Vaticano*”, 30 aprilis 2021.
(Document)

This motu proprio amends the judicial code of the Vatican City State so that, in future, cardinals and bishops may be judged by the regular tribunal, provided the prior consent of the Pope has been obtained.

Comm 53 (2021), 88-98: Ex Actis Francisci Pp.: Chirographum et Statutum *La Reverenda Fabbrica di San Pietro*, 13 martii 2021.
(Documents)

This Chirograph sets out a brief history of the body responsible for caring for the fabric of St Peter’s Basilica, from the time of Pope Julius II to the provisions of *Pastor Bonus*, article 192. In addition to the general provisions of the CIC/83 and the laws of the Vatican City State, a new set of statutes is approved for one year *ad experimentum*. The text of the statutes follows in 21 articles.

Comm 53 (2021), 110-112: Ex Actis Francisci Pp.: Allocutio in inauguratione XCII Anni Iudicialis Tribunalis Status Civitatis Vaticanae, 27 martii 2021. (Address)

At the beginning of the judicial year Pope Francis speaks to the officials of the Tribunal of the Vatican City State about the importance of recent reforms for a more speedy and effective cooperation in the administration of justice.

Comm 53 (2021), 128-132: Secretaria Status: Homilia Em.mi Secretarii Status in Missa inaugurationis XCII Anni Iudicialis Tribunalis Status Civitatis Vaticanae, 27 martii 2021. (Homily)

The Secretary of State observes that the raising of Lazarus crystallized the issues and plans of the authorities who then abused the judicial process to sentence Jesus to death. He singles out procedural irregularities. These are not mere technicalities but are of the essence of the judicial process. They remind all responsible for administering justice of the importance of adhering to procedural rules, while remaining aware of the possibility of mistakes and the demands of equity. While the judicial structures and laws of the Vatican City State are distinct from the canonical roles of courts such as the Roman Rota, or the primatial role of the Successor of St Peter, still the same principles apply including that of the salvation of souls.

Comm 53 (2021), 145-187: Secretaria Sanctae Sedis rebus oeconomicis praeposita: Decretum Delegati Pontifici n. 1/2021 “Regolamento di attuazione della Lettera Apostolica in forma di Motu Proprio del 19 maggio 2020, recante Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano”, 22 iunii 2021. (Document)

Following the motu proprio of 19 May 2020 introducing norms on transparency and controlling public contracts entered into by the Holy See and Vatican City State, the Secretariat for Economic Affairs sets out detailed regulations concerning these matters in 49 articles.

Comm 53 (2021), 188-205: P. Parolin: “La Breccia di Porta Pia”, Interventus Em.mi D. Petri Parolin, Secretarii Status, occurrente celebratione iuxta Senatum Rei Publicae Italiae, 2 octobris 2020. (Address)

In an address to the Italian Senate, the Secretary of State outlines the significance of the entry of Italian forces into Rome on 20 September 1870 and the ending of the Papal States. At the time it was seen not so much as a piece of military history as a symbol of a struggle against the Church by men inspired by an Illuminist anti-religious ideology. P. sets out the response of both sides, and the process of reconciliation under Pius XI leading to the Lateran Pact of 1929, and concludes with the relationship between St Paul VI and more recent Popes with the Italian State.

Comm 53 (2021), 220-223: C. Barbagallo: “Così l’ASIF si rafforza”, Alloquium cum Ill.mo D. Carmelo Barbagallo, Praeside ASIF, 20 martii 2021. (Interview)

The President of the Authority responsible for the administration of the finances of the Holy See and Vatican City State responds to questions about the meaning of the term “Vatican finances” and its adherence to international conventions designed to prevent money laundering and fraud: specifically its participation in “Moneyval” and “Egmont”, and how this has progressed over the past seven years.

Comm 53 (2021), 238-244: Status Civitatis Vaticanae: Decretum n. CCCXCVIII, Praesidis Pontificiae Commissionis Status Civitatis Vaticanae “in materia di emergenza sanitaria pubblica”, 8 februarii 2021. (Document)

This Decree introduces new provisions to cater for the public health emergency arising from the spread of Covid-19 but is couched in more general terms so that the regulations would apply to similar future situations whether arising from bioterrorism, epidemic, or pandemic.

Comm 53 (2021), 245-248: Status Civitatis Vaticanae: “Ordinanza con la quale si recepiscono le disposizioni contenute nel Motu Proprio sulla trasparenza nella gestione della finanza pubblica del 26 aprile 2021”, Lex n. CDXXIV a Praeside Praefecturae Status Civitatis Vaticanae lata, 21 iunii 2021. (Document)

This law, giving effect to provisions of the motu proprio on financial transparency, sets out a biennial declaration to be made by employees and sets a limit for acceptable gifts at €40.

EIC 61 (2021), 389-649: The sacramental seal and ministerial secrecy: canon law and civil legal systems. (Articles)

See canons 983-984 below (articles by Piacenza, Incitti, Comotti, Boni, Palomino, Pree, Jenkins, and Carnì).

EIC 61 (2021), 679-714: Claudio Gentile: Su un possibile concordato tra Impero ottomano e Santa Sede durante la prima guerra mondiale. (Article)

In order to eliminate any foreign interference in the internal affairs of Turkey, in 1914 the Government pushed the Sublime Porte to abolish the regime of Capitulations and the French Protectorate over Catholics and to ask the new apostolic delegate in Constantinople to establish direct diplomatic relations with the Holy See and to sign a concordat. The Ottoman proposal, although taken into consideration for its possible positive effects, aroused in the Secretariat of State an attitude of cautious expectation both because the First World War, whose outcome was still uncertain, was in progress, and because they did not want to further lacerate relations and hurt the sensibility not so much of the government as of the French population. G. analyses the steps taken by the Turkish government, but above all by the Holy See.

IC 61/122 (2021), 595-634: Óscar Celador-Angón: Definición de religión y organización con fines religiosos en el ordenamiento jurídico estadounidense. (Article)

C.-A. analyses the definition of religion and religious organization in the US legal system, as well as the relationship – or lack of relationship – between such a definition and the principles that shape the US constitutional model:

the religious neutrality of public powers, and the separation between the State and religious organizations. To this end, he explores the decisions of the Federal Supreme Court in contexts in which it was necessary to determine the meanings of religion and religious organizations.

IE XXXIII (2021), 669-682, 737-742: Claudio Gentile: Le recenti modifiche in materia di giustizia e di competenza degli organi giudiziari dello Stato della Città del Vaticano ai sensi dei motu proprio *Esigenze emerse dell'8 febbraio 2021* e *Secondo la Costituzione del 30 aprile 2021*. (Documents and comment)

During 2021, the Pope issued two motu proprios modifying the law of the Vatican City State. The first introduces the possibility of obtaining reductions of penalties under certain conditions, reformulates the trial *in absentia*, and provides for a single office of promoter of justice. The second eliminates the rule whereby cardinals could only be judged by the Supreme Court. G. analyses and comments on both documents, the text of which is given on pp. 737-742.

SC 55 (2021), 57-74: Juan Ignacio Arrieta: The Juridical System of the Vatican City State. (Article)

The modern Vatican City State, dating back to the Lateran Pacts of 1929, has a unique juridical order consisting of canonical provision, its own civil law, and supplementary Italian laws applicable when there are no canonical or Vatican civil provisions on a matter. This study is an overview of the laws given for the Vatican City State that are currently in force.

Vid 85 11-12/21, 814-835 and 907-924: Jesu Pudumai Doss: Legal Encounter between the Catholic Church and Indian Culture: Historical Overview and Contemporary Challenges. (Article)

In a two-part article D. presents a brief historical overview of the complex Indian cultural roots by highlighting the stages of growth of the Indian legal culture and Indian ecclesial presence, and then moves on to present the contemporary challenges that this has provoked within the civil society and the Indian Church. He also discusses some present-day ecclesial challenges, and the need for inculturation and inter-religious and ecumenical dialogue in India today.

Religious freedom

FCan XVI/1 (2021), 43-58: Marcos Keel Pereira: A pandemia covid-19 e a liberdade religiosa em Portugal e na Alemanha. (Article)

P. looks at the repercussions of the Covid-19 pandemic on the exercise of religious freedom in Portugal and Germany.

Social issues

Comm 53 (2021), 206-217: P. Parolin: “La presenza della Santa Sede in Africa: *ponte* tra l’idea di pace e la realizzazione della giustizia”, *Lectio magistralis ab Em.mo D. Petro Parolin Universitati Catholicae Africae Centralis prolata, 1 februarii 2021.* (Lecture)

The Secretary of State addresses the Catholic University of Central Africa, based at Yaoundé, with its mission of Truth and Justice, on the role of the Holy See in Africa. Three themes guide the interventions of the Holy See: greater justice; lasting peace; and sincere cooperation.

Comm 53 (2021), 218-219: P. R. Gallagher: *Interventus Exc.mi D. Paul Richard Gallagher, Secretarii pro Relationis cum Civitatibus, iuxta symposium “14th United Nations Congress on Crime Prevention and Criminal Justice, Kyoto”, 7-12 mensis martii 2021.* (Address)

Speaking to the UN Congress on Crime Prevention and Criminal Justice, Archbishop Gallagher notes the adverse impact of the Covid pandemic in terms of economic and social inequalities as well as corruption. Crime prevention cannot be reduced to its punitive aspects but must also aim to reform, improve, and educate the person.

Teaching of canon law

Per 110 (2021), 123-144: Ulrich Rhode: *Las revistas canónicas.* (Article)

See above, General Subjects (*Methodology in canonical research*).

HISTORICAL SUBJECTS

1st millennium

AnC 17 (2021) 2, 143-158: Marek Story: Duchowny w świetle księgi pokutnej z Paryża (*The cleric in the light of the Penitential Book of Paris*). (Article)

The primary purpose of penitential books was to help confessors to standardize the imposition of penances, but they also addressed the manner of administering the sacrament of penance and reconciliation. Confessors were expected, in the case of a bishop, presbyter, or deacon, to discern very responsibly and carefully the conduct of the penitent, so that they would not be a cause of scandal among the faithful entrusted to their care and custody. The Penitential Book of Paris (c. 750 AD) specifies various forms of inappropriate conduct on the part of the clergy.

CLSN 201/21, 54-66: Louise Hampson: Sanctuary Past and Present. (Article)

H. explores the origins of the legal right of sanctuary, its history in England seen through the lens of the exceptionally extensive right of sanctuary which operated until the early modern period in the East Yorkshire town of Beverley, its demise, and something of the modern revival and re-adoption of this in relation to places of worship of many faiths.

EIC 61 (2021), 389-410: Mauro Piacenza: Il *sigillum confessionis*: un tesoro affidato alla cura della Chiesa. (Article)

See below, canons 983-984.

RDC 71/2 (2021), 367-385: Laura Viaut: Le droit canonique au prisme des lettres des évêques mérovingiens. (Article)

The letters of Avitus of Vienne between 499 and 518AD reflect an image of world divided religiously and politically. At this time, the law was unstable. Five letters are particularly interesting for historians of law, as they influenced the course of juridical matters which he considered dangerous.

D. L. d'Avray: Papal Jurisprudence c. 400. Sources of the Canon Law Tradition. (Book)

In the late fourth century, most papal documents were responses to questions from bishops, and not initiated from Rome. This volume of translations and critical transcriptions of papal letters reveals what bishops were asking, and why the replies mattered. (For bibliographical details see below, Books Received.)

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Szabolcs Anzelm Szuromi).

Philip L. Reynolds (ed.): Great Christian Jurists and Legal Collections in the First Millennium. (Book)

This book explores how Christian leaders, scholars, and clerics of the first millennium in the West understood, interpreted, and contributed to law and to lawlike normative texts and practices. It covers four categories of normative texts, each with the corresponding practices: laws (*leges*), monastic rules (*regulae*), penitential prescriptions (*iudicia poenitentiae*), and canons (*canones*). Part I is thematic, with each chapter addressing a broad, collective development, the authors being: **Philip L. Reynolds** on normative texts and practices of the first millennium; **Jill Harries** on the many voices of Roman law; **Alexander Callander Murray** on the law of the post-Roman kingdoms; **Gregory I. Halfond** on ecclesiastical councils; **Clemens Gantner** and **Stefan Schima** on the papacy; **Mayke de Jong** on the sacred palace, public penance, and the Carolingian polity; **Roy Flechner** on canonical collections; **Rob Meens** on the practice and literature of penance; and **Albrecht Diem** on monastic rules. Part II is devoted to individual authors: Lactantius (**Elizabeth DePalma Digeser**); Ambrosiaster (**David G. Hunter**); Augustine of Hippo (**Brian Gronewoller**); Leo the Great (**Susan Wessel**); Gelasius I (**Bronwen Neil**); Dionysius Exiguus (**David Heith-Stade**); Benedict's Rule (**Hugh Feiss**); Gregory the Great (**Carole Straw**); Isidore of Seville (**Luca Loschiavo**); Pseudo Isidorus Mercator (**Clara Harder**); Jonas of Orléans (**Francesco Veronese**); Hincmar of Rheims (**Charles West**), Regino of Prüm (**Greta Austin**); Burchard of Worms (**Greta Austin**); and new horizons in Church law (**Robert Somerville**). (For bibliographical details see below, Books Received.)

Anders Winroth – John C. Wei (eds.): Medieval Canon Law. (Book)

This volume consists of three main sections. Part I provides an overview of the history of canon law from the time of the early Church to the end of the Middle Ages, in the Western and Eastern Churches. Part II discusses the principal sources of canon law and how canon law was disseminated. Part III examines important aspects of canon law and how they affected society. Individual contributors are (Part I:) **Caroline Humfress** (the early Church); **Abigail Firey** (early medieval canon law); **Greta Austin** (canon law 900-1050); **Christof Rölker** (canon law in the century before Gratian); **Wolfgang P. Müller** (the reinvention of canon law in the high Middle Ages); **Anders Winroth** (canon law 1130-1234); **Martin Bertram** (remarks on research into the canon law of the Late Middle Ages); **Andreas Meyer** (sources of canon law of the Late Middle Ages); **Péter Erdő** (the canon law of the Eastern Churches); (Part II:) **John C. Wei** (theology and the theological sources of canon law); **Norman Tanner** (Church councils); **Gisela Drossbach** (decretals and lawmaking); **Gero R. Dolezalek** (Roman law and canon law); **Anders Winroth** (law schools and legal education); **Anthony Perron** (local knowledge of canon law c. 1150-1250); **Susan L'Engle** (medieval canon law manuscripts and early printed books); (Part III:) **Wolfgang P. Müller** (procedures and courts); **Charles de Miramon** (ecclesiastical property, tithes, *spiritualia*); **Andreas Meyer** (the law of benefices); **Elizabeth Makowski** (religious life); **Thomas M. Izbicki** (the sacraments of baptism, confirmation, and the Eucharist); **Rob Meens** (confession, penance, and extreme unction); **Thomas Wetzstein** (saints and relics); **Sara McDougall** (marriage law and practice); **Franck Roumy** (family law); **Lotte Kéry** (criminal law); **Edward Peters** (ecclesiastical discipline: heresy, magic, and superstition); **Frederick H. Russell – Ryan Greenwood** (just war and crusades); **Peter D. Clarke** (excommunication and interdict); **Peter Landau** (the spirit of canon law). (For bibliographical details see below, Books Received.)

Classical period

EIC 61 (2021), 389-410: Mauro Piacenza: Il *sigillum confessionis*: un tesoro affidato alla cura della Chiesa. (Article)

See below, canons 983-984.

RDC 71/2 (2021), 345-366: Frédérique Cahu: La production des manuscrits des *Décrétales* de Grégoire IX en Europe. Quelques singularités en matière d'histoire du livre. (Article)

Published in 1234, the collection of Gregory IX's Decretals was mainly produced in the teaching centres during the 13th and 14th centuries. C. analyses some specific aspects of the book's history, finding names of copyists and illuminators, but also identifying singularities in the transmission of the text.

RDC 71/2 (2021), 387-404: Frédérique Cahu: Histoire du livre des *Décrétales* de Grégoire IX. Des singularités dans la diffusion du texte dogmatique dans les centres de production de Paris, Normandie, Angers, Toulouse, Montpellier, Avignon et Orléans. (Article)

C. demonstrates that the production of the *Liber Extra* was located in Paris, Normandy, Angers, Toulouse, Montpellier, Avignon, and Orléans. He edits the programme of the readings of the books still called *puncta* according to a Parisian manuscript of the second half of the 13th century.

Verg 13 (2021), 187-220: Rosario Celdrán Hernández: Administración de bienes temporales de la Orden de Hermanos Menores en la Regla de 1223 y en las Constituciones (1955, 1979, 2010). (Article)

In the light of the Franciscan Rule of 1223 and the Constitutions of 1955, 1974, and 2010, C.H. analyses the evolution and importance of the administration of property in fidelity to the charism of Francis of Assisi.

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (articles by Alessandro Recchia and Pier Virginio Aimone Braida).

Wim Decock – Janwillem Oosterhuis (eds.): Great Christian Jurists in the Low Countries. (Book)

This volume explores the lives and times of 20 legal scholars and professionals to study the historical impact of the Christian faith on legal and political life in the Low Countries. The authors studied include Alger of

Liège (**Emmanuël Falzone**); Arnoldus Gheyloven (**Bram van Hofstraeten**); Boëtius Epo (**Hylkje de Jong**); Leonardus Lessius (**Toon Van Hoodt**); Franciscus Zypaeus (**Wouter Druwé**); Hugo Grotius (**Janwillem Oosterhuis**); Paulus Voet (**Johannes von Kralingen**); Ulrik Huber (**Atsuko Fukuoka**); Zeger-Bernard van Espen (**Jan Hallebeck**); Dionysius van der Keessel (**Egbert Koops**); Pieter Paulus (**Matthijs de Blois**); Guillaume Groen van Prinsterer (**Jan Willen Sap**); Edouard Ducpétiaux (**Frank Judo**); Charles Périn (**Fred Stevens**); Léon de Lantsheere (**Peter Heyrman**); Paul Scholten (**Timo Sloodweg**); Willem Duynstee (**Corjo Jansen**); Jules Storme (**Dirk Heirbaut**); Herman Dooyeweerd (**Bas Hengstmengel**); and Josse Mertens de Wilmars (**Laurent Waelkens**). (For bibliographical details see below, Books Received.)

Anne J. Duggan: Popes, Bishops, and the Progress of Canon Law, c. 1120-1234. (Book)

This book, a section of D.'s more significant studies on the history of canon law (edited and with an introduction by Travis R. Baker), highlights the interactive role of Popes and bishops, and other prelates, in the development of ecclesiastical law and practice between 1120 and 1234. (For bibliographical details see below, Books Received.)

Thomas M. Izbicki: The Eucharist in Medieval Canon Law. (Book)

The focus of this book is the discipline of the Eucharist, including enactments about sacramental practice, interpretation of those texts, diffusion of their instructions to clergy and laity, and their enforcement. Attention is also given to parochial practice where useful evidence exists. (For bibliographical details see below, Books Received.)

Wolfgang P. Müller: Marriage Litigation in the Western Church, 1215-1517. (Book)

Late medieval church courts were used for marriage cases in a variety of ways. M. explores the stark discrepancies in practice between the North of Europe and the South. (For bibliographical details see below, Books Received.)

Historical Subjects (Classical period / 16th-19th centuries)

Danica Summerlin: The Canons of the Third Lateran Council of 1179. Their Origins and Reception. (Book)

S. demonstrates how the decrees of the 1179 Lateran Council largely emerged from local disputes which were then subjected to a period of sifting and gradual integration into the local and scholarly consciousness. The conciliar decrees should be viewed as representative of contemporary discussions between the papacy, their representatives and local bishops, clerics, and scholars. (For bibliographical details see below, Books Received.)

Anders Winroth – John C. Wei (eds.): Medieval Canon Law. (Book)

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

16th-19th centuries

CLSN 201/21, 54-66: Louise Hampson: Sanctuary Past and Present. (Article)

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

Comm 53 (2021), 188-205: P. Parolin: “La Breccia di Porta Pia”, Interventus Em.mi D. Petri Parolin, Secretarii Status, occurrente celebratione iuxta Senatum Rei Publicae Italiae, 2 octobris 2020. (Address)

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

EIC 61 (2021), 389-410: Mauro Piacenza: Il sigillum confessionis: un tesoro affidato alla cura della Chiesa. (Article)

See below, canons 983-984.

SC 55 (2021), 195-207: James Bradley: *Salus Animarum: Some Examples of the Administration of Viaticum to Plague Victims in the Post-Tridentine Period.* (Article)

B. considers the contributions of Saint Charles Borromeo, Saint Alphonsus Liguori, and Prospero Lambertini's *De Synodo dioecesana*, particularly concerning the administration of Holy Communion to those suffering from infectious or contagious disease.

SC 55 (2021), 405-423: Ronny E. Jenkins: *Schmalzgrueber's Consilium LXXIII as a Case Study in the Canon Law of Rebaptism.* (Article)

J. studies the case of a doubtfully valid baptism which is analysed at length by Franz Xavier Schmalzgrueber in his 1740 work, *Consilia seu responsa iuris*. He presents Schmalzgrueber's treatment of conditional baptism when there is a reasonable doubt of fact or law concerning a prior baptism, and concludes with a brief discussion of the contemporary relevance of Schmalzgrueber's *Consilium LXXIII*.

Verg 12 (2021), 45-99: Stefania T. Salvi: *Giuristi in fuga nell'Europa cinquecentesca. Esuli religionis causa e 'nuove' percezioni giuridiche.* (Article)

S. provides a summary of the complex problem of the exiles *religionis causa*, especially from 16th-century Italy.

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): *"Quis custodiet ipsos custodes?" Studi in onore di Giacomo Incitti.* (Book)

See above, General Subjects (*Compilations*) (article by Stefano Testa Bappenheim).

Wim Decock – Janwillem Oosterhuis (eds.): *Great Christian Jurists in the Low Countries.* (Book)

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

R. H. Helmholtz: The Profession of Ecclesiastical Lawyers. An Historical Introduction. (Book)

The first part of this book describes the law that regulated the professional conduct of English ecclesiastical lawyers between 1500 and 1640, the nature of their education in becoming lawyers, their reaction to the English Reformation, and the changes and developments during the years that led up to the English Civil War. The second part consists of eighteen descriptive portraits of noteworthy ecclesiastical lawyers. (For bibliographical details see below, Books Received.)

K. J. Kesselring – Tim Stretton: Marriage, Separation, and Divorce in England, 1500-1700. (Book)

England is well known as the only Protestant State not to introduce divorce in the 16th-century Reformation. The bonds of marriage stayed tightly tied in post-Reformation England in part because marriage was as much about wealth as it was about salvation or sexuality, and English society had deeply invested in a system that subordinated a wife's identity and property to those of the man she married. To understand this dimension of divorce's history, this study looks beyond the Church courts to the records of other judicial bodies, the secular courts of common law and equity, to bring fresh perspective to a history that remains relevant today. (For bibliographical details see below, Books Received.)

Rebecca Probert: Tying the Knot. The Formation of Marriage 1836-2020. (Book)

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

1917 Code

EIC 61 (2021), 389-410: Mauro Piacenza: Il sigillum confessionis: un tesoro affidato alla cura della Chiesa. (Article)

See below, canons 983-984.

EIC 61 (2021), 411-441: Giacomo Incitti: Il sigillo sacramentale e il segreto ministeriale. Tutele e violazioni tra normativa canonica e ordinamenti civili. (Article)

See below, canons 983-984.

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Szabolcs Anzelm Szuromi).

20th century

CLSN 201/21, 54-66: Louise Hampson: Sanctuary Past and Present. (Article)

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

EIC 61 (2021), 679-714: Claudio Gentile: Su un possibile concordato tra Impero ottomano e Santa Sede durante la prima guerra mondiale. (Article)

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

RDC 71/2 (2021), 405-419: Luc-André Biarnais: Le synode du diocèse de Gap de septembre 1921: fondements et conséquences canoniques. (Article)

After the First World War, and while relations between the State and the Catholic Church normalized, Bishop Gabriel de Llobet chaired, in September 1921, a Synod of the diocese of Gap of which he had been bishop since 1915. The publications of this Synod (statutes, articles in the *Quinzaine religieuse du diocèse de Gap*) reveal the way in which the CIC/17 was understood and applied. These documents also show how diocesan legislation has its roots in the history of the «*assises*» held during the previous two centuries. This is for Bishop de Llobet a work of recovery of the diocese: he wishes to rely on the unity of the priests around the bishop.

Wim Decock – Janwillem Oosterhuis (eds.): Great Christian Jurists in the Low Countries. (Book)

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

Rebecca Probert: Tying the Knot. The Formation of Marriage 1836-2020. (Book)

P. studies how laws of England and Wales from 1836 to the present have regulated the manner in which people are to be married, how people have actually married, and how both these aspects have changed over time. Her principal purpose is to reflect on how the past can inform current policy debates as to how the laws regulating weddings should be reformed. From a specifically Catholic perspective (not the central focus of the work) there are constant references to the impact of the evolving legislation – as well that of the coming into effect of the Decree *Ne temere* in 1908 – on Catholic marriages. (For bibliographical details see below, Books Received.)

Second Vatican Council and revision of the CIC and CCEO

AnC 17 (2021) 2, 83-100: Przemyslaw Michowicz: Ancora sul concetto di diritto soggettivo nell'ordinamento della Chiesa. (Article)

See below, canons 208-223.

Comm 53 (2021), 249-276: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus”: Vota et modi consultorum in II sessione, diebus 13-17 mensis novembris anno 1966 prolata. (Report)

Reported are three sets of *vota* on the revision of General Norms. The first is a detailed argument from Severinus Alvarez-Menendez on administrative acts. A bibliography is then given, and there follow some comments from Udalric Beste, outlining a schema of sections, and Stephan Kuttner, setting out basic principles concerning the nature and purpose of administrative acts and the distinctions that need to be made.

Comm 53 (2021), 277-347: 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*”. (Report)

This report comprises a presentation, canon by canon, of the observations on the draft schema of canons on evangelization, the Magisterium, and ecumenism, and follows on from the report contained in *Communicationes* LII/2 2020. The contributors are indicated by initials, but no key is provided.

EIC 61 (2021), 411-441: Giacomo Incitti: Il sigillo sacramentale e il segreto ministeriale. Tutele e violazioni tra normativa canonica e ordinamenti civili. (Article)

See below, canons 983-984.

J 77 (2021), 361-405: Brandon P. O’Brien: “Our System”: Father Robert T. Kennedy, the American Legal Tradition, and the Development of Administrative Law in the Revision of the Code of Canon Law. (Article)

As an American civil and canon lawyer, Father Robert Kennedy offered much to the study of canon law and the revision of the Code of Canon Law. As president of the Canon Law Society of America and chairman of the Society’s Ad Hoc Committee on Due Process, Kennedy advocated subsidiarity and the development of means of legal recourse through committees of arbitration and administrative courts. With the Church’s formation of a Code Commission to study the revision of the Code, Kennedy’s work as a consultant for the *De processibus* subcommittee allowed him to advance the cause for subjective rights, due process, and administrative procedures. Kennedy’s studies in the United States and Rome provided him with unique insights that he was able to apply concretely to the revision of the Code. These insights were influenced by his personal experience of the universal Church and the American tradition.

Federico Bertotto: Analogia e diritto nella Chiesa. (Book)

See below, canon 19.

CODE OF CANONS OF THE EASTERN CHURCHES

General

Ius Comm IX (2021), 231-253: Cyril Vasil’: *Apuntes sobre el motu proprio De concordia inter Codices.* (Comment)

A proper balance in the West between the protection of the proper law of the Eastern minority and respect for the canonical tradition of the Latin majority will avoid undue interference and conflict, and promote effective cooperation among all the Catholic communities present in a given territory, while a concordant discipline will offer certainty in pastoral action.

Historical

Anders Winroth – John C. Wei (eds.): Medieval Canon Law. (Book)

See above, Historical Subjects (*1st millennium*) (article by Péter Erdő).

CCEO 32-38

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Lorenzo Lorusso).

CCEO 296

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Lorenzo Lorusso).

CCEO 689

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Lorenzo Lorusso).

CCEO 980

Ius 12, No. 1 (2021), 65-94: Varghese Poothavelithara: The Mode of Exercise of the Power of Governance in the Internal Forum. (Article)

The power of governance is exercised either in the external forum or in the internal forum. Since one and the same power is exercised in both forums, the internal forum is no more considered as an exclusive domain of the moral order. The manner of its exercise distinguishes the difference between the two forums. In the internal forum, the power is exercised in a hidden or secret manner. Favours such as dispensations of impediments, remissions of penalties, etc., may be granted in the internal forum.

CCEO 1410-1467

Ius 12, No. 1 (2021), 9-18: Biju Varghese Perumayan: Revised Penal Sanctions of CIC Book VI and CCEO Title XXVII: A Comparative Reading. (Article)

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

CCEO 1473

Ius 12, No. 1 (2021), 21-42: Sebastian Payyappilly: Preliminary Investigation and the Application of CCEO c. 1473 (CIC c. 1722): A Reflection in the Light of *Vademecum* (2020). (Article)

A preliminary investigation is a prerequisite for the development of a penal trial to establish the credibility of the alleged delict. The proper hierarch is empowered to initiate a preliminary investigation and to impose administrative leave on the accused from the outset of the investigation. Although administrative leave is not a penalty, it restricts the exercise of the accused's right. The 2020 *Vademecum* establishes that the "administrative leave" at the investigation should not be a "suspension" but only a "prohibition". (NB: an updated version of the *Vademecum* was published on 5 June 2022.)

CODE OF CANON LAW BOOK I: GENERAL NORMS

19

Federico Bertotto: Analogia e diritto nella Chiesa. (Book)

B. looks at the way in which analogy has been understood in the codification of canon law, revealing continuity and discontinuity with respect to tradition. (For bibliographical details see below, Books Received.)

112

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Lorenzo Lorusso).

116

SC 55 (2021), 75-102: Anne Asselin: The Ministry of Sponsorship and Its Duty of Accountability. (Article)

For centuries, Catholic healthcare institutions were owned and operated by religious institutes, ensuring the Catholic identity of their works. In recent times, through the institution of the public juridical person, the ownership and sponsorship of these ministries have progressively been entrusted to lay boards. With this responsibility comes an obligation of accountability – to the Church but also to the sponsored ministries. A. looks at the evolution of sponsorship in its various models, the canonical institution of the ministerial juridical person, and the sponsor’s duty of accountability.

116

SC 55 (2021), 319-339: Sharon Euart: Ministerial Public Juridic Person Model for Canonical Governance. (Article)

Fr Francis Morrissey coined the notion of the “Ministerial Public Juridic Person” (M-PJP) to refer to a public juridical person established by a religious institute to provide a canonical structure for its apostolate. E. addresses the development of the M-PJP by religious institutes particularly

in the context of the United States, by describing sponsorship, public juridical persons and the M-PJP structure, identifying the canon law governing the M-PJP, and discussing ongoing issues associated with this canonical structure for Church ministries.

124

IM 31 (2020), nr 1, 119-133: Adam Bartczak: Nieważność czynności prawnej na przykładzie małżeństwa kanonicznego (*Invalidity of a juridical act from the perspective of marriage canon law*). (Article)

See below, canon 1057.

127

RMDC 27/1 (2021), 7-79: Julio García Martín: Necesidad del Superior de otras personas para realizar determinados actos según el canon 127. (Article)

G.M. examines canon 127 and the ways in which a college or individuals give their consent or their opinion to the Superior so that the Superior can validly carry out a singular administrative act in the cases determined by law. According to the canon, those consulted and the Superior place two different juridical acts, so that the act of those consulted conditions the subsequent act of the Superior. Although this duality of wills is clear, in many religious institutes the practice was wrongly introduced of the Superior voting together with those being consulted in order to obtain their consent or opinion; this abuse was corrected by an authentic interpretation of the Pontifical Council for Legislative Texts.

128

IE XXXIII (2021), 537-568: Gianpaolo Montini: La responsabilità dell’Autorità ecclesiastica secondo la giurisprudenza della Segnatura Apostolica. (Article)

This article is based on a course given several times at the Pontifical University of the Holy Cross on the jurisprudence of the Apostolic Signatura regarding the juridical responsibility of the ecclesiastical authority. It includes a study of the action for damages within the administrative-contentious process and analyses some decisions of the Supreme Tribunal of the Apostolic Signatura.

129

RDC 71/2 (2021), 251-276: Alphonse Borras: À l’occasion du « Rapport Sauvé », quelques considérations canoniques sur le « pouvoir sacré ». (Article)

B. examines the notion of “sacred power” – *sacra potestas* – evoked by the Independent Commission on Abuse in the Church (CIASE) on the basis of a statement by the French bishops in their Letter to Catholics of 25 March 2021 on the fight against paedophilia. Ecclesial governance does not rest exclusively on sacred power. Nevertheless, the service of the People of God requires vigilance on the part of those entitled to exercise it.

129

SC 55 (2021), 617-635: Lynda Robitaille: A Turning Point in Clergy/Laity Roles in the Church? (Article)

R. starts with the observation that the non-ordained already exercise decision-making power in the Church, so continuing to debate whether they are capable of doing it is pointless. Instead, the focus should be on the manner of this decision-making and what it means for the community of the Church. Particular attention must be paid to an ethnographic understanding of this activity. R. argues that the proper questions to be addressed relate to the agents of this power and what this says about the direction in which the Holy Spirit may be leading the Church.

129

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “Quis custodiet ipsos custodes?” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (articles by Juan Ignacio Arrieta and Robert Bissell).

130

Ius 12, No. 1 (2021), 65-94: Varghese Poothavelithara: The Mode of Exercise of the Power of Governance in the Internal Forum. (Article)

See above, CCEO canon 980.

BOOK II, PART I: CHRIST'S FAITHFUL

204-231

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (articles by Achille P. Ouédraogo and Cecilia Agule).

208-223

AnC 17 (2021) 2, 83-100: Przemyslaw Michowicz: Ancora sul concetto di diritto soggettivo nell'ordinamento della Chiesa. (Article)

M. examines the subjective rights and obligations of the faithful as set out in the CIC/83, analysing the concept of such rights and obligations in the light of the principles for the revision of the Code drawn up the first Synod of Bishops in 1967. The main intention of those principles was not so much to extend the list of rights of the faithful as to ensure that the exercise of authority should appear more clearly as service and should be free from arbitrariness or other forms of serious abuse. M. points to the predominance of duties over so-called rights, and postulates that so-called subjective rights should be expressed by the term “freedom”, because of the essence of the assumptions on which the legal system of the Catholic Church is built.

210

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Carlos José Errázuriz).

212

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

See above, General Subjects (*Ecclesiology*).

220

AnC 17 (2021) 2, 7-32: Aleksandra Brzemia-Bonarek – Jan Dohnalik: Wykorzystanie akt sprawy małżeńskiej w kanonicznym postępowaniu karnym (*The use of acts of the matrimonial nullity process in canonical penal proceedings*). (Article)

See below, canon 1527.

220

AnC 17 (2021) 2, 33-47: Robert Czarnowicz – Piotr Kroczek: Wydanie opinii psychologicznej sporządzonej na potrzeby formacji zakonnej w optyce ochrony danych osobowych w Kościele katolickim (*Issuing of the document of a psychological opinion for formation purposes in the light of personal data protection in the Catholic Church*). (Article)

See below, canon 642.

220

Canonist 12/2 (2021), 222-255: Joseph Lee: The Role of Experts in Evaluating Candidates for Ordained and Consecrated Life. (Article)

See below, canon 642.

220

EIC 61 (2021), 475-502: Damián Astigueta: Trasparenza e tutela del segreto processuale e della buona fama. (Article)

The term transparency appears with ever-increasing frequency in Church documents. It is not always applied well because it is directly transported from the civil sphere into the ecclesial. Discernment is needed in order to understand whether the action of the judge or superior reflects the values desired by the legislator for the building up of the community. What are the conditions making it possible to talk of transparency in the penal process? How is it possible to reconcile transparency and confidentiality? How is the balance to be found between making facts known and respecting an individual's good name?

220

EIC 61 (2021), 719-749: Eduardo Baura: Il diritto all'intimità nella Chiesa: bene giuridico e disponibilità del diritto. (Article)

B. sets out the norms on the right to privacy in canon law. The article is written in conjunction with that of Prof. Martínez De Aguirre (see following entry), who deals with the same issue from the point of view of civil law.

220

EIC 61 (2021), 751-785: Carlos Martínez De Aguirre: El Derecho a la intimidad Revisitado. (Article)

See preceding entry.

220

Per 109 (2020), 401-428, 659-674: Myriam Wijlens – Neville Owen: Promoting and protecting the dignity of persons in allegations of abuse of minors and vulnerable adults: balancing confidentiality, transparency, and accountability: a seminar organised by the Pontifical Commission for the Protection of Minors. Introduction / Concluding observations. (Presentation)

See below, canon 1398*.

220

Per 110 (2021), 155-162: Ulrich Rhode: La riservatezza delle informazioni ricevute nell'accompagnamento spirituale. (Article)

See below, canons 239-240.

221

IE XXXIII (2021), 405-440: Geraldina Boni: La tutela dei diritti e il giudizio penale nella Chiesa. (Paper)

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

221

IE XXXIII (2021), 441-466: Massimo del Pozzo: Il giusto processo e l'ecosistema processuale nel pensiero di Joaquín Llobell. (Paper)

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

228

Comm 53 (2021), 81-87: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae *Antiquum ministerium*, quibus ministerium catechistae instituitur, 10 maii 2021. (Document)

Pope Francis sets out the important role lay people have had for many centuries in assisting bishops and priests in explaining and teaching the Faith and the role of catechists in the life of the Church. He now establishes the role of catechist as a lay ministry, instructing the Congregation for Divine Worship to prepare an appropriate Rite of Institution, and encourages bishops' conferences to make this a reality and establish appropriate norms for preparation and service. Similar powers are given to the synods or hierarchical assemblies of the Eastern Churches.

230

Comm 53 (2021), 66-67: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae *Spiritus Domini*, quibus canonis 230 §1 *Codicis Iuris Canonici* normae de aditu personarum feminini sexus ad institutum ministerium Lectoratus et Acolythatus mutantur, 10 ianuarii 2021. (Document)

By a long-standing tradition, preparation for the sacrament of holy orders was by way of reception of lay ministries, revised by St Paul VI in *Ministeria quaedam* of 17 August 1972; thus reception of such ministries was confined to males. A number of meetings of the Synod of Bishops requested that the matter be given deeper study. These ministries have their foundation in the sacrament of baptism and are essentially distinct from ordained ministry. In principle they are open to all the faithful, male or female. The motu proprio *Spiritus Domini* amends the text of canon 230 §1 to reflect this, opening the ministries of lector and acolyte to women as well as men.

230

Comm 53 (2021), 99-104: Ex Actis Francisci Pp.: Epistula Congregationis pro Doctrina Fidei Praefecto de aditu personarum feminini sexus ad institutum ministerium Lectoratus et Acolythatus, 10 ianuarii 2021. (Document)

Pope Francis sets out his rationale for opening the ministries of lector and acolyte to women more fully than in the text of the motu proprio *Spiritus Domini* of 10 January 2021. He notes that while St Paul VI referred to the restriction of ministries to men as a venerable tradition, this was not the same as something to be venerated with the implication that it was obligatory. Pope Francis wished to give greater recognition to the role actually exercised by so many women in the life of the Church. It would also give a broader understanding of these ministries to those who receive them as part of preparation for the diaconate or priesthood.

230

Vid 85 2/21, 151-158: Pope Francis: Apostolic Letter *Spiritus Domini* and Letter to the Prefect of the Congregation for the Doctrine of the Faith Regarding Access of Women to the Ministries of Lector and Acolyte. (Documents)

English text of the documents referred to in the preceding entries.

230

VR 131 2 (2021), 78-80: Carmen Peña: ¿Mujeres lectoras y acólitas? (Article)

P. considers that the opening of the ministries of lector and acolyte to women, by means of the motu proprio *Spiritus Domini* of 10 January 2021, on the one hand puts an end to an ecclesial discrimination against women that lacked any justification, and on the other can help bring about a re-evaluation of these ministries and a greater appreciation of them as specifically lay ministries, proper to the non-ordained, both men and women.

230

VR 131 2 (2021), 82-84: Alberto de Mingo Kaminouchi: Los ministerios laicales se abren a las mujeres. (Article)

M.K. provides the background to and the reasons for the *motu proprio Spiritus Domini*, pointing out that “ministry”, like “*diakonía*”, is another term for “service”. The new impulse that Pope Francis wishes to give to lay ministries forms part of the way towards a more participative Church, made up of disciples conscious of their baptismal dignity, all with their gifts and charisms.

239-240

Per 110 (2021), 155-162: Ulrich Rhode: La riservatezza delle informazioni ricevute nell’accompagnamento spirituale. (Article)

R. addresses the question of whether, when in the course of spiritual accompaniment-direction a person discloses a case of sexual abuse, the one accompanying that person may, in accordance with *Vos estis lux mundi*, lawfully report the information to the competent authority, and whether there can exist an obligation to report such information. He first makes a distinction between the obligations of canon law and those that arise from State law. He considers how the non-sacramental internal forum is regulated, noting that there is no direct explicit norm of universal law related to the confidentiality of spiritual accompaniment. Some canons (220, 240 §2, 1548 §2) do provide orientation and he considers each of them. While the seal of the confessional confers the right and obligation of remaining silent, *Vos estis lux mundi* does not impose any obligation to report but does confer the right. R. concludes that the moral obligation of keeping silent about confidential information received in spiritual accompaniment is not absolute: it can give way before the moral obligation of preventing probable grave dangers such as further acts of sexual abuse.

241

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Ernest B.O. Okonkwo).

244

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Ernest B.O. Okonkwo).

266

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Robert Bissell).

273-289

TyV LXI (2020), 355-372: Claudia Leal – Fernando Valdivieso: Tres elementos para una renovación de la práctica sacerdotal. (Article)

In the context of a devastating crisis resulting from clerical sexual abuse there is also a crisis of the priesthood. L. and V. suggest that three tools from social science may, with suitable modifications, be useful for priestly ministry: a professional code, accountability, and a certain vision of the affectivity of the consecrated person. Through such tools it is possible to create new habits and thus protect and renew priestly practice, with a positive impact within the community.

274

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Juan Ignacio Arrieta).

277

QDE 34 (2021), 262-267: Egidio Miragoli: Dialogo sul celibato. (Article)

M. introduces and reproduces the notes of a conversation between Pope Paul VI and the Dutch Cardinal Alfrink of 11 July 1970. The Cardinal was

pressing the Pope to allow married priests and the Pope was resisting this request.

277

QDE 34 (2021), 268-294: Gianfranco Ghirlanda: La formazione al consiglio evangelico della castità celibataria. (Article)

G. begins by analysing celibacy as first of all a gift of the Holy Spirit, secondly a free response of the cleric made in the promise of celibacy, and only finally a legal obligation. With this in mind he argues that the aim of clerical formation in this area is to enable self-offering and self-transcendence so as to live like Christ and have His mind. In this light he looks at some of the potential difficulties in formation, most notably homosexuality, and then seeks to relate celibacy to the moral virtues of chastity and continence.

290-293

IC 61/122 (2021), 733-765: Jordi Bertomeu: La praxis de la CDF sobre la dispensa de las obligaciones clericales: El n. 157 del «Vademécum». (Article)

No. 157 of the 2020 *Vademecum* (see *Canon Law Abstracts*, no. 127, p. 101) highlights the established practice at the Congregation [now Dicastery] for the Doctrine of the Faith whereby the accused is offered the opportunity to request a dispensation from the obligations of the clerical state, including celibacy. Notwithstanding objections from some experts in canon law concerning the possible violation of the principle of *iustitiam restituere* in this regard, the value of this approach may be seen as an expression of the uniqueness of the canonical order as such. If the presentation of such a request to the Holy Father interrupts the canonical proceedings or the ongoing process without a conclusion having been reached as regards the guilt or otherwise of the accused, the protection of various juridical goods, safeguarded by the provisions on the *graviora delicta*, may legitimate it, in view of the principle of the *bonum commune*. (Version 2.0 of the *Vademecum*, dated 5 June 2022, reproduces no. 157 of the 2020 version verbatim, only changing the abbreviation “CDF” to “DDF”.)

298-301

Verg 13 (2021), 167-184: Shutaro Takeda: Canon Law and knighthood appointment in modern times. (Article)

Under canon law, orders of knighthood explicitly recognized by the Holy See hold an official status in the Church as private associations (canons 298, 299, 301). T. examines the right of heads of deposed royal families to appoint knights. After a comprehensive review of legal debates on the matter, he concludes that the legitimacy of an appointment of a knight depends on both the *ius honorum* of the head of the family and the legitimacy of the order of knighthood itself.

299

IE XXXIII (2021), 623-650: Supremo Tribunale della Segnatura Apostolica, 21 maggio 1988, Prot. n. 17916/84 CA, *Demolizione della Chiesa Parrocchiale Y* (Comitato per il mantenimento della Chiesa parrocchiale Y – Congregazione per il Clero), con un commento di Javier Canosa, *L'impugnazione del decreto di demolizione di una Chiesa da parte di un gruppo di fedeli.* (Decree and comment)

The text is given of a decree of the Apostolic Signatura rejecting a recourse by a group of faithful against a decision to demolish a church. Although dated 21 May 1988, the decision has only recently been published. The decree was however already known to some authors and bears similarities to another decree dated 21 November 1987 which was published soon after being issued. These two decrees were the first contentious-administrative decisions by the Signatura in respect of cases involving the suppression of a parish, the reduction of the church to secular but not unbecoming use, and the subsequent demolition of the parish church. In subsequent years there have been a great many cases, especially coming from the United States, involving the suppression of parishes, with or without the reduction of the church to secular but not unbecoming use, and with or without demolition. While each case involves its own set of circumstances, the jurisprudence of the Signatura has developed in such a way as to provide general guidelines which have then acquired quasi-normative value. As a result of this evolution of jurisprudence it is now recognized that the faithful have a true right of recourse – not simply the possibility of requesting a grace or favour – when the administrative authority has failed to follow the prescriptions of law in issuing a singular administrative act; also, consideration is given to the gravity of the reasons justifying the demolition of a church.

305

Comm 53 (2021), 137-144: Dicasterium pro laicis, familia et vita: Decretum generale “Le associazioni di fedeli, che disciplina l’esercizio del governo nelle associazioni internazionali di fedeli, private e pubbliche, e negli altri enti con personalità giuridica soggetti alla vigilanza diretta del medesimo Dicastero”, 3 iunii 2021. (Document)

This general decree of the Dicastery for the Laity, Family and Life, dated 3 June 2021 and approved by Pope Francis *in forma specifica*, sets out the regulations of the Dicastery in governing those associations of the faithful directly subject to its vigilance including but not limited to public and private international associations of the faithful. The primary focus is on setting limits to the time for which office may be held in such associations and ordering elections where these limits have been exceeded. The norms are accompanied by an explanatory note, also approved *in forma specifica*. Many such associations have been approved since Vatican II and there has been a process of maturing. This process needs to be discerned in the light of the wider perspective and experience of the universal Church. The Dicastery has identified a number of issues that need to be addressed: centralization and a degree of self-reference that can lead to violations of dignity and personal freedom, even abuse in the true sense; poor governance leading to conflicts and tensions; and difficulties accompanying generational change or adapting to changing circumstances. All members of such associations should be involved at least indirectly in elections. The decree limits the duration of office to five years or ten consecutive with a mandatory stepping down for a term before being eligible for re-election. The position of Moderator is limited to ten years with no possibility of re-election thereafter.

305

Comm 53 (2021), 230-237: Ulrich Rhode: “Per regolamentare la rappresentatività degli organi di governo”, Articulus explanans Decretum generale “Le associazioni di fedeli”, ab Rev.mo P. Ulrich Rhode, Decano Facultatis Iuris Canonici Pontificiae Universitatis Gregorianaе conscriptus, 11 iunii 2021. (Article)

See preceding entry. Canon 215 establishes the right of free association in the Church, but this needs to be regulated for the common good (canon 223 §2). Experience had shown that there was insufficient regulation regarding

the length of time for which office could be held, necessitating individual interventions by the Dicastery.

305

Ius Comm IX (2021), 219-229: Lluís Martínez Sistach: Comentario al Decreto “Las asociaciones de fieles” del Dicasterio para los Laicos, la Familia y la Vida del 11 de junio de 2021. (Comment)

The decree of the Dicastery for the Laity, the Family and Life *Associations of the Faithful* of 11 June 2021 on the governance of private and public international associations of the faithful is not a simple administrative act but a law, with the force of law by virtue of its approval by the Roman Pontiff. Hence the juridical value of its content is the same as that of the canonical norms contained in canons 298-320, in conjunction with which it is to be read.

305

Ius Comm IX (2021), 255-275: Antonio Ciudad Albertos: *Debita cum auctoritate ecclesiastica relatione servata*. Apunte histórico para entender la nueva normativa sobre asociaciones de fieles. (Article)

On 11 June 2021 a general decree was promulgated concerning the structures of governance in international associations of the faithful. This intervention of pontifical law is to be understood in the light of the Letter *Iuvenescit Ecclesia* (15 May 2016). C.A. concludes that the current tendency in the Church is to grant a predominant role to authority in the regulation of the right of association to the detriment of the private initiative of the faithful. This is the opposite of what the Second Vatican Council would have suggested in its documents.

312

Comm 53 (2021), 137-144: Dicasterium pro laicis, familia et vita: Decretum generale “*Le associazioni di fedeli, che disciplina l’esercizio del governo nelle associazioni internazionali di fedeli, private e pubbliche, e negli altri enti con personalità giuridica soggetti alla vigilanza diretta del medesimo Dicastero*”, 3 iunii 2021. (Document)

See above, canon 305.

312

IE XXXIII (2021), 623-650: Supremo Tribunale della Segnatura Apostolica, 21 maggio 1988, Prot. n. 17916/84 CA, *Demolizione della Chiesa Parrocchiale Y* (Comitato per il mantenimento della Chiesa parrocchiale Y – Congregazione per il Clero), con un commento di Javier Canosa, *L'impugnazione del decreto di demolizione di una Chiesa da parte di un gruppo di fedeli*. (Decree and comment)

See above, canon 299.

312

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Antonio Interguglielmi).

318

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Raffaele Santoro and Federico Gravino).

322

IE XXXIII (2021), 623-650: Supremo Tribunale della Segnatura Apostolica, 21 maggio 1988, Prot. n. 17916/84 CA, *Demolizione della Chiesa Parrocchiale Y* (Comitato per il mantenimento della Chiesa parrocchiale Y – Congregazione per il Clero), con un commento di Javier Canosa, *L'impugnazione del decreto di demolizione di una Chiesa da parte di un gruppo di fedeli*. (Decree and comment)

See above, canon 299.

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

331

SC 55 (2021), 367-403: John M. Huels: Legislative Acts and Document Forms of the Apostolic See. (Article)

The Apostolic See principally employs four document forms for its legislation: the Apostolic Constitution, the Apostolic Letter given *motu proprio*, the Rescript *ex audientia Sanctissimi*, and the General Decree. H. explores the characteristics of each of these document forms, exemplifying them with the legislative acts promulgated in the pontificate of Benedict XVI and comparing their number to those of Pope Francis during an equivalent period of time. The study shows that no document form is used exclusively for legislation, and also that a document may at times be doctrinal or administrative, so it often falls to a competent canonist to determine the precise nature and weight of a document of the Apostolic See.

342-348

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

See above, General Subjects (*Ecclesiology*).

360

Comm 53 (2021), 72-74: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae “Un futuro sostenibile, circa il contenimento della spesa per il personale della Santa Sede, del Governatorato dello Stato della Città del Vaticano e di altri Enti collegati”, 23 martii 2021. (Document)

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

360

Comm 53 (2021), 75-78: Ex Actis Francisci Pp.: Litterae Apostolicae Motu Proprio datae “La fedeltà nelle cose di poco conto, recante

disposizioni sulla trasparenza della finanza pubblica”, 26 aprilis 2021.
(Document)

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

360

Comm 53 (2021), 88-98: Ex Actis Francisci Pp.: Chirographum et Statutum La Reverenda Fabbrica di San Pietro, 13 martii 2021.
(Documents)

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

360

IE XXXIII (2021), 683-694, 743-747: Jesús Miñambres: Riorganizzazione dei compiti economici e finanziari della Segreteria di Stato. (Document and comment)

M. comments on the motu proprio *Una migliore organizzazione* of 26 December 2020, which reorganized some of the offices of the Roman Curia and better delineated management and supervisory functions so that they would remain separate in different entities (see *Canon Law Abstracts*, no. 126, pp. 55-56). The text of the motu proprio is given on pp. 743-747.

362-367

IC 61/122 (2021), 691-731: Lóránd Ujházi: The Role of Pontifical Legates in Facilitating Peace. (Article)

The international legal personality of the Holy See provides exceptional opportunities for making peace. Through papal legates, the Catholic Church is uniquely involved in the life of the international community, and thus in the promotion of security, and in the ethical evaluation of war-related issues. U. analyses the theoretical and practical aspects of the role of pontifical legates in making peace. He considers that the engagement of pontifical legates in crisis management may only be fully understood through theological reflexion, and that supporting peace is not simply one among the many tasks of pontifical legates, but is the most essential one. Thus, peace support missions represent a powerful tool for cohesion between the *ad intra* and *ad extra* duties of legates, towards a particular Church, host country, or international organisation.

362-367

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Maurizio Martinelli).

372

Per 110 (2021), 1-75: Gianfranco Ghirlanda: Questioni canoniche sollevate dalla Cost. ap. *Anglicanorum coetibus*. (Article)

The Apostolic Constitution *Anglicanorum coetibus* was promulgated on 4 November 2009, along with the Complementary Norms. By means of this document, Pope Francis authorized the establishment of personal Ordinariates in order to receive into full communion with the Catholic Church those groups of Anglicans that so desired, while retaining much of their Anglican patrimony in terms of spirituality, liturgy, etc. G. sets forth the history of how the document came into being, and considers the canonical nature of the Ordinariates and, in particular, the power exercised in them by the Ordinary, correcting the views of several other commentators on the Apostolic Constitution. He states which members of the faithful can become members of the Ordinariates and which cannot. Finally, he reflects on the repercussions of *Anglicanorum coetibus* for ecumenical dialogue.

372

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Carlo Fabris).

381-402

Per 110 (2021), 385-438: Gianfranco Ghirlanda: Il vescovo padre e pastore della porzione del popolo di Dio. (Presentation)

G. takes as his starting point *Christus Dominus*, no. 16, which considers the diocesan bishop in the exercise of his functions as father and pastor. He reflects on some of the obligations of the diocesan bishop set out in canons 381-402, his focus being not so much on the institutional aspects of the role of the diocesan bishop as on those aspects that deal with the direct

relationships between the bishop and the members of the portion of God's people entrusted to him.

403-411

SC 55 (2021), 289-317: Brian Joseph Dunn: The Office of Coadjutor Bishop. (Article)

D. first reviews historical developments connected with the office of coadjutor bishop, covering the periods prior to and after Gratian, the Council of Trent, and the CIC/17. The Second Vatican Council made certain changes to the office of coadjutor bishop, and these were introduced into the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches. D. concludes with some reflections and suggestions on the understanding and practice of the office of coadjutor bishop in today's Church.

419

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Elias Frank).

437

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Matteo Carnì).

460-468

RDC 71/2 (2021), 405-419: Luc-André Biarnais, Le synode du diocèse de Gap de septembre 1921: fondements et conséquences canoniques. (Article)

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

460-468

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

See above, General Subjects (*Ecclesiology*).

471

AnC 17 (2021) 2, 7-32: Aleksandra Brzemia-Bonarek – Jan Dohnalik: Wykorzystanie akt sprawy małżeńskiej w kanonicznym postępowaniu karnym (*The use of acts of the matrimonial nullity process in canonical penal proceedings*). (Article)

See below, canon 1527.

471

BV 81 (2021), 881-892: Stanislav Slatinek: „Navodilo glede zaupnosti pravn” kot garancija za večje zaupanje v poštenost cerkvenega sodstva (*“Instruction on the Confidentiality of Legal Proceedings” as a guarantee of greater confidence in the integrity of the ecclesiastical judiciary*). (Article)

See below, canon 1455.

489

EIC 61 (2021), 503-525: Matteo Visioli: La distruzione dei documenti delle cause penali nell’archivio segreto diocesano (can. 489 § 2 CIC): questioni aperte. (Article)

The canonical obligation to destroy procedural documents upon the death of the accused, and to keep only the sentence and a brief summary after ten years from the conclusion of the case, offers important guarantees for the protection of the good reputations of those involved. In some cases, however, it also can hinder the course of justice and the attainment of the factual truth which is not limited only to the trial phase. The growing ecclesial awareness of the gravity of canonical delicts and their consequences (especially when minors are involved) calls for a reconsideration of can. 489 §2, which has elements that are perhaps anachronistic and in need of updating. It is a question of balancing, on the

one hand, the dignity of persons involved in criminal cases, and on the other, the demands of truth and justice that emerge only with the passage of time. V. analyses the canon in question, pointing out its weaknesses and outlining some possible ways forward *de iure condendo*.

489-490

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Stefano Testa Bappenheim).

494

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Jesús Miñambres).

495-502

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

See above, General Subjects (*Ecclesiology*).

503-510

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Szabolcs Anzelm Szuromi).

517

SC 55 (2021), 617-635: Lynda Robitaille: A Turning Point in Clergy/Laity Roles in the Church? (Article)

See above, canon 129.

519

Per 110 (2021), 527-553: Alan Modrić: La collaborazione e la partecipazione dei laici all'esercizio della cura pastorale della parrocchia. (Article)

On 29 June 2020, the Congregation for the Clergy promulgated the Instruction *The pastoral conversion of the parish community at the service of the Church's evangelizing mission*. Taking the recent Instruction as his starting-point, M. studies the relationship between the laity and the parish priest in the pastoral care of the parish. He considers some of the theological and canonical principles that underlie this relationship, such as the common priesthood of all the baptized and the ministerial priesthood, as well as the concepts of communion and consultation understood in the wake of Vatican II, the CIC/83, and some more recent interventions on the theme of synodality. Finally, he considers at some length some forms of collaboration and participation of the laity in the life of the parish. In conclusion, he notes that little has changed since the interdicasterial Instruction *Ecclesiae de mysterio* of 1997, in that two serious risks exist to the harmonious and fruitful life of the parish: an exclusivist attitude on the part of some clergy which seeks to collaborate with laity rarely if ever, and an attitude on the part of parishioners that views the parish as something akin to a kind of democracy. Neither attitude is appropriate since each of them undermines the parish as a community of brothers and sisters working together, trusting in the Holy Spirit.

519

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “Quis custodiet ipsos custodes?” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Armand Paul Bosso).

522

Per 110 (2021), 512-526: Stefano Cheula: L'ufficio del parroco secondo il dettato del can. 522. Per un'analisi della nota della stabilità nell'ufficio e del suo fondamento ecclesiological. (Sample of a thesis)

C. studies the office of the parish priest according to the norm of canon 522, with particular reference to the ecclesiological basis of the stability of the office.

535

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Lorenzo Lorusso).

536

Francesco Coccopalmerio: Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini. (Book)

See above, General Subjects (*Ecclesiology*).

536-537

Vid 85 6/21, 461-471: Edison Yohannan: Parish Pastoral Council and Parish Finance Council. Similarities and Differences from a Canonical Perspective. (Article)

Y. explains the roles of the parish pastoral council and the parish finance council and proposes ways to make them more fruitful and effective.

538

IM 31 (2020), nr 2, 5-29: Tomasz Rozkrut: Poprawna interpretacja kan. 538 § 3 i kan. 1110 z Kodeksu Jana Pawła II. Dwa zapytania z Krakowa do Papieskiej Rady ds. Tekstów Prawnych (*Correct interpretation of canon 538 §3 and canon 1110 of the Code of John Paul II. Two inquiries from Krakow to the Pontifical Council for Legislative Texts*). (Article)

R. presents two inquiries to the Pontifical Council for Legislative Texts (PCLT) from canonists in Krakow. In relation to the interpretation of canon 538 §3, the PCLT stated that the age of 75, when the parish priest is requested to offer his resignation from office, cannot be changed by the particular legislator in any valid manner. Any contrary customs that may have arisen since 1983 are erroneous, as not being in conformity with canon 26. Regarding the interpretation of canon 1110, the PCLT confirmed that a personal parish priest has the possibility of delegating the faculty of assisting at marriages in the same way as a territorial parish priest.

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

578

CLSN 200/21, 33-53: Benjamin Earl: *Opera propria*: property or patrimony? Consequences for mutual relations between bishops and religious. (Article)

See below, canon 677.

587

CLSN 201/22, 36-42: Luke Beckett: Constitutions in Benedictine Monasticism. (Article)

Constitutions in the world of Benedictine monasticism form a special category within the world of the constitutions of religious institutes by reason of their history, their form, and their content. The word “constitutions” has not always been the word employed: “statutes”, “ordinances”, “declarations”, and “definitions” can be found through history, as can “customs” (*consuetudines*). Indeed many of these words still form part of the legal patrimony of the monastic world. What nearly all have in common is that they explicitly refer to the Rule of St Benedict not merely as a source of spiritual inspiration but also as (at the least) the foundation of monastic legislation.

579

SC 55 (2021), 463-476: Bonnie MacLellan: Associations of the Faithful and Diocesan Religious Institutes. (Article)

MacL. presents the pertinent canonical norms and principal requirements of the Apostolic See for an association of the faithful to be erected as a religious institute or society of apostolic life of diocesan right. She focuses on associations of the faithful in general, clerical associations, the statutes of associations, and the responsibilities and competencies of the diocesan bishop.

589

CLSN 200/21, 54-63: Sebastian M. Jones: The Congregation of the Oratory of Saint Philip Neri (Oratorians). (Article)

J. describes the beginnings of the Oratory of Saint Philip Neri, its early canonical developments and those of the 20th century, especially after Vatican II; the significance of incorporation into an Oratory through the “mutual bond of charity”; and the relationship of each Oratory with the local diocesan bishop.

604

Per 110 (2021), 459-472: Yuji Sugawara: L’istruzione sull’*Ordo virginum* (can. 604) *Ecclesiae Sponsae Imago*. (Essay)

S. examines the Instruction of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life *Ecclesiae Sponsae Imago* (8 January 2018), concerning the Order of Virgins. He traces the renewal of the Order of Virgins at Vatican II and in the years afterwards, resulting in canon 604, and reflects on the structure of the document and the primary responsibility of the diocesan bishop, before considering some of the canonical elements. He raises some questions about the use of the term “consecration” in canon 604 and the elements necessary to be included in the *propositum vitae* of canon 604, as well as some clarification about the possible implications of this resolution in relation to marriage and its validity in the light of canon 1088.

604

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Elena Lucia Bolchi and Serenella Del Cinque).

617-661

Cla n.s. 12, 61 (2021), 201-242: Jesu Pudumai Doss: Los desafíos actuales al servicio de la autoridad en la vida religiosa: Algunas consideraciones canónicas. (Article)

D. focuses on ten challenges facing superiors of religious institutes, together with possible canonical responses, gathered together under four headings: styles of governance in the religious life; problems of administration; responsibility regarding formation; and learning the “art of accompaniment” of individual members.

618-619

Per 110 (2021), 163-174: Côme de Candolle: Paternité et autorité dans la vie religieuse à la lumière des canons 618 et 619 CIC 1983. (Summary of thesis)

C.’s thesis is an effort to rediscover the true meaning of fatherhood and authority within the context of religious life, going beyond all the crises that have coloured such terms.

634-640

SC 55 (2021), 169-194: John P. Beal: Charism, Mission, and Canon Law: Management as Ministry. (Article)

In 2014 and 2016 the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life published guidelines for the administration of temporal goods in religious institutes and societies as well as for their sponsored apostolic works, calling on institutes and societies to examine their sponsored works to ensure that their mode of operation remains faithful to their founding charisms. The Congregation charged institutes and societies to conduct a careful inventory of the properties they hold and to clearly designate which of these properties belong to the institute’s or society’s “stable patrimony”. It also offered some clarifications of and elaborations on the law governing the administration of temporal goods.

635

SC 55 (2021), 75-102: Anne Asselin: The Ministry of Sponsorship and Its Duty of Accountability. (Article)

See above, canon 116.

641-658

SC 55 (2021), 147-167: Nancy Bauer: The Lengthening Duration of Initial Formation in Religious Institutes: Historical-Canonical Overview. (Article)

B. presents a historical-canonical overview of the stages and duration of formation in religious institutes, beginning with Pachomius in the fourth century and concluding with Pope Francis's 2016 Apostolic Constitution *Vultum Dei quaerere* and its implementing Instruction *Cor orans*.

642

AnC 17 (2021) 2, 33-47: Robert Czarnowicz – Piotr Kroczek: Wydanie opinii psychologicznej sporządzonej na potrzeby formacji zakonnej w optyce ochrony danych osobowych w Kościele katolickim (*Issuing of the document of a psychological opinion for formation purposes in the light of personal data protection in the Catholic Church*). (Article)

The article deals with the problem of whether a religious congregation should issue a psychological opinion, obtained during a person's formation period, to the individual concerned, taking into account data protection considerations.

642

Canonist 12/2 (2021), 222-255: Joseph Lee: The Role of Experts in Evaluating Candidates for Ordained and Consecrated Life. (Article)

L. examines the role of the expert. He explores papal, curial, and canonical sources on the question of who is an expert and on the nature of the expert, noting that any such expert needs to be grounded in Christian anthropology. He then investigates when to use the expert, and issues arising at that stage. He goes on to analyse the canonical concepts of *si casus ferat* ("if the case warrants"); privacy and consent (canon 220); and violations of privacy.

Finally he considers what kind of experts are proper for the canonical service of vocation discernment.

663

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Libero Gerosa).

665

EE 96 (2021), 727-759: Rufino Callejo de Paz: Situaciones de crisis vocacional y soluciones canónicas: problemas, modificaciones y concreciones a la luz de la instrucción «Cor Orans» y de las orientaciones «El don de la fidelidad. La alegría de la perseverancia». (Article)

See below, canons 684-704.

677

CLSN 200/21, 33-53: Benjamin Earl: *Opera propria*: property or patrimony? Consequences for mutual relations between bishops and religious. (Article)

E. examines the notion of a work that is “proper” to a religious institute, and seeks to draw some conclusions about the way bishops and religious should proceed in establishing how such works should be governed. He notes an ambiguity in the term “*opera propria*”, and considers that it should be reserved for works proper to the spiritual patrimony of the institute rather than to works that are in some manner under the governance of the institute.

681

CLSN 200/21, 33-53: Benjamin Earl: *Opera propria*: property or patrimony? Consequences for mutual relations between bishops and religious. (Article)

See above, canon 677.

684-704

EE 96 (2021), 727-759: Rufino Callejo de Paz: Situaciones de crisis vocacional y soluciones canónicas: problemas, modificaciones y concreciones a la luz de la instrucción «Cor Orans» y de las orientaciones «El don de la fidelidad. La alegría de la perseverancia». (Article)

C. de P. analyses situations of separation from the institute, and the guidelines offered by the Holy See.

689

AnC 17 (2021) 2, 33-47: Robert Czarnowicz – Piotr Kroczek: Wydanie opinii psychologicznej sporządzonej na potrzeby formacji zakonnej w optyce ochrony danych osobowych w Kościele katolickim (*Issuing of the document of a psychological opinion for formation purposes in the light of personal data protection in the Catholic Church*). (Article)

See above, canon 642.

695-697

Per 109 (2020), 527-548: Damián Astigueta: La trasparenza e il diritto di difesa. (Presentation)

See below, canon 1598.

731

CLSN 200/21, 54-63: Sebastian M. Jones: The Congregation of the Oratory of Saint Philip Neri (Oratorians). (Article)

See above, canon 589.

741

SC 55 (2021), 169-194: John P. Beal: Charism, Mission, and Canon Law: Management as Ministry. (Article)

See above, canons 634-640.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

807-814

SC 55 (2021), 601-616: Michele Riondino: Thirty Years of the Apostolic Constitution *Ex Corde Ecclesiae*: A Canonical Overview and Future Projects. (Article)

R. analyses the canonical framework of the Apostolic Constitution *Ex corde Ecclesiae*. He shows that a unique character and role of the Catholic university has been developed, rooted primarily in the Church's faithfulness to the Gospel commission. The mission of the Catholic university is to be a place where the knowledge created by human endeavour is humanized with revealed truth and thereby turned into wisdom – with the unique assistance of the Church as the expert in humanity.

815

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Antoine Mignane Ndiaye).

815-821

Per 110 (2021), 627-663: Matthias Ambros: La nuova normativa sugli Istituti affiliati, aggregati ed incorporati a una Facoltà ecclesiastica. (Note)

On 8 December 2020, the Congregation for Catholic Education issued three Instructions which dealt with the forms of connection between academic institutions and ecclesiastical faculties: affiliation, aggregation, and incorporation. A. examines the concept of connection of such institutions with an ecclesiastical faculty, the three different ways of being connected, and the procedures involved for granting each connection. By comparison with an Instruction concerning higher institutes of religious sciences published in 2008, A. considers the norms offered by the three more recent documents to be much more detailed, but notes that the use of vague and indeterminate terminology leaves a lot of open questions.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

Canonist 12/2 (2021), 152-188: Pope Francis: Apostolic Letter issued *Motu Proprio Traditionis Custodes* On the Use of the Roman Liturgy Prior to the Reform of 1970; Letter to the Bishops of the World that accompanies the Apostolic Letter *Traditionis Custodes*. (Documents and comments)

The text is given of the motu proprio *Traditionis Custodes* and of the accompanying letter from Pope Francis, which are followed by a comment from Rodger J. Austin, who sets out the history of developments concerning the Missal from the time of the Council of Trent and provides a commentary on articles 1-8 of the motu proprio; and a further comment from Peter G. Williams, who notes that the document is not so much about liturgy as about ecclesiology: it should not be seen as a negative judgement on those who are legitimately attracted to ancient liturgical forms, but rather as placing the moderation of the liturgy where it more properly belongs, within the jurisdiction of the local bishop, in order that ecclesial unity may flourish.

838

CLSN 200/21, 14-24: Albert P. Marcello, III: *Traditionis Custodes: Solutions in Search of Problems*. (Article)

M. comments on a number of theological and juridical issues arising out of the motu proprio *Traditionis Custodes*, which he feels is oblivious to the question of the “hermeneutic of renewal in continuity” which had been expressed in *Summorum Pontificum* as an antidote to the question of acceptance of Vatican II.

838

CLSN 201/21, 43-51: James Bradley: *Postquam Summus Pontifex: A Brief Overview*. (Article)

On 22 October 2021 the Congregation for Divine Worship and the Discipline of the Sacraments (CDWDS) issued a Decree *Postquam Summus Pontifex* (PSP). The document was made available together with a commentary by Archbishop Arthur Roche. PSP could be principally read as

an accompaniment to the 2017 motu proprio *Magnum principium* by which §§2-3 of canon 838 were modified, implementing that motu proprio in three main sections: an introduction; norms and procedures; and revised legislation for insertion into certain liturgical books. B. reviews these three sections in turn, and identifies some areas that suggest avenues for further study.

838

CLSN 201/21, 52-53: Pius Collins: The Juridical Status of the *Responsa* from the CDWDS. (Note)

C. discusses the authority of the various *responsa ad dubia* issued by the Congregation for Divine Worship and the Discipline of the Sacraments on 4 December 2021 in relation to the motu proprio *Traditionis Custodes*.

838

RDC 71/2 (2021), 323-344: Pierre-Marie Berthe: La *lex orandi* sous le pontificat de François: un instrument de réforme dans le sillage de Vatican II. (Article)

According to the adage *lex orandi, lex credendi*, modifications made to liturgical law, even minor ones, are seldom without theological or ecclesiological implications. B. examines the revisions of the *lex orandi* accomplished, drafted, or rejected by Francis in the light of five priorities presented in the Exhortation *Evangelii gaudium* (24 November 2015): decentralization, countering neo-Pelagianism, affirmation of the feminine presence within the Church, the participation of the People of God in ecclesial life, and the inculturation of faith. Those measures set out a coherent programme based on the pastoral orientations of Vatican II and show that in the Pope's view, the *lex orandi* plays a pedagogical role in the preparation and accompaniment of the institutional reforms which the Church needs.

841

Vid 85 8/21, 625-630: Julian Saldanha: Sacraments in 'Virtual Reality'. (Article)

S. reflects on different aspects of the virtual celebrations of the Holy Mass and the sacrament of penance and examines their validity.

BOOK IV, PART I, TITLE I: BAPTISM

854

HPR July 2021: Brian Mullady: What Makes a Baptism Valid? (Reply)

M. replies to a question concerning the validity of a baptism in which the water was poured in such a way as to touch only the hair and not the skin of the one being baptized. M. considers that such a baptism is valid although illicit.

869

SC 55 (2021), 405-423: Ronny E. Jenkins: Schmalzgrueber's *Consilium* LXXIII as a Case Study in the Canon Law of Rebaptism. (Article)

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

877

FCan XVI/1 (2021), 99-101: João Vergamota: Nota acerca do pedido de alteração do nome inscrito no registo de baptismo por parte de uma pessoa transexual. (Article)

V. explains why a baptismal register cannot be altered in the case of a transsexual person, and offers some suggestions concerning marginal annotations in such situations.

877

QDE 34 (2021), 360-375: Gianluca Marchetti: Prova e annotazione del battesimo conferito: can. 877 §1. (Article)

M. begins with a brief historical survey of baptismal registration, and then addresses the duty of registration, noting its parochial nature. The problems arising from chaplaincies and other chapels in a parish are touched on. M. then looks at the general questions surrounding the baptismal register and at the specific items that will be included in the register. He concludes with notes on how the registers are to be kept, and on how the information they contain may be accessed and used.

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

915

SC 55 (2021), 535-551: Roch Pagé: *L'Oikonomia* et le chapitre VIII de l'exhortation apostolique *Amoris laetitia*. (Article)

The Apostolic Exhortation of Pope Francis has elicited many reactions, interpretations, and varied comments from episcopal conferences, bishops, and canonists. P. studies Chapter VIII of the Exhortation which he analyses under the aspect of the application of *oikonomia*, the pastoral charity to which the Pope alluded on his return from the World Youth Days in 2013 in response to a question from a journalist concerning the situation of divorced and remarried faithful. For P., Chapter VIII presents an important evolution of the *mens legislatoris* regarding canon 915 on the admission or otherwise to Communion of the faithful who “obstinately persist in manifest and grave sin.” He sees it as a first opening towards the admission of divorced and remarried persons under certain conditions to full participation in the sacramental life of the Church.

929

SM 148/4 (2021), 31-52: Duane L.C.M. Galles: Liturgical Colors. (Article)

G. studies the history and canon law of the system of liturgical colours of the Western Church from biblical times to the reforms after Vatican II.

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

959

Per 109 (2020), 429-446: Luis F. Ladaria Ferrer: Fondamenti e implicazioni teologiche del Sacramento della Riconciliazione. (Presentation)

L.F., Cardinal Prefect of the Congregation for the Doctrine of the Faith, offers some comments on the sacrament of reconciliation. He highlights in particular the value of mercy, and how the title of the sacrament has changed from “sacrament of penance” to “sacrament of reconciliation”.

959-986

Per 109 (2020), 549-580: Vimal Tirimanna: A brief history and theology of the sacrament of reconciliation. A Study with References to the Seal of Confession. (Presentation)

See below, canon 983.

965-986

Per 109 (2020), 581-607: Giacomo Incitti: Aspetti pratici nel sacramento della Riconciliazione riguardanti la protezione dei minori e degli adulti vulnerabili. (Presentation)

See below, canon 983.

965-986

Per 109 (2020), 609-632: Alfonso Amarante: Il sacramento della riconciliazione: formazione sacerdotale e prassi pastorale. (Presentation)

A. offers some reflections on priestly formation and on the pastoral practice of confessors. He highlights two realities that must always be kept in mind: the untouchability of the seal of confession, and the proper attitude and approach of the confessor whose primary concern is the reconciliation of the sinner through an experience of God’s mercy.

978

SC 55 (2021), 341-365: Chad J. Glendinning: Ministers of Divine Justice and Mercy. Juridical Considerations on the Role of Confessors and the Sacrament of Penance. (Article)

Canon 978 refers to a confessor as a “minister of both divine justice and mercy”. G. examines various juridical and pastoral issues associated with the celebration of the sacrament of penance, particularly concerning the role of confessors, including: 1. the availability of the sacrament; 2. the manner of questioning the penitent; 3. the ability to discern the disposition of the penitent and withholding absolution; and 4. the imposition of appropriate penances. While largely juridical, the study draws heavily on developments during Pope Francis’s pontificate concerning the fruitful celebration of the sacrament of penance and the ministry of confessors.

980

IC 61/122 (2021), 551-593: Massimo del Pozzo: Il possibile differimento dell’assoluzione nel sacramento della Penitenza. (Article)

Del P. examines the consistency of penitential judgments in the imparting of absolution. The *absolutio concedenda, deneganda* and *differenda* have been the object of wide-ranging and detailed discussion in modern canonical-sacramental doctrine, which is reflected in the CIC/83 and subsequent developments. The judicial nature of the sacrament means that the minister adjudicates the requirements of the sacramental economy. The presumption of due repentance does not preclude the possibility of the confessor objectively determining that the penitent lacks such a disposition, and thus denying absolution.

983

Per 109 (2020), 549-580: Vimal Tirimanna: A brief history and theology of the sacrament of reconciliation. A Study with References to the Seal of Confession. (Presentation)

T. traces the evolution of the sacrament of reconciliation as we know it today. Although the evolution of the form of celebration of the sacrament has not been organic, one constant element of the tradition and practice of the Church has been the absolute inviolability of the seal of confession.

983

Per 109 (2020), 429-446: Luis F. Ladaria Ferrer: Fondamenti e implicazioni teologiche del Sacramento della Riconciliazione. (Presentation)

See above, canon 959.

983

Per 109 (2020), 581-607: Giacomo Incitti: Aspetti pratici nel sacramento della Riconciliazione riguardanti la protezione dei minori e degli adulti vulnerabili. (Presentation)

I. examines the responsibility of the confessor in a number of concrete scenarios. He considers the inviolability of the seal itself; the Note published by the Apostolic Penitentiary on 1 July 2019; and what the confessor is to do when the penitent confesses to having perpetrated the abuse; when the penitent who confesses to having committed sexual abuse is a cleric; when the penitent who confesses to having abused is not a cleric; when the penitent is a victim; and when the penitent is a third party. He goes on to consider the duties of the confessor in relation to civil justice, and examines the situation where the celebration of the sacrament itself becomes the occasion of abuse. The final part of this presentation focuses on the responsibility of the bishop for the formation (especially the ongoing formation) of confessors, and his duties in the granting of faculties to hear confessions.

983

SC 55 (2021), 245-274: Brendan Peter Daly: Response of Holy See to the Australian Royal Commission *Final Report*. (Article)

The final report of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse in 2017 commented on the lack responsibility, transparency, and accountability within the Catholic Church's practices and law. The Commissioners made 21 recommendations; the Australian Catholic Bishops Conference accepted all of them, except one concerning the seal of confession. The recommendations concerning universal law were forwarded to the Holy See, which responded on 26 February 2020. D. explains the origins of the recommendations and comments on the responses of the Holy See to each recommendation.

983-984

EIC 61 (2021), 389-410: Mauro Piacenza: Il sigillum confessionis: un tesoro affidato alla cura della Chiesa. (Article)

P. traces the history of the protection of the sacramental seal by canonical legislation, up to the most recent pronouncements of the Apostolic Penitentiary on the matter.

983-984

EIC 61 (2021), 411-441: Giacomo Incitti: Il sigillo sacramentale e il segreto ministeriale. Tutele e violazioni tra normativa canonica e ordinamenti civili. (Article)

I. examines the seal of confession, its sacramental grounding, and its juridical nature. The specific nature of the ministerial secret, which is not to be equated with professional secrecy, calls for forms of protecting its inviolability, the reasons for which are to be placed more and more within the context of the fundamental right to religious freedom.

983-984

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

C. examines the canonical provisions on the protection of minors and vulnerable adults, paying particular attention to problems concerning the protection of the sacramental seal in the event of reports of sexual abuses.

983-984

EIC 61 (2021), 527-563: Geraldina Boni: La tutela del sigillo sacramentale e del segreto ministeriale in Italia. (Article)

B. focuses on the protection of the sacramental seal in Italy, as provided by the unilateral legislation of the State and, for the Catholic Church, by the concordat laws. Recent developments in Italian case law, as well as certain measures adopted in canon law for the purposes of safeguarding and the elimination of sexual abuses, give rise to concerns.

983-984

EIC 61 (2021), 565-596: Rafael Palomino: Legal Protection of the Seal of Confession in Spanish law. (Article)

P. analyses the protection of the seal of confession in Spanish law, which has a religious aspect (the sacramental seal) and a secular aspect (the religious communications privilege). He looks at the history and provides a summary of the canonical regulations concerning the former, and at the legal values underlying the latter, which he also analyses critically.

983-984

EIC 61 (2021), 597-608: Helmuth Pree: Tutela del sigillo confessionale e del segreto ministeriale in Germania. (Article)

H. explains how and to what extent the German legal system protects the ministerial secrecy of priests. He sets out the foundations of this protection, those whom it protects, and the matters in respect of which it applies.

983-984

EIC 61 (2021), 609-648: Ronny E. Jenkins: From Simple Beginnings to Complex Ends: Legislative and Judicial Protection of the Sacramental Seal in the United States of America. (Article)

J. discusses developments in the United States related to the protection of the sacramental seal. He does so from a specifically canonical viewpoint. He presents two court cases in some detail to illustrate that the deceptively simple beginning to the privilege has given way to a complex reality, partly on account of the enactment by the civil authorities of mandatory child abuse reporting laws.

983-984

EIC 61 (2021), 649-677: Matteo Carnì: Tutela del sigillo sacramentale e del segreto ministeriale in Australia. (Article)

C. considers that Australian State legislation which requires priests to report any suspected sexual abuse of minors, even if based on information gathered during the celebration of the sacrament of penance, constitutes an attack on the *libertas Ecclesiae*, but above all on the religious liberty of the individual, ignoring the peculiar nature of the sacrament of confession as a relationship

between God and the penitent, the priest confessor taking the role of a mere mediator.

983-984

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Geraldina Boni).

992-997

Per 110 (2021), 77-121: Chiara Minelli: Il «tesoro della Chiesa» nel tempo della pandemia. (Article)

M. focuses on the decree of the Apostolic Penitentiary of 19 March 2020 by which special indulgences were made available to all those suffering from Covid-19 and to all those who cared for them in any way, including by means of prayer. In Pope Francis's explicit mention of associating oneself by desire to the works or penances prescribed for these indulgences, M. sees an echo of the plenary indulgence obtained by Saint Francis of Assisi for all those who came to the little chapel of the Porziuncola. The indulgences granted in the wake of the pandemic have made the distribution and accessibility of indulgences much more reasonable.

992-997

Per 110 (2021), 473-501: Paweł Malecha: Le indulgenze concesse ai fedeli durante la visita ai luoghi sacri. (Essay)

Examining indulgences attached to visits to sacred places, M. states that the doctrine and practice concerning such indulgences are not very well understood by the faithful; thus, as a result of errors, in spite of their good will, the faithful fail to obtain the indulgences. He looks at general principles concerning indulgences; the conditions for obtaining an indulgence; general norms regarding a visit to a sacred place; and particular concessions of indulgences in the course of visits to the sacred places (here M. gives a brief elaboration of the conditions required for obtaining the indulgences attached to a visit to those places listed in the *Enchiridion Indulgentiarum*, no. 33), as well as a visit to a cemetery as indicated in no. 29 of the same document.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Luigi Sabbarese).

1041

Canonist 12/2 (2021), 222-255: Joseph Lee: The Role of Experts in Evaluating Candidates for Ordained and Consecrated Life. (Article)

See above, canon 642.

1041

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by José Fernández San Román).

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AnC 17 (2021) 2, 159-172: Andrzej Wójcik: Konsens małżeński w świetle antropologii adekwatnej Jana Pawła II jako perspektywa rozumienia relacji pomiędzy człowiekiem a fenomenem prawa (*Matrimonial consent in the light of John Paul II's adequate anthropology as a perspective for understanding the relationship between the human person and the phenomenon of law*). (Article)

John Paul II's Theology of the Body is an invaluable source of suitable anthropology for describing the relationship between a man and a woman. W. analyses some fundamental aspects of matrimonial consent in the light of the premises provided by this anthropology.

1055

Comm 53 (2021), 105-109: Ex Actis Francisci Pp.: Allocutio ad sodales Tribunalis Rotae Romanae in inauguratione Anni Iudicialis, 29 ianuarii 2021. (Address)

In his address to the Rota, Pope Francis explores the impact of nullity proceedings on an abandoned spouse and the children of a marriage declared null, and what that implies for tribunal judges. He concludes with an expression of gratitude to the Dean, whose term of office soon ends, and one of regret at letters opposing the simplification of the nullity process, mostly from advocates suffering loss of income.

1055

FCan XVI/1 (2021), 67-70: Papa Francisco: Discurso ao Tribunal da Rota Romana por ocasião da inauguração do ano judicial [2021]. (Address)

Portuguese text of the Pope's 2021 address to the Rota (see preceding entry).

1055

Comm 53 (2021), 133-136: Congregatio pro Doctrina Fidei: Responsum ad propositum dubium “circa la benedizione delle unioni di persone dello stesso sesso”, 22 februarii 2021. (Reply)

On 22 February 2021 the Congregation for the Doctrine of the Faith (CDF) gave a negative reply to the question whether the Church had the power to bless the unions of persons of the same sex. Such an action had been suggested in certain circles as a way of accompanying those with same sex attractions in line with Pope Francis’s Apostolic Letter *Amoris laetitia*, no. 250. The CDF refers to the teaching of the *Catechism of the Catholic Church*, no. 1670, on sacramentals that these are preparations for the reception of God’s grace. In consequence only human relationships that are objectively and positively ordered to receive God’s grace can be blessed. The presence of some positive elements in the relationship does not suffice. Pope Francis also noted that same-sex relationships are in no way analogous to marriage (cf. *Amoris laetitia*, no. 251). The reply does not exclude the imparting of blessings to homosexual persons who wish to live in fidelity to God’s design but rather anything that would appear to recognize their union. Both the reply and Explanatory Note were approved by Pope Francis *in forma communi*.

1055

FCan XVI/1 (2021), 75-78: Congregação para a Doutrina da Fé, Resposta à dúvida sobre a bênção das uniões de pessoas do mesmo sexo. (Reply)

Portuguese text of the reply referred to in the preceding entry.

1055

IC 61/122 (2021), 635-690: Jorge Castro-Trapote: Ausencia de fe y validez del matrimonio: Fundamentación. (Article)

C.-T. aims to elucidate how the validity of marriage may be affected by the absence of faith and by the social context. The International Theological Commission (ITC) proposes an indirect identification of marital intention with personal faith, sees the identity between the conjugal bond and the sacrament of matrimony as non-essential, and opts for the elimination of the *favor matrimonii* where there is a lack of faith. The perspective of the ITC is limited by the fact that its approach does not take into account the

relationship between nature and grace, nor the mutual correspondence between natural and positive divine law. C.-T. proposes the notion of *ratio naturalis* as a basis for the validity of marriage in the absence of faith.

1055

Adriana Neri – Inés Lloréns (eds.): I fondamenti relazionali del diritto di famiglia. Un approccio interdisciplinare. (Book)

See above, General Subjects (*Compilations*).

1055-1057

FCan XVI/1 (2021), 87-97: Miguel Falcão: Pode um Cristão sem fé receber o sacramento do Matrimónio? (Article)

F. summarizes and comments on an article by Prof. Montserrat Gas-Aixendri which appeared in *Ius Ecclesiae* XXXII (2020), pp. 673-688 (see *Canon Law Abstracts*, no. 126, pp. 83-84) concerning the International Theological Commission's document *The Reciprocity between Faith and Sacraments in the Sacramental Economy* of 3 March 2020.

1055-1057

IE XXXIII (2021), 493-516: Paolo Bianchi: I presupposti antropologici dell'ordinamento matrimoniale canonico. (Article)

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

1055-1165

IM 31 (2020), nr 2, 47-63: Marek Saj: Soborowe źródła prawa małżeńskiego w Kodeksie prawa kanonicznego z 1983 roku (*Conciliar roots of marriage law in the 1983 Code of Canon Law*). (Article)

S. examines how the documents of the Second Vatican Council inspired the canons on marriage in Book IV, Title VII of the CIC/83.

1057

IM 31 (2020), nr 1, 119-133: Adam Bartczak: Nieważność czynności prawnej na przykładzie małżeństwa kanonicznego (*Invalidity of a juridical act from the perspective of marriage canon law*). (Article)

B. looks at the concept of the invalidity of a juridical act in marriage canon law. The nullity of a juridical act in canonical matrimonial law differs from the concept of nullity in Polish law.

1057

Per 110 (2021), 175-223: Davide Salvatori: Mancanza di fede e nullità di matrimonio: confronto tra il documento della Commissione Teologica Internazionale del marzo 2020 e la consolidata giurisprudenza del tribunale della Rota Romana. (Article)

See below, canon 1099.

1059

RDC 71/2 (2021), 307-322: Marcel Metzger: « Bénédiction » ou « célébration » pour les divorcées remariés? (Article)

Pastoral care cannot leave divorced and remarried couples on the margins of the communities and their liturgical assemblies. M. argues that they need to be offered a path of conversion and progress in faith, which calls for new rites of reintegration into full communion. M. discusses the name by which these rites should be described.

1063

IM 31 (2020), nr 1, 135-152: Witold Wybult: Misja kanoniczna dla doradców życia rodzinnego (*Canonical mission for family life counsellors*). (Article)

W. details the provisions of the “Family Pastoral Directory” issued by the Polish Bishops’ Conference with a view to the commissioning of family life counsellors to help couples prepare for marriage.

1063

IM 31 (2020), nr 2, 31-46: Kazimierz Dullak: Przygotowanie dalsze i bliższe do małżeństwa po Dekrecie ogólnym Konferencji Episkopatu Polski z 2019 r (*Preparation for further and closer marriage following the general decree of the Polish Bishops' Conference of 2019*). (Article)

D. studies the document on marriage preparation issued by the Polish Bishops' Conference on 1 June 2021.

1067

IM 31 (2020), nr 1, 51-64: Rafał Dappa: Instytucja zapowiedzi w aktualnym porządku prawnym Kościoła katolickiego w Polsce (*The institution of marriage bans in the current legal order of the Catholic Church in Poland*). (Article)

Taking into account the legal norms regarding preparation for marriage and the protection of personal data as regulated by the Polish Bishops' Conference, D. systematizes the topic of marriage bans in the current legal order of the Catholic Church in Poland.

1086

Per 110 (2021), 693-703: Johannes Fürnkranz: Matrimonio e battesimo di uno dei coniugi. (Consultation)

In response to a question on a specific case, F. examines the principal features of marriage, baptism, and the impediment of disparity of cult, before giving his conclusion, i.e., that the Catholic Church recognizes as valid a marriage celebrated between two non-baptized parties and this validity remains unchanged by the man's baptism.

1095 2°

Canonist 12/2 (2021), 287-292: Roman Rota: Sentence *coram* Pinto, 12 January 2015 (Cork and Ross). Defect of Discretion of Judgement (can. 1095, 2°). (Sentence)

The Rota was asked to decide whether a marriage was null on account of a defect of discretion of judgement on the part of the woman respondent. On the basis of expert evidence the Rota concluded that the immaturity of the respondent was grave and that she chose marriage as if it might be a remedy

for healing her psychological state. Because the psychic disorder of the petitioner was structural, it was present already at the time of celebrating the marriage. Consequently the Rota concluded that there was proof of the nullity of the marriage.

1095 2°

IM 31 (2020), nr 2, 91-114: Wojciech Góralski: Poważny brak rozeznania oceniającego (kan. 1095, n. 2 KPK) w wyroku Roty Rzymskiej c. Caberletti z 20 listopada 2018 roku (*Grave defect of discretion of judgment [can. 1095, n. 2 CIC] in the sentence of the Roman Rota c. Caberletti of 20 November 2018*). (Sentence and comment)

The marriage in this case broke up within two years, the man petitioner claiming that this was on account of the respondent's infertility. He sought a declaration of nullity on the grounds of error as to a quality of the woman directly principally intended by him (canon 1097 §2) and the exclusion of the indissolubility of marriage on the part of the respondent (canon 1101 §2). He received a negative verdict on both grounds, and did not appeal. However, he later brought a new case before another tribunal, this time on the ground of grave defect of discretion of judgement on his part, which again received a negative verdict. On appeal to the Rota he obtained an affirmative decision. The opinion of an expert in the Rotal instance played a significant part in leading the Rotal judges to overturn the first instance decision.

1095 2°-3°

IM 31 (2020), nr 1, 25-49: Kinga Szymańska: Parafilia wyzwaniem dla małżeństwa kanonicznego (*Paraphilia as a challenge for canonical marriage*). (Article)

Paraphilias are abnormal sexual behaviours or impulses characterized by intense sexual fantasies and urges that may involve unusual objects, activities, or situations not usually considered sexually arousing by others. Paraphilias are almost exclusively diagnosed in men. A paraphilic may assess marriage from a purely selfish perspective, treating the other party as an object for satisfying his need for pleasure. Paraphilia in itself does not cause nullity: it depends on the severity of the disorder and on its impact on the functioning of the specific marriage in question.

1097-1098

J 77 (2021), 479-518: Tribunal of the Roman Rota, Definitive Sentence *coram* Caberletti, *Coloratensium Fontium, Nullitatis matrimonii*, A. 68/2019, April 2, 2019; Timothy Cavanaugh: Brief Note on the Basis and Proof of Error of Quality and Fraud. (Sentence and comment)

The woman petitioner in this case was a devout Catholic, who had understood that her husband, a Baptist, would be supportive of her faith; in fact he turned against it after the wedding, and impeded the raising of the couple's two children in the Catholic faith. The petitioner asked for a declaration of nullity of the marriage on the grounds of error concerning a quality of the respondent directly and principally intended by the petitioner, and deceit on the part of the respondent. In his note on the Rota's affirmative decision, C. makes the point that the sentence helpfully illustrates the overlapping and distinguishing characteristics of the two grounds. Additionally it lays out the elements of proof by which the two grounds are typically evaluated, while it demonstrates that the canonical judge is not rigidly or formalistically bound to a fixed schema of proofs when certain of those elements are unclear or absent.

1099

J 77 (2021), 407-463: William L. Daniel: Error Determining the Will (c. 1099) as an Autonomous *Caput nullitatis* in Rotal Jurisprudence. (Article)

Prior to 1983 the Roman Rota recognized the ability of a deeply rooted error to vitiate consent to the extent that it motivated a spouse to simulate consent. This understanding appears to have been the one motivating the drafting of canon 1099. The latter canon has given a normative title for accusing and examining a marriage on "error determining the will" as an autonomous claim, and the jurisprudence is developing a configuration of that heading of nullity, even while verifying the difficulty and relative rarity of its incidence. According to the post-1983 Rotal jurisprudence, erroneous ideas about marriage do not necessarily influence the operation of the will when one consents to marriage. Error that is deeply rooted and obstinate only invalidates consent when it is proven to have moved the will, which is not certain in itself. Error is verified to move the will inasmuch as the erring party applies the erroneous notion to his or her own marriage for a concrete reason. In practice, this is unlikely to occur in relation to the sacramental dignity of marriage, while it appears to relate more to its indissolubility.

1099

Per 110 (2021), 175-223: Davide Salvatori: Mancanza di fede e nullità di matrimonio: confronto tra il documento della Commissione Teologica Internazionale del marzo 2020 e la consolidata giurisprudenza del tribunale della Rota Romana. (Article)

The International Theological Commission (ITC) stated in 1977 that in cases where there is no trace of faith and no desire for grace or salvation, a real doubt arises as to whether the marriage is validly contracted. The ITC addressed the question again in 2020 with a stronger and more nuanced statement in the case of non-believing baptized persons. Where there is a lack of faith, the intention to contract a natural marriage cannot be considered as guaranteed, nor can it be excluded. S. considers the dogmatic and juridical value of the 2020 document of the ITC before subjecting it to careful analysis. He is of the view that the debate has now been substantially resolved, although some work still needs to be done to bring theology and canon law closer together.

1101

IM 31 (2020), nr 1, 5-23: Wojciech Góralski: Przyczyna dalsza wykluczenia nierozzerwalności małżeństwa w świetle współczesnego orzecznictwa Roty Rzymskiej (2000-2012) (*The remote cause of exclusion of indissolubility of marriage in the light of the contemporary jurisprudence of the Roman Rota, 2000-2012*). (Article)

Indissolubility is an essential property of marriage derived from divine law, and exclusion of indissolubility renders the marriage null and void (canon 1101 §2). In proving *exclusio boni sacramenti*, it is extremely important to investigate the cause of the act of simulation, including the remote cause. Although this remote cause may not be directly related to a particular marriage, it does play a part in influencing the will of the spouse rejecting indissolubility. In the most recent Rotal jurisprudence, three basic types of remote cause can be discerned: a mentality favouring the institution of divorce, lack of sufficient religious formation, and the particular personality of the contracting parties. The requirement on priests, during the canonical pre-nuptial examination, to pay close attention to the convictions and views of the intended spouses regarding the indissolubility of marriage seems fully justified.

1101

IM 31 (2020), nr 2, 115-130: Ginter Dzierżon: Wykluczenie dobra sakramentu, dobra wiary oraz dobra potomstwa po stronie pozwanej, a także wykluczenie dobra potomstwa po stronie powodowej (kan. 1101 § 2 KPK) w wyroku Roty Rzymskiej c. Bottone z 2 lutego 2010 roku (*Exclusion of the good of the sacrament, exclusion of fidelity, exclusion of the good of offspring on the part of the respondent and exclusion of the good of offspring on the part of the petitioner [canon 1101 §2] in the sentence of the Roman Rota c. Bottone of 2 February 2010*). (Sentence and comment).

D. comments on a Rotal judgement in which the *ponens* accumulated the two grounds of exclusion of the good of the sacrament and exclusion of the good of fidelity. The invalidity of the marriage was proven using indirect proof. It was shown that even before the marriage the woman respondent was maintaining a relationship with another man. It was also proved that the petitioner's exclusion of offspring was closely connected to the respondent's change of attitude towards him.

1110

IM 31 (2020), nr 2, 5-29: Tomasz Rozkrut: Poprawna interpretacja kan. 538 § 3 i kan. 1110 z Kodeksu Jana Pawła II. Dwa zapytania z Krakowa do Papieskiej Rady ds. Tekstów Prawnych (*Correct interpretation of canon 538 §3 and canon 1110 of the Code of John Paul II. Two inquiries from Krakow to the Pontifical Council for Legislative Texts*). (Article)

See above, canon 538.

1111

IE XXXIII (2021), 651-668: Pierre-Marie Berthe: L'ordonnance de l'archevêque de Strasbourg relative aux mariages célébrés par les prêtres de la Fraternité Saint-Pie X (10 mai 2017). (Article)

As from 10 May 2017, in the Archdiocese of Strasbourg, members of the Society of St Pius X have been able validly and licitly to celebrate their wedding before priests of the Society. The Strasbourg provisions are based upon on the *Ecclesia Dei* Commission's letter (27 March 2017) interpreted in a broad sense, and on pastoral practice adopted since 2015. The implementation of this law (2017-2020) shows how specific law can promote institutional unity.

1141

SC 55 (2021), 209-243: Patrick Connolly: *Oikonomia* and Remarriage in the Orthodox Tradition: a Pastoral Solution for the Catholic Church?
(Article)

The pastoral problem of divorce and remarriage among Catholics, especially in the developed world, has caused some Catholic authors to give attention to the Orthodox notion of *oikonomia* and how it might be applied to the marriage discipline of the Catholic Church. The pastoral crisis has created favourable comment from Catholic writers on Eastern marriage practices, which allow remarriage after a period of penance. C. considers whether this truly is a viable pastoral solution or is in fact incompatible with the Catholic understanding of marital indissolubility.

1156-1160

IM 31 (2020), nr 1, 153-166: Ginter Dzierżon: Problem konvalidacji zwykłej w wyroku c. Caberletti z 18 stycznia 2008 roku (*The problem of a simple convalidation in a judgment c. Caberletti of 18 January 2008*).
(Sentence and comment)

D. analyses a sentence *coram* Caberletti of 18 January 2008 concerning the validity of a convalidation. The doctrinal part of the sentence was based on the theory of a juridical act and on the thought of Urbano Naverrete. In this case the Rotal judges considered the convalidation to be valid, taking into account that the defendant had the intention of contracting a true marriage.

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

1166

Comm 53 (2021), 133-136: Congregatio pro Doctrina Fidei: Responsum ad propositum dubium “circa la benedizione delle unioni di persone dello stesso sesso”, 22 februarii 2021. (Reply)

See above, canon 1055.

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

1222

IE XXXIII (2021), 623-650: Supremo Tribunale della Segnatura Apostolica, 21 maggio 1988, Prot. n. 17916/84 CA, *Demolizione della Chiesa Parrocchiale Y* (Comitato per il mantenimento della Chiesa parrocchiale Y – Congregazione per il Clero), con un commento di Javier Canosa, *L’impugnazione del decreto di demolizione di una Chiesa da parte di un gruppo di fedeli*. (Decree and comment)

See above, canon 299.

1222-1229

Per 110 (2021), 507-514: Paweł Malecha: *L’incidenza della tipologia dei luoghi sacri sulle condizioni e procedure per la riduzione a uso profano*. (Consultation)

After expounding the canonical notion of sacred place, M. proceeds to discuss the conditions and process to be followed in reducing each type of sacred space to profane use. He demonstrates that the appropriate conditions and procedures must be followed with care if the act is to be lawful.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1258

Comm 53 (2021), 220-223: C. Barbagallo: “Così l’ASIF si rafforza”, *Alloquium cum Ill.mo D. Carmelo Barbagallo, Praeside ASIF, 20 martii 2021.* (Interview)

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

1277

Canonist 12/2 (2021), 210-221: Anthony Ekpo: *Acts of Administration: A Possible Convergence.* (Article)

Against the impression that administrative acts are unrelated to acts of administration, E. underlines the intrinsic relationship between the two, using canons 1277 and 1281 §1 as examples. He notes that Book V contains a plethora of administrative acts, which are most necessary in ecclesiastical public administration.

1277

Canonist 12/2 (2021), 306: 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\$ 1.60 per capita or A\$ 319,576 (annual repayment), and A\$ 0.64 per capita or A\$ 127,831 (sum forgone), as from June 2021.

1279

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” *Studi in onore di Giacomo Incitti.* (Book)

See above, General Subjects (*Compilations*) (article by Jesús Miñambres).

1281

Canonist 12/2 (2021), 210-221: Anthony Ekpo: Acts of Administration: A Possible Convergence. (Article)

See above, canon 1277.

1284

SC 55 (2021), 75-102: Anne Asselin: The Ministry of Sponsorship and Its Duty of Accountability. (Article)

See above, canon 116.

1284

SC 55 (2021), 319-339: Sharon Euart: Ministerial Public Juridic Person Model for Canonical Governance. (Article)

See above, canon 116.

1290-1298

SC 55 (2021), 169-194: John P. Beal: Charism, Mission, and Canon Law: Management as Ministry. (Article)

See above, canons 634-640.

1292

Canonist 12/2 (2021), 306: 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\$ 6,391,530 (maximum sum) and A\$ 31,958 (minimum sum), as from June 2021.

BOOK VI: SANCTIONS IN THE CHURCH

Note: references to the new canons of Book VI are marked with an asterisk.

1311*

AnC 17 (2021) 2, 101-142: Piotr Skonieczny: Kanon 1311 §2 kodeksu prawa kanonicznego jako program odnowionego prawa karnego kanonicznego. Pierwsze uwagi (*Canon 1311 §2 of the Code of Canon Law as a programme for a renewed canonical penal law. Initial remarks*). (Article)

S. provides a systematic commentary on the new canon 1311 §2*. He reads this provision as the programme for the new Book VI, which he examines from three perspectives: 1. the role of the ecclesiastical superior in the Church's exercise of her right to punish the faithful; 2. the meta-principles of penal law in the Church; 3. the functions of canonical penal law and canonical punishment.

1311*-1363*

J 77 (2021), 291-334: Brian T. Austin: The Revised Book VI, Part I. Selected Norms and Commentary. (Article)

A. comments upon selected norms of Part I ("Offences and Punishments in General") of the revised Book VI ("Penal Sanctions in the Church") of the Latin Code. The revised text places greater emphasis on the demands of justice and the necessity of having recourse to the penal system, balanced by principles such as the presumption of innocence and the right of defence. A. presents substantive changes in a tabular format for ease of comparison with former disciplines and schemata, with a particular focus on style and Latinity. Most significantly, the institute of prescription has been clarified, the scope of censures (in particular, that of interdict) broadened, and expiatory penalties made more determinate. A.'s study concludes with an overall summary and initial assessment of Part I of the revised text.

1311*-1399*

Canonist 12/2 (2021), 189-209: Brendan Daly: What is changed in the 2021 Revision of Penal Law? (Article)

D. studies innovations in the revised Book VI, noting the new canon 1398* on sexual offences; the incorporation into Book VI of changes in the law since 1983; the stricter requirement to implement penal law; penalties for abuse by religious brothers and sisters; penalties for lay officials; the offence of grooming; vulnerable people; abuse of authority; prescription; mandatory reporting; civil reporting laws; financial crimes; abandoning ministry; rights and procedures; and standard of proof.

1311*-1399*

CLSN 200/21, 64-80: John Poland: The Aspects and Aims of Penal Law in the Revised Book VI. (Article)

The revised Book VI places an emphasis on the aspects and aims of penalty imposition and declaration in a way which arguably has not been seen since the CIC/17. This is particularly apparent when the revised Book is read in the light of Pope Francis's comments in the Apostolic Constitution *Pascite gregem Dei*, in which he clarifies that charity demands that the Church's pastors resort to the penal system whenever necessary, keeping in mind the three aims of restoring justice, correcting the offender, and repairing scandal. P. offers a commentary on some key canons and their importance to the principles underlying the revision of Book VI.

1311*-1399*

CLSN 201/22, 92-113: Aidan McGrath: New Penal Law for the Church. (Article)

McG. explains the background to and context of the revision of Book VI. Whereas previously the application and interpretation of the norms of the CIC/83 focused more often on the reform of the offender, the norms of the new Book VI are much more comprehensive in their scope, seeking to provide a framework for restoring justice and repairing scandal, as well as appropriate care for the welfare of the offender, and the prevention of offences in the future. McG. devotes particular attention to two of the significant new elements: canon 1376* and delicts relating to economic and financial matters; and canon 1398*, its contents, and the significance of its relocation within Book VI.

1311*-1399*

Comm 53 (2021), 9-65: Ex Actis Francisci Pp.: Constitutio Apostolica *Pascite gregem Dei qua Liber VI Codicis Iuris Canonici reformatur, 23 maii 2021; Liber VI Codicis Iuris Canonici. De sanctionibus poenalibus in Ecclesia, 23 maii 2021.* (Documents)

The Latin text of the Apostolic Constitution promulgating the revised Book VI of the Code of Canon Law is followed by an Italian version. Promulgated through *L'Osservatore Romano* it took effect on 8 December 2021. After setting out briefly the history of the revision from 2007, Pope Francis notes that many ills had arisen from a defective perception of the relationship between the exercise of charity and the use of penal discipline. Experience shows that exhortation and persuasion do not suffice but can allow evils to become ingrained. The revised norms are intended to address this problem as well as the effects of pastors neglecting to make use of the means provided. The revised text of Book VI is then set out, first in Latin, and afterwards in Italian.

1311*-1399*

Comm 53 (2021), 113-117: Pontificium Consilium de Legum Textibus: *Prasentatio apud Sala Stampa Sanctae Sedis Novi libri VI Codicis Iuris Canonici, De sanctionibus poenalibus in Ecclesia, ab Exc.mo Praeside Philippo Iannone, O. Carm., conscripta, 1 iunii 2021.* (Presentation)

The President of the Pontifical Council sets out the context and rationale for the revised text of Book VI of the Code of Canon Law. Observance of the law is important for an ordered ecclesial life. This requires not only example, counsel, and persuasion, but where necessary the use of power and imposition of penalties. Sanctions have a role in restoring justice, emendation of life for the person at fault, and reparation for scandal. If justice without mercy leads to cruelty, mercy without justice leads to the dissolution of order. The scandal of paedophilia has highlighted a wider need for reform in the area of penal law and in particular for a wider range of penalties, including financial penalties, and greater specification of penalties.

1311*-1399*

Comm 53 (2021), 118-122: Pontificium Consilium de Legum Textibus: *Prasentatio apud Sala Stampa Sanctae Sedis Novi libri VI Codicis Iuris*

Canonici, De sanctionibus poenalibus in Ecclesia, ab Exc.mo Secretario D. Ioanne Ignatio Arrieta conscripta, 1 iunii 2021. (Presentation)

The Secretary of the Pontifical Council explains briefly the history of the revision of Book VI and the three criteria that guided this: greater specificity in setting out the penalties for offences while retaining some discretion for authorities; greater emphasis on the protection of the community and reparation of scandal; providing Pastors with better means for taking preventative measures while ensuring the right of defence in administrative processes. In addition, there are several new categories of offence, some of which had been present in the CIC/17 but which had not been included in the CIC/83, e.g. corruption in office, administering sacraments to those barred from receiving them; and others appearing for the first time, e.g. unlawful abandonment of ministry or alienation of ecclesiastical goods without the prescribed consultation; as well as the moving of the abuse of minors to the category of offences against the dignity of the person and extending the liability to penalties to non-ordained religious and lay people.

1311*-1399*

Comm 53 (2021), 224-226: P. Iannone: “Un diritto penale più forte dopo lo scandalo degli abusi nella Chiesa”, *Alloquium cum Exc.mo D.no Philippo Iannone O.C., Praeside Pontificii Consilii de Legum Textibus, de novi Libri VI Codicis Iuris Canonici promulgatione, 1 iunii 2021.* (Interview)

I. explains the principal changes with regard to more specific penalties applicable also to the non-ordained, the rationale for moving abuse of minors to the category of offences against life, dignity and freedom, and the relationship between mercy and justice.

1311*-1399*

Comm 53 (2021), 227-229: Juan Ignacio Arrieta: “Dati ai vescovi i mezzi adeguati per prevenire e punire i reati nella Chiesa”, *Alloquium cum Exc.mo D. Ioanne Ignatio Arrieta, Secretario Pontificii Consilii de Legum Textibus, de novi Libri VI Codicis Iuris Canonici promulgatione, 1 iunii 2021.* (Interview)

A. explains that the 1983 Code left many questions to the discretion of bishops, resulting both in an inconsistent approach and in delays. In part this was because unlike other sections of the Code there had been no experience

through transitory norms after Vatican II. The main shift was in greater specificity and a greater focus on the community. The reform process had taken many years in order to take into account differing world-wide experiences and the many comments received. It was intended to respect the pastoral charity that is seen in the teaching of Pope Francis. In addition, certain new offences and types of penalty have been introduced that had not been provided for in 1983.

1311*-1399*

EE 96 (2021), 647-685: José Luis Sánchez-Girón Renedo: El nuevo derecho penal de la Iglesia. (Article)

The new Book VI aims at further promoting the application of canonical penal law. Some canons clearly have this meaning; others have been reworked with the same intention, and the wording tries to be clearer in better defining the steps to be taken. Overall, the penal discipline is tightened up with regard to the 1983 legislation. In addition, penal law is now more applicable to the laity, and the requirement of repairing any harm the offence may have caused is emphasized.

1311*-1399*

FCan XVI/1 (2021), 7-17: João Pedro Bizarro: Um olhar sobre a Reforma do Livro VI. (Article)

The reforms in the new Book VI simplify criminal applicability, taking into account the rights of defence, justice, and reparation for damages and scandal.

1311*-1399*

IC 61/122 (2021), 865-885: Jordi Pujol: El contexto eclesiológico y los principios que guiaron la revisión del Libro VI del CIC. (Article)

P. analyses the reform of penal canon law in the light of the events that occurred in the years during which the original Book VI was being drafted, particularly 1967-1970. He also assesses the issue latent among the documents and meetings of the study group, namely that of the apparent incompatibility between justice and pastoral activity. Pope Francis's reform represents a change of mentality in the law of the Church, presenting the

penal provisions as a tool at the service of justice and the pastoral governance of the Church as a whole.

1311*-1399*

Ius 12, No. 1 (2021), 9-18: Biju Varghese Perumayan: Revised Penal Sanctions of CIC Book VI and CCEO Title XXVII: A Comparative Reading. (Article)

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

1311*-1399*

Ius 12, No. 1 (2021), 125-165: Shaji Jerman: Reformed Penal Sanctions in the Church (Book VI of CIC): Additions, Omissions, and Modifications – A Guide to Understanding the Changes in the Canons. (Article)

J. provides a guide to the new Book VI, inserting explanatory subheadings into the revised text, highlighting the changes introduced by the new legislation, and citing parallel canons of the CCEO where applicable.

1311*-1399*

J 77 (2021), 245-267: Juan Ignacio Arrieta: A Presentation of the New Penal System of Canon Law. (Article)

The need for the reform of the Church's penal law is demonstrated by the history of the drafting of Book VI of the CIC/83, difficulties in the implementation of that law, and the related *de facto* centralization of penal discipline in the Apostolic See. The reform combats the prejudice against penal discipline based on a false notion of charity and stresses the need to protect the community against offences. It introduces new emphases with regard to proportionality, the defence of the accused, the use of penal remedies, and the demand to address the commission of delicts. The reform also brings about several changes in the general system of penalties as well as in the configuration of categories of delicts and the presentation of specific delicts, including new some ones.

1311*-1399*

J 77 (2021), 269-289: John Paul Kimes: Reclaiming “Pastoral”: *Pascite gregem Dei* and Its Vision of Penal Law. (Article)

Pascite gregem Dei offers insight into the guiding principles and motives behind the revision of Book VI. While the project was begun in 2007 under Pope Benedict XVI, the revision clearly bears the hallmarks of Pope Francis’s concerns for the responsible exercise of the *munus pastorale Episcopi*. Francis situates the proper use of penal law squarely in the “pastoral” mission of the bishop, in a manner that echoes the legislation of the early Church, as well as the ecclesiology of Vatican II. He recalls the harm that has been done by the improper use, or non-use, of penal sanctions in the life of the Church, pointing out that the use of penal sanctions is intimately related to genuine charity.

1311*-1399*

NRT 143 (2021), 636-651: Alphonse Borrás: Un nouveau droit pénal canonique ? (Article)

B. comments on the most salient features of the revised Book VI of the Code of Canon Law.

1311*-1399*

Per 110 (2021), 351-384: Damián G. Astigueta: Una prima lettura del nuovo Libro VI del Codice come strumento della carità pastorale. (Presentation)

A. gives an initial reading of the text of the new Book VI, which he considers to be not simply another penal law but a major intervention by the supreme legislator. He begins with a short chronology of the preparations of the new text, before considering the need for such a reform and the general criteria that guided the work. He reflects on some specific changes found in the new Book VI: a new rigour in the search for justice; more precision in specifying penalties; and nine specific textual changes, in particular the changes to canon 1336 on expiatory penalties as well as the radically new formulation of canon 1376 on financial matters and canon 1397* which now incorporates the former canon 1398. The latter part of the presentation deals with a number of aspects of the new legislation that pose certain challenges for interpretation.

1321-1326 / 1321*-1326*

EE 96 (2021), 825-864: Carlos R. Alonso García: Los delitos culturalmente motivados. ¿Tienen cabida en el derecho penal canónico?
(Article)

The coexistence of different ethnic groups under the same legal system creates important challenges for criminal law. A.G. focuses on culturally motivated crimes and how they challenge the incorporation of the perpetrator's culture into the judgement of criminal responsibility. He asks how cultural offences are to be dealt with in the universal, multicultural law of the Church, paying particular attention to the canons on culpability and excusing, attenuating, or aggravating circumstances.

1333*

Per 110 (2021), 503-506: Damián G. Astigueta: La pena della sospensione e la sua durata: può essere inflitta a tempo determinato?
(Consultation)

A. addresses the question of whether censures may be imposed for a determinate period of time. After considering the nature of the penalty of suspension in the Codes of 1917 and 1983, A.'s response to the question is negative. His reasons are as follows: 1. suspension for a determinate time is not included among the penalties foreseen by the Code; in fact, this goes against the very nature of the penalty; 2. to inflict suspension for a determinate period runs the risk of any sentence or decree being declared invalid since the judge or superior cannot create a new penalty; 3. nullity of sentence or decree of this kind can be repaired: to do this, the judge or superior must delete the reference to the determinate time, leaving it to the guilty party to change his ways as foreseen in canon 1347*; alternatively, if the reason for the penalty is the restoration of justice or the repair of scandal then, in place of this kind of "suspension", a prohibition such as that in the new canon 1336 §3* can be imposed since the immediate juridical effects are the same.

1341 / 1341*

IC 61/122 (2021), 733-765: Jordi Bertomeu: La praxis de la CDF sobre la dispensa de las obligaciones clericales: El n. 157 del «Vademécum».
(Article)

See above, canons 290-293.

1362*

SC 55 (2021), 103-145: Brian T. Austin: Prescription of Criminal Action in the *Ius Vigens*: Praxis. (Article)

An earlier study by A. (see *Canon Law Abstracts*, no. 126, p. 97) addressed a number of theoretical and disputed questions regarding the canonical institute of prescription of criminal action. Here A. identifies the changes introduced to this institute by the revised Book VI of the Latin code. He then addresses a number of important practical questions, with particular attention to the praxis of the Congregation [now Dicastery] for the Doctrine of the Faith. He concludes with a consideration of some alternatives to the penal process.

1364*

RMDC 27/1 (2021), 113-164: Mario Medina Balam: Los delitos reservados a la CDF recogidos en el Libro VI reformado. (Article)

M.B. examines how the delicts reserved to the Congregation [now Dicastery] for the Doctrine of the Faith are dealt with in the new Book VI. He concludes that in relation to the *graviora delicta* the new legislation represents a further development of *Sacramentorum sanctitatis tutela* (SST), which set out for the first time delicts reserved to that Dicastery. After describing the stages through which SST passed, he comments on the delicts reserved to the Dicastery that were not originally in the Code, especially those against morals. As an appendix he includes a table containing the delicts reserved to the Dicastery and the corresponding canons of the new Book VI.

1369 / 1368*

IC 61/122 (2021), 821-862: Gerardo Núñez: La protección del menor de edad ante los abusos sexuales: su salvaguarda obtiene carta de naturaleza. (Article)

See below, canon 1398*.

1376*

CLSN 201/22, 92-113: Aidan McGrath: New Penal Law for the Church. (Article)

See above, canons 1311*-1399*.

1379*

RMDC 27/1 (2021), 113-164: Mario Medina Balam: Los delitos reservados a la CDF recogidos en el Libro VI reformado. (Article)

See above, canon 1364*.

1381*-1382*

RMDC 27/1 (2021), 113-164: Mario Medina Balam: Los delitos reservados a la CDF recogidos en el Libro VI reformado. (Article)

See above, canon 1364*.

1384*-1386*

RMDC 27/1 (2021), 113-164: Mario Medina Balam: Los delitos reservados a la CDF recogidos en el Libro VI reformado. (Article)

See above, canon 1364*.

1387 / 1385*

J 77 (2021), 335-359: John Chrysostom Kozlowski: The “*Vademecum* for Confessors” at Twenty-Five Years Old. Revisiting the Conditions for Lawful Cooperation in a Conjugal Act Deliberately Rendered Infecund by the Other Spouse in Light of the Delict of Solicitation. (Article)

The then-Pontifical Council for the Family’s “*Vademecum* for confessors concerning some aspects of the morality of conjugal life” identifies three conditions that must be met for a spouse to participate licitly in the marital act when it is deliberately and voluntarily rendered infecund by the other spouse. When these conditions are met, the spouse cooperates, albeit lawfully, in the other spouse’s objectively sinful behaviour. The fact that the *Vademecum* places conditions on what constitutes lawful cooperation sets

limits to a confessor's instruction in this matter. As such, the confessor, who "as a minister of the Church is to adhere faithfully to the doctrine of the Magisterium" (canon 978 §2), may not deliberately and erroneously advise a spouse to cooperate illicitly in the marital act that the other spouse intentionally renders infecund. What if the confessor's instruction exceeds the limits for lawful cooperation? Under specific conditions, a confessor's deliberate erroneous instruction regarding grave sins against the sixth commandment, including that which exceeds the limits for lawful cooperation, is an iteration of the very serious delict of solicitation.

1395*

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

See above, canons 983-984.

1395 / 1395*

Canonist 12/2 (2021), 293-305: Roman Rota: Sentence *coram* Arokiaraj, 17 March 2021 (USA). Dismissal from the Clerical State (can. 1395, §2). (Sentence)

A priest was found to have had a sexual relationship with a woman over several years; the relationship was terminated, and the priest was placed on administrative leave, and underwent psychological rehabilitation. Some time later the same priest was accused of repeatedly sexually harassing another woman; again, he was placed on administrative leave, and this time a penal judicial process was instituted against him. The first instance tribunal considered that the facts as stated above constituted a single offence under canon 1395 §1 – that of "continu[ing] in some other external sin against the sixth commandment of the Decalogue which causes scandal" – and the penalty of dismissal from the clerical state was imposed. On appeal the Rota considered that the first instance tribunal had been wrong in considering the facts to constitute a "permanent delict" under canon 1395 §1. The relationship with the first woman had ended, and hence the "delictual habit" no longer persisted. Nevertheless, the Rota considered that the priest's repeated sexual harassment of the second woman was punishable under canon 1395 §2: "A cleric who has offended in other ways against the sixth commandment of the Decalogue, if the offence was committed by force, or by threats, ... is to be punished with just penalties, not excluding dismissal

from the clerical state if the case so warrants” [cf. the new canon 1395 §3*]. Thus the Rota confirmed the penalty of dismissal from the clerical state, but corrected the title of the delict from §1 to §2 [now §3*] of canon 1395.

1395*

SC 55 (2021), 275-288: Karlijn Demasure: Vulnerability of Women Religious in the Context of Abuse. (Article)

D. explains the dynamics behind the problem in certain areas of the sexual abuse of women religious by clergy. While such abuse has some similarities to the sexual abuse of minors, it also has some unique aspects. Solutions to the problem include acknowledging that it exists, augmenting the intellectual formation of women religious, confronting the culture of clericalism, and supporting religious who report abuse and pursuing their complaints.

1395 / 1398*

SC 55 (2021), 245-274: Brendan Peter Daly: Response of Holy See to the Australian Royal Commission *Final Report*. (Article)

See above, canon 983.

1398*

CLSN 201/22, 92-113: Aidan McGrath: New Penal Law for the Church. (Article)

See above, canons 1311*-1399*.

1398*

CLSN 201/22, 114-128: Martin Pusch – Hans Zollner: Observations from safeguarding work for the evaluation and revision of canonical penal law. (Article)

Given here is the text of a talk by P. and Z. to the Canon Law Society of Great Britain and Ireland in May 2021, based on their work at the Centre for Child Protection [as from 1 September 2021, the Institute of Anthropology: Interdisciplinary Studies on Human Dignity and Care (IADC)] at the Pontifical Gregorian University. Although they are non-canonists, they

formulate some canonical suggestions from the point of view of their work and experience in the areas of criminal and civil law relating to safeguarding. They call for better consideration of aspects concerning victims, including relief from the trauma inflicted, and also the credibility of the Church. This requires not only legislation but also changes in judicial practice. There should also be competent experts in every local Church, who are free from any suspicion of lack of independence. In addition, limitation periods also need to be reconsidered. (Subsequent to the delivery of the talk by P. and Z., the revised Book VI came into force, and relevant changes have been added to the printed text by way of footnotes. These point out that the new legislation brings about no changes in the victim's status in canonical proceedings; nor does it address the fact that there can often be a close relationship between judge and perpetrator on account of their both being clerics, perhaps from the same diocese, and possibly having studied together; the authors also consider that the provisions concerning crimes relating to sexual abuse still remain unacceptably vague.)

1398*

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

See above, canons 983-984.

1398*

IC 61/122 (2021), 733-765: Jordi Bertomeu: La praxis de la CDF sobre la dispensa de las obligaciones clericales: El n. 157 del «Vademécum». (Article)

See above, canons 290-293.

1398*

IC 61/122 (2021), 821-862: Gerardo Núñez: La protección del menor de edad ante los abusos sexuales: su salvaguarda obtiene carta de naturaleza. (Article)

Prior to the recent reform of Book VI of the CIC/83, the laws concerning the sexual abuse of minors and vulnerable persons were to be found in norms outside the Code that dealt both with its definition and with the procedural

aspects relating to punishment. A change of mentality in civil society and in the Church in relation to these offences means that the focus is now on the care of the victims. The reform of Book VI involves the explicit inclusion of the conceptual definition. N. explains the content of the new offences, as well as their influence on other possible amendments to the Code.

1398*

Ius 12, No. 1 (2021), 43-64: Benny Sebastian Tharakunnel: Sexual Abuse of Minors by Clerics: The Disciplinary Directives of Pope Francis. (Article)

The sexual abuse of minors committed by clerics and consecrated persons has without any doubt put a question mark on the moral credibility of the Church. The proclamation of the Gospel of Love would not be effective unless and until this issue is addressed in the most effective way. The efforts made during the pontificate of Pope Francis to prevent the occurrences of such heinous crimes that disfigure the face of the Church, and to heal the wounds caused by those acts, have been sincere attempts on the part of the Church to care for and protect minors and vulnerable adults. The stringent measures introduced to punish clerics who have committed the crimes and their competent superiors, who either because of their negligence made it possible for the crime to occur or tried to cover it up, convey the strong message that the Church means what it preaches.

1398*

Per 109 (2020), 401-428, 659-674: Myriam Wijlens – Neville Owen: Promoting and protecting the dignity of persons in allegations of abuse of minors and vulnerable adults: balancing confidentiality, transparency, and accountability: a seminar organized by the Pontifical Commission for the Protection of Minors. Introduction / Concluding observations. (Presentation)

In December 2019 the Pontifical Commission for the Protection of Minors organized a seminar with the title: Promoting and protecting the dignity of persons in allegations of abuse of minors and vulnerable adults: balancing confidentiality, transparency and accountability. In this issue of *Periodica*, the various presentations are published. By way of an introduction, W. and O., both members of the Pontifical Commission, outline the work of the Commission and then present briefly the essential contents of the seminar, namely: confidentiality and the sacrament of reconciliation; accountability

and transparency. The Italian version of this Introduction is to be found on pp. 415-428. At the end of the seminar, W. and O. draw together some observations, mentioning specifically: the pontifical secret; the procedures in canonical penal processes; the awarding of damages in canonical processes; developing a body of jurisprudence; the sacrament of reconciliation and the seal of confession; the internal forum (the sacramental and extra-sacramental forum) and formation; delicts concerning sexual offences. The text of these concluding remarks is found in Italian on pp. 667-674.

1398*

Per 110 (2021), 597-626: Matteo Visioli: La protezione del minore nel nuovo Libro VI del Codice. (Article)

By means of the Apostolic Constitution *Pascite gregem Dei*, Pope Francis promulgated the new Book VI of the Code dealing with penal law. V. focuses on those aspects of the revised penal law that concern the protection of minors. He recalls the legislation currently in force at universal and particular level, focusing in a special way on the new text of canon 1398*. He notes that this canon is now located under a title dealing with delicts against human life, dignity, and freedom, rather than a title concerned with failure to observe special obligations. This change demonstrates a shift in emphasis towards the person of the one who suffered rather than the failure of the one who perpetrated the crime. Moreover, this new canon refers not only to clerics but to members of institutes of consecrated life and societies of apostolic life, and to members of the lay faithful who hold some office or function or dignity in the Church. V. offers a critical reading of some of the innovations, such as the concept of those who are considered equivalent in law to minors and the inclusion of the principle of “innocent until proven guilty”.

1398*

RDC 71/2 (2021), 277-306: Vincent Cador: Le droit pénal canonique à l'épreuve de la crise des abus sexuels sur les mineurs. (Article)

The crisis of sexual abuse of minors in the Catholic Church has revealed the largely ineffective nature of canonical penal law. Indeed, despite improvements made since the CIC/83 came into force in 1983, the law is marked by serious shortcomings resulting in particular from the almost exclusive decision-making monopoly of the bishop in matters of canonical

procedure. In the face of these shortcomings, it is essential to proceed with reforms that will ensure certain and rigorous punishment of sexual abuse. For this purpose C. advocates interdiocesan or even national tribunals, whose activity will be supervised by commissions that include lay people. For victims and for Catholics in general, he argues that it is unacceptable for a cleric who has committed child abuse of a certain gravity to retain the clerical state. Since these requirements cannot be implemented at the expense of the elementary rights of the accused clerics, canonical justice must satisfy the requirements of impartiality and publicity.

1398*

RMDC 27/1 (2021), 81-111: Luis de Jesús Hernández M.: La estructura orgánica de la comisión diocesana para la atención y prosecución de los casos de abuso sexual en agravio de menores o personas vulnerables. (Article)

The need to establish in the particular Church a commission *pro tutela minorum* is unobjectionable. H. sets out the criteria that can help bishops and religious superiors to structure or organically restructure their respective commissions, to ensure their effectiveness. He points out the functions and roles at the different levels of responsibility within the diocesan commission.

1398*

RMDC 27/1 (2021), 113-164: Mario Medina Balam: Los delitos reservados a la CDF recogidos en el Libro VI reformado. (Article)

See above, canon 1364*.

1398*

SC 55 (2021), 477-510: Valère Nkouaya Mbandji: La répression de la pédopornographie en droit canonique, en droit criminel canadien et dans les instruments juridiques internationaux. (Article)

M. presents and analyses the crime of child pornography in canon law, in Canadian criminal law as well as in some international legal instruments. He highlights the different sanctions provided by the respective legislators and, in a comparative approach, underlines certain elements of similarity and

dissimilarity between canon law and Canadian criminal law in the repression of child pornography.

1398*

SC 55 (2021), 553-599: John Anthony Renken: *Vademecum* on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics: Canonical Reflections. (Article)

The Congregation for the Doctrine of the Faith issued a *Vademecum* to assist ecclesiastical authorities and their collaborators in the preliminary investigation of allegations of sexual abuse of minors by clergy and in the penal processes (especially the extrajudicial penal process) which can follow. R. offers some canonical reflections on aspects of the *Vademecum* which are of particular importance. (An updated version of the *Vademecum* was issued by the Dicastery for the Doctrine of the Faith on 5 June 2022.)

1398*

VR 131 1-10 (2021), 36, 91, 133, 183, 231, 279, 327-328, 375, 421, 468: Hans Zollner: *La misión de la vida consagrada frente a los abusos.* (Articles)

In a series of short articles, Z. looks at the Church's "systemic" responsibility for abuse and safeguarding, and at several fundamental theological questions in relation to abuse: the Church's theological self-understanding and its ecclesiological foundation; the question of acceptance of blame; the problem of clericalism; the importance of committed discipleship; a new theology of salvation ("freedom for" rather than "freedom from"); a "theology of childhood"; the care and protection of minors and vulnerable adults as an integral part of the Church's mission; and the need for all in the Church to work together to bring about a change of attitude and culture, which will not come about of its own accord.

1398*

VR 131 4 (2021), 149-155: Hans Zollner: *La formación y prevención no es solo de expertos, es de toda la Iglesia.* (Interview)

This interview with Hans Zollner, SJ, President of the Centre for Child Protection [now Institute of Anthropology: Interdisciplinary Studies on Human Dignity and Care (IADC)], touches on the following topics: loss of

trust in the Church as an institution; the movement towards transparency; the challenge of “zero tolerance” in relation to abuse; the importance of suitable processes and structures for the selection and formation of priests and religious; action that needs to be taken by each institute of consecrated life, in general and in particular cases; different approaches to abuse in different parts of the world; and whether and on what terms an abuser can be reintegrated.

1399*

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Andrea D’Auria).

BOOK VII: PROCESSES

1403

IE XXXIII (2021), 517-536: José Luis Gutiérrez: Il postulatore nelle cause di canonizzazione. (Article)

G. distinguishes three aspects of the role of the postulator in the canonization process: coordinating the promotion of the reputation of sanctity and of the graces and favours obtained through the intercession of the Servant of God; gathering and requesting all the relevant material that accompanies the request for the initiation of the cause; and on many occasions offering help at the diocesan level.

1418

CLSN 201/22, 67-91: Michael-Andreas Nobel: Challenges for Interrogating Parties and Witnesses – Can Video-Conferencing Technology be Used to Instruct Marriage Cases Especially When Parties and Witnesses Live Outside the Diocese? (Article)

See below, canons 1526-1571.

1421

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Juan Ignacio Arrieta).

1440

IM 31 (2020), nr 2, 131-146: Robert Kantor: *Ne bis in eadem* based on the judgement of the Tribunal of the Rota of the Apostolic Nunciature in Spain *coram* Carlos Morán Bustos of 15th June 2007. (Sentence and comment).

K. provides a brief history of the Tribunal of the Rota of the Apostolic Nunciature in Spain before analysing the judgement of the Spanish Rota in a case involving a trial brought twice before the same tribunal.

1455

BV 81 (2021), 881-892: Stanislav Slatinek: „Navodilo glede zaupnosti pravnih“ kot garancija za večje zaupanje v poštenost cerkvenega sodstva (*“Instruction on the Confidentiality of Legal Proceedings” as a guarantee of greater confidence in the integrity of the ecclesiastical judiciary*). (Article)

S. comments on Pope Francis’s Instruction of December 2019 removing the pontifical secret from certain phases of penal proceedings against clerics accused of crimes of abuse of a minor, thus allowing this information to be made known to the broader public. In taking this decision the Pope has added to and reformed some of the documents of his predecessors, allowing this deep wound of sexual abuse of minors to be spoken about publicly and restoring confidence in the greater integrity of the Church’s judiciary.

1455

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

See above, canons 983-984.

1455

Per 109 (2020), 447-491: Matteo Visioli: Confidenzialità e segreto pontificio. (Presentation)

V., Under-Secretary of the Congregation for the Doctrine of the Faith, presents an overview of the pontifical secret, its historical origins, and how it has evolved over the course of time. He notes how some specific situations and cases are no longer subject to the pontifical secret after the rescript of Pope Francis on 6 December 2019. V. considers how the very existence of the pontifical secret has led to some negative consequences, and he considers how the pontifical secret can develop further in order to protect those values that are really at stake. In his view, there is a need to observe a high degree of confidentiality in all matters that touch on cases involving the sexual abuse of minors, but this can never be an argument that should hinder or impede proper collaboration with the State in the investigation of the crime, nor can it be allowed to harm or undermine the fundamental rights of all the faithful involved.

1461

IM 31 (2020), nr 2, 131-146: Robert Kantor: *Ne bis in eadem* based on the judgement of the Tribunal of the Rota of the Apostolic Nunciature in Spain *coram* Carlos Morán Bustos of 15th June 2007. (Sentence and comment).

See above, canon 1440.

1469

CLSN 201/22, 67-91: Michael-Andreas Nobel: Challenges for Interrogating Parties and Witnesses – Can Video-Conferencing Technology be Used to Instruct Marriage Cases Especially When Parties and Witnesses Live Outside the Diocese? (Article)

See below, canons 1526-1571.

1475

AnC 17 (2021) 2, 7-32: Aleksandra Brzemia-Bonarek – Jan Dohnalik: Wykorzystanie akt sprawy małżeńskiej w kanonicznym postępowaniu karnym (*The use of acts of the matrimonial nullity process in canonical penal proceedings*). (Article)

See below, canon 1527.

1481-1490

IM 31 (2020), nr 2, 65-89: Ryszard Szytchmiler: Praca i honoraria adwokatów kościelnych (*Work and fees of ecclesiastical advocates*). (Article)

Commenting on the role of the advocate, S. sets out his opinions on various aspects to do with fees; the need for advocates; the level of their work; further training of advocates and judges; advocates' working time; and their remuneration. He then discusses the possibility of exemption from or reduction in advocates' fees; the nature and conditions of the advocate's service; and the role of the advocate in interrogations.

1481-1490

SC 55 (2021), 511-534: Michael-Andreas Nobel: The Submission of a *Libellus* by a Procurator in a Marital Nullity Process. (Article)

The right to challenge a marriage rests with the spouses, and, in circumstances warrant it, the promoter of justice. A *petitio* must be presented to a competent tribunal or judge to commence the procedure; the trial begins after the *petitio*, which has to fulfil certain requirements, is accepted by the judicial vicar, and the respondent legitimately cited. A twofold distinction is necessary: first, the oral petition is reserved to the petitioner, and only he or she can present it; second, the law permits that a *libellus* be signed and presented by the petitioner or a properly mandated procurator. This procurator can act on behalf of the party in the case. N. discusses the competencies as well as the limitations of a procurator in the context of the *petition*: is it possible for a procurator to prepare, sign, and present a *libellus* on behalf of the petitioner?

1483

IM 31 (2020), nr 1, 85-117: Rafał Kamiński: Deontologia adwokata kościelnego w procesie o stwierdzenie nieważności małżeństwa (*Advocate deontology in the marriage nullity process*). (Article)

K. presents the duties and rights of an advocate in the marriage nullity process in a Church tribunal, focusing on the ethical aspects of the advocate's work. He also looks at financial issues related to the work of an advocate.

1501-1505

SC 55 (2021), 511-534: Michael-Andreas Nobel: The Submission of a *Libellus* by a Procurator in a Marital Nullity Process. (Article)

See above, canons 1481-1490.

1501-1618

QDE 34 (2021), 323-359: Redazione di QDE: Un *dossier* sul collegamento da remoto nei processi canonici. (Dossier)

A group of canonists present a series of short pieces on different aspects of the use of new communication technologies in canonical processes.

Alessandro Giraud, after clarifying some key terms, looks at the hardware and software questions involved in this. **G. Paolo Montini** examines the conditions for the admissibility of evidence gathered over a remote connection, and integrates this possibility into the framework of the existing laws of evidence. **Paolo Bianchi** looks at the quality of online evidence, examining the advantages of remote connection and its possible disadvantages (of which the most serious he identifies is the inability to know who else is in the room influencing the witness) and offers suggestions about how to use this method in different circumstances including penal trials. **Adolfo Zambon** argues for the possibility of the judges in a case meeting online, carefully reviewing all the aspects of that meeting and offering suggestions to overcome problems. A list of matters to be considered in online interviews is offered, and the dossier concludes with an outline by **Marco Ventura** of the Italian civil law on remote connection.

1501-1618

Michael Nobel: The Use of Means of Social Communication in the Context of Procedural Law. Questions and Suggestions on the Advantages of Using the Internet at Local Tribunals for Marriage Cases in the Canadian Context. (Book)

N. offers a reference handbook and commentary primarily on the ordinary marriage nullity procedure in first instance, intended for tribunal staff, diocesan employees, and those preparing themselves for ministries in the Catholic Church, especially local tribunals. Those who work at tribunals are often confronted with practical questions about the use of modern technology in marriage nullity procedures. N. provides guidelines on questions and suggestions on the advantages – and permissibility – of using modern technologies at local tribunals for marriage nullity cases. In addition to citations from important documents from the Holy See reflecting past and contemporary magisterial teachings on the use of these technologies, he presents and discusses relevant contemporary civil regulations with special focus on Canada and the pertinent canons of the CIC/83. (For bibliographical details see below, Books Received.)

1507-1512

IM 31 (2020), nr 1, 65-83: Tomasz Galkowski: Wezwanie sądowe i prawo do obrony (*The citation and the right of defence*). (Article)

This study concerns cases the author encountered in the diocesan tribunal, where the petitioner sometimes gives a false address for the other party, or even an address where the petitioner can receive the citation himself/herself. G. considers several possibilities of appealing against the sentence in such cases and analyses the possibility of invoking reasonable doubt as to the validity of the sentence in cases where the denial of the right of defence occurs.

1526-1571

CLSN 201/22, 67-91: Michael-Andreas Nobel: Challenges for Interrogating Parties and Witnesses – Can Video-Conferencing Technology be Used to Instruct Marriage Cases Especially When Parties and Witnesses Live Outside the Diocese? (Article)

To examine the question if and how parties and witnesses in a marriage nullity case can be examined by using video-conferencing technology, six different aspects need to be investigated to arrive at some answer. First, the place of examination; second, the instruction of the case itself, i.e., depositions of the parties and testimonies of witnesses; third, who must be present and who has a right to be present during the instruction; fourth, the use of electronic devices for the instruction of parties or witnesses; fifth, the observance of two canonical provisions in case a party or witness resides outside the diocesan jurisdiction; and finally, the use of video-conferencing technology to instruct the case.

1526-1581

Canonist 12/2 (2021), 256-286: Merlin Ambrose: The Significance of the Proof in the Instructional Phase – Canons 1526-1581, 1598-1600, 1678. (Article)

A. examines the meaning of “instruction of the case”; the general principles governing the instruction of the case; the objective of instruction (the collection of proofs); the definition of proofs; different kinds of proofs (declaration of the parties and judicial confessions; proofs by documents or instruments; proofs by testimony of witnesses); the right to know the names of the witnesses; the right to lodge a request for exclusion of witnesses;

withheld information of witnesses; the renunciation of the witnesses; examination of the witnesses; proofs by experts; instruction by electronic means of communication; the publication of the acts; the objective of the publication of the acts; exempting acts from publication; the balance between confidentiality and publicity in relation to canon 1598; additional proofs post-publication of the acts. It is incumbent on the judge who instructs the case to follow the solemnities of this phase of the process, which plays a vital role in arriving at moral certitude.

1527

AnC 17 (2021) 2, 7-32: Aleksandra Brzemia-Bonarek – Jan Dohnalik: Wykorzystanie akt sprawy małżeńskiej w kanonicznym postępowaniu karnym (*The use of acts of the matrimonial nullity process in canonical penal proceedings*). (Article)

The article deals with the permissibility of passing acts from a canonical marriage process to a canonical penal process in cases of clerical sexual abuse of minors and vulnerable persons. Church law regarding the reporting of crimes and the passing of documents to penal processes has significantly developed in recent years. In view of articles 3, 4, and 19 of *Vos estis lux mundi* and article 4 of the rescript repealing the pontifical secret in certain penal matters (see above, canon 1455), secrecy of office is not violated by the reporting of the case to the competent civil or ecclesiastical authorities. Since chancery secrecy does not constitute an obstacle to the transfer of documents from Church proceedings to State authorities, there is even more justification for allowing the transfer of documents within the internal judicial structures of the Church. In order to balance the legitimate public interest and the individuals' right to privacy, the judge may make a copy of part of the relevant documents (canon 1546 §2).

1530-1538

EE 96 (2021), 761-823: Carlos M. Morán Bustos: La búsqueda de la verdad y los medios de prueba: la instrucción de la causa y la declaración de las partes y la prueba testifical. (Article)

See below, canons 1547-1573.

1547-1573

EE 96 (2021), 761-823: Carlos M. Morán Bustos: La búsqueda de la verdad y los medios de prueba: la instrucción de la causa y la declaración de las partes y la prueba testifical. (Article)

The marriage nullity process is an instrument for ascertaining the truth of the marital bond. Leaving aside expert evidence, M.B. focuses on the declarations of the parties, and in particular the manner in which these are obtained. Despite its importance for canonical marriage nullity, there is little canonical literature available in respect of witness evidence; and M.B. looks at the notion of witness; the content of witnesses' statements; the witness's duty to testify and to tell the truth; the dynamics of witness evidence; and above all, the criteria set out in canons 1572-1573 for evaluating the evidence of witnesses.

1548

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

See above, canons 983-984.

1548

EIC 61 (2021), 475-502: Damián Astigueta: Trasparenza e tutela del segreto processuale e della buona fama. (Article)

See above, canon 220.

1548

EIC 61 (2021), 527-563: Geraldina Boni: La tutela del sigillo sacramentale e del segreto ministeriale in Italia. (Article)

See above, canons 983-984.

1548

Per 110 (2021), 155-162: Ulrich Rhode: La riservatezza delle informazioni ricevute nell'accompagnamento spirituale. (Article)

See above, canons 239-240.

1548

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Geraldina Boni).

1550

EIC 61 (2021), 443-474: Giuseppe Comotti: Prevenzione e repressione degli abusi sessuali sui minori: i limiti imponibili alla tutela dei segreti nel diritto canonico. (Article)

See above, canons 983-984.

1550

EIC 61 (2021), 527-563: Geraldina Boni: La tutela del sigillo sacramentale e del segreto ministeriale in Italia. (Article)

See above, canons 983-984.

1550

Armand P. Bosso – Ernest B.O. Okonkwo (eds.): “*Quis custodiet ipsos custodes?*” Studi in onore di Giacomo Incitti. (Book)

See above, General Subjects (*Compilations*) (article by Geraldina Boni).

1574-1581

Ius Comm IX (2021), 299-314: Juan José García Faílde: Fiabilidad de los peritajes psiquiátricos y psicológicos en los procesos eclesiásticos de nulidad matrimonial. (Article)

G.F. points out how psychiatric and psychological reports in matrimonial nullity processes often ignore or are even opposed to the scholastic philosophy or metaphysics which inspire canonical legislation and the canonical doctrine and ecclesiastical jurisprudence applied by ecclesiastical tribunals. He lists several other deficiencies often encountered in such reports, as well as in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders.

1586

Per 110 (2021), 665: Maximilian J. Nightingale: The use of judicial presumptions as a form of proof in the process. (Extract of thesis)

N. examines the notion of the judicial presumption in the process for the declaration of matrimonial nullity: how such presumptions can be used by the judge at all phases of the process itself and, in particular, how the use of such presumptions might impact on the parties' right of defence.

1598

EIC 61 (2021), 475-502: Damián Astigueta: Trasparenza e tutela del segreto processuale e della buona fama. (Article)

See above, canon 220.

1598

Per 109 (2020), 527-548: Damián Astigueta: La trasparenza e il diritto di difesa. (Presentation)

A. considers the question of transparency and its connection with the right of defence. He sees transparency as a fine balance between making everything "public" and protecting the rights of the individuals involved in a particular case. In his opinion, such a delicate balance requires both fidelity to the Gospel and professionalism in communication. He then proceeds to examine the right of defence as it is found in canon law, with particular emphasis on transparency at certain moments of the penal process.

1598-1600

Canonist 12/2 (2021), 256-286: Merlin Ambrose: The Significance of the Proof in the Instructional Phase: Canons 1526-1581, 1598-1600, 1678. (Article)

See above, canons 1526-1581.

1608

IC 61/122 (2021), 767-820: Rafael Rodríguez Ocaña: Certeza moral en las causas penales, algunos obstáculos que se pueden presentar para alcanzarla. (Article)

R.O. outlines a number of obstacles facing the judge in establishing moral certitude in penal cases, and offers solutions based on moral certainty (as an end in itself or as a key point of reference) in order to shed light on the course of the procedure towards a just sentence.

1608

IE XXXIII (2021), 467-492: Carlos M. Morán Bustos: La ricerca della verità, *ratio* e *telos* del processo canonico di nullità del matrimonio. (Paper)

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

1620 7°

IM 31 (2020), nr 1, 65-83: Tomasz Galkowski: Wezwanie sądowe i prawo do obrony (*The citation and the right of defence*). (Article)

See above, canons 1507-1512.

1620 7°

Per 109 (2020), 527-548: Damián Astigueta: La trasparenza e il diritto di difesa. (Presentation)

See above, canon 1598.

1644

Ius Comm IX (2021), 317-340: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 6 junio 2019. De nulidad de matrimonio. Nueva proposición de la causa; 2. Decreto, 30 noviembre 2005. De querellas. (Decrees and comment)

The text is given of two decrees of the Apostolic Signatura, one rejecting a request for a new proposition of the case, the other rejecting an apparent attempt to introduce a penal process against a priest, contrary to the established canonical procedure. A comment on the two decrees is provided by José Luis López Zubillaga.

1671-1691

CLSN 200/21, 28-32: Gordon Read: Ratification of a negative First Instance decision. (Article)

R. asks whether, under the post-*Mitis Iudex* canon 1680 §1, an appeal against a negative first instance decision can be settled by a decree of ratification; he concludes that it cannot. He then considers the implications for the validity of such a decree, which would either be “juridically non-existent” or null. R. argues that this conclusion finds support in the parallel case of the briefer process (canon 1687).

1671-1691

IE XXXIII (2021), 467-492: Carlos M. Morán Bustos: La ricerca della verità, *ratio* e *telos* del processo canonico di nullità del matrimonio. (Paper)

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

1671-1691

QDE 34 (2021), 323-359: Redazione di QDE: Un *dossier* sul collegamento da remoto nei processi canonici. (Dossier)

See above, canons 1501-1618.

1671-1691

SC 55 (2021), 425-462: Wojciech Kowal: Celerity of Marriage Nullity Processes and the Mandatory Review of Judgments Declaring the Nullity of a Marriage. (Article)

K. addresses the rationale behind the reform of the judicial proceedings in marriage nullity cases brought about by the *motu proprio Mitis Iudex Dominus Iesus*, specifically the suppression of the requirement of the obligatory review by appeal tribunals of all judgments which first declared the nullity of a marriage. He critically analyses the obligatory review in its historical development, starting with the unique experience of tribunals in the United States, through the process of revision of the Code of Canon Law, and the most recent developments leading to the promulgation of *Mitis Iudex*.

1671-1691

Michael Nobel: The Use of Means of Social Communication in the Context of Procedural Law. Questions and Suggestions on the Advantages of Using the Internet at Local Tribunals for Marriage Cases in the Canadian Context. (Book)

See above, canons 1501-1618.

1671-1707

CLSN 200/21, 81-83: Simon Gillespie: British and Irish Tribunal Statistics 2020. (Statistics)

Tables providing statistics for tribunals in Britain and Ireland in 2020, showing the numbers of 1. ordinary trials in first instance; 2. documentary trials in first instance; 3. cases using the “briefer process” before the bishop; 4. ordinary trials in second instance; 5. other cases (ratified and non-consummated, and privilege of the faith cases).

1676

Per 110 (2021), 555-595: Marcelo Gidi: Il promotore di giustizia nella dinamica introduttiva del libello per la nuova procedura di dichiarazioni di nullità matrimoniale: una nuova opportunità per una retta amministrazione della giustizia. (Article)

Studying the *processus brevior* before the bishop, as well as the abolition of the necessity of a double-conforming sentence. G. takes as his starting point that the judicial process is an instrument for the defence of the goods of the Church and its members; and that the process for the declaration of marriage nullity is a means by which the Church seeks to administer justice and protect marriage. His particular focus is on the introductory phase of the nullity process and, more specifically, on the moment when a decision is made to follow the shorter process before the bishop. Although the promoter of justice is not mentioned in the canon, G. suggests that here is a vital and dynamic role for the promoter to play in arriving at the determination of which kind of process to follow. As the official guardian of the equitable administration of justice in all cases and in all grades of matrimonial proceedings, it would fall to the promoter to protect the integrity of the process in a given case and to ensure, for example, that the criteria for choosing the shorter process have been verified.

1678

Canonist 12/2 (2021), 256-286: Merlin Ambrose: The Significance of the Proof in the Instructional Phase: Canons 1526-1581, 1598-1600, 1678. (Article)

See above, canons 1526-1581.

1680

Per 110 (2021), 145-153: Romanae Rotae Tribunal: *Decretum coram R. P. D. Gregorio Erlebach, diei 22 iulii 2019, in una Nullitatis matrimonii; Praeiud: Querelae nullitatis et Novae causae propositionis.* (Decree)

In this Decree the Rota considers whether the new text of canon 1680 §2 now permits an appeal tribunal to ratify by decree a first instance decision *pro vinculo*. It points out that the law must be interpreted always according to the principles of canon 17, i.e., the proper meaning of the words understood in text and context. In this case, the context of canon 1680 is provided by canon 1679 which speaks only of affirmative decisions *pro*

nullitate. Any extension of these canons to all decisions, whether affirmative or negative, on the argument that the new canon 1680 §2 does not make a distinction between them, is not legitimate. Furthermore, any such confirming decree is incapable of producing the desired juridical effects because canon 1680, properly speaking, is a constitutive law so that any violation of this law results in irremediable nullity.

1680

Per 110 (2021), 225-230: Gianpaolo Montini: I termini per l'appello contro una sentenza negativa di nullità matrimoniale. (Article)

M. asks whether the time limits for an appeal are peremptory if the appeal is against a negative decision. After an analysis of the revised canon 1679, and a reference to the decree *coram* Erlebach (see preceding entry), he points out that the time limits specified in canons 1630-1633 apply only to those sentences that have been sent for execution. This can occur after a first instance decision in favour of nullity: once the time limits set for appeal have expired, the parties are free to proceed to a further marriage. However, M. makes clear that a negative decision at first instance in a marriage nullity case can never be considered as executed since the status of persons never becomes *res iudicata*, and the negative sentence means that there is no certainty about the question of nullity. In this way, the expiry of time limits for an appeal does not prevent any interested party from presenting an appeal against a negative sentence.

1683-1687

Per 109 (2020), 365-398: Marcelo Gidi: La sinergia procesal «pro veritate et iustitia» en las actuaciones del vicario judicial y del defensor del vínculo en la introducción del libelo para el processus matrimonialis brevior. (Article)

Focusing on the *processus brevior*, G. highlights that the process itself and all its internal and attendant procedures must be conducted with the greatest possible care. Of fundamental importance is the necessity of each official fulfilling his or her role in the proper manner. He singles out the judicial vicar and the defender of the bond as two officials who are key to the process. Each of these is required by the law to intervene in the process at different stages. For G. their harmonious working together or synergy is essential for the correct use of the shorter process in order to guarantee both truth and justice.

1683-1687

Per 110 (2021), 555-595: Marcelo Gidi: Il promotore di giustizia nella dinamica introduttiva del libello per la nuova procedura di dichiarazioni di nullità matrimoniale: una nuova opportunità per una retta amministrazione della giustizia. (Article)

See above, canon 1676.

1688-1690

Per 110 (2021), 439-457: G. Paolo Montini: Il processo documentale nel diritto processuale canonico. Il contributo del Prof. Piero Antonio Bonnet (1979-2008). (Essay)

On 5th April 2019, the *Consociatio Internationalis Studio Iuris Canonici Promovendo* and the Faculty of Canon Law at the Gregorian University held a seminar in memory of the late Prof. Piero Antonio Bonnet. In the course of this seminar, M. made a presentation which is now published here as a Note or Essay. The focus of the presentation is on the contribution made by Prof. Bonnet to the study of the documentary process in cases of matrimonial nullity. Bonnet was convinced that, by divine law, a more onerous procedure should not be followed to ascertain with moral certainty the nullity of a marriage when the circumstances of the case allow for a more simplified approach. M. considers the studies written by Bonnet on this theme and shows that his work on the documentary process corresponds structurally with the understanding of the *processus brevior* that has been introduced by *Mitis Iudex*.

1717

AnC 17 (2021) 2, 49-81: Piotr Majer: Przełożony kościelny a *notitia criminis* w sprawie zastrzeżonego dla Kongregacji Nauki Wiary przestępstwa przeciwko VI przykazaniu Dekalogu (*Church superior and “notitia criminis” in the case of a crime against the sixth commandment of the Decalogue reserved to the Congregation for the Doctrine of the Faith*). (Article)

M. analyses the responsibility of a Church superior who receives information about a possible offence against the sixth commandment of the Decalogue reserved to the Congregation for the Doctrine of the Faith, in the light of the *Vademecum* published by that Congregation on 16 July 2020. He concludes that the discretion of the Ordinary in evaluating the notification of

a crime and in deciding on the preliminary investigation is significantly reduced. This reduction of discretion is one of the important elements of the recent reform of Book VI.

1717

EIC 61 (2021), 475-502: Damián Astigueta: Trasparenza e tutela del segreto processuale e della buona fama. (Article)

See above, canon 220.

1717-1720

SC 55 (2021), 553-599: John Anthony Renken: *Vademecum* on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics: Canonical Reflections. (Article)

See above, canon 1398*.

1717-1731

Per 109 (2020), 401-428, 659-674: Myriam Wijlens – Neville Owen: Promoting and protecting the dignity of persons in allegations of abuse of minors and vulnerable adults: balancing confidentiality, transparency, and accountability: a seminar organized by the Pontifical Commission for the Protection of Minors. Introduction / Concluding observations. (Presentation)

See above, canon 1398*.

1717-1731

Per 109 (2020), 493-503: Charles J. Scicluna: The Rights of Victims in Canonical Penal Processes. (Presentation)

S. traces the rights of victims in the canonical penal process through some of the stages of the procedures: the *notitia criminis*; the preliminary investigation; the penal process itself (both judicial and extrajudicial); and the action for damages. He goes on to suggest a practice *praeter legem* by which a structure is set up to keep contact with a victim so that he or she might be kept informed of progress in the procedures. Finally, he makes a

proposal de *iure condendo*: the office of procurator for the injured party should be established.

1721

Ius Comm IX (2021), 317-340: Supremum Signaturae Apostolicae Tribunal: 1. Decreto, 6 junio 2019. De nulidad de matrimonio. Nueva proposición de la causa; 2. Decreto, 30 noviembre 2005. De querellas. (Decrees and comment)

See above, canon 1644.

1722

Ius 12, No. 1 (2021), 21-42: Sebastian Payyappilly: Preliminary Investigation and the Application of CCEO c. 1473 (CIC c. 1722): A Reflection in the Light of *Vademecum* (2020). (Article)

See above, CCEO canon 1473.

1732-1739

IE XXXIII (2021), 537-568: Gianpaolo Montini: La responsabilità dell’Autorità ecclesiastica secondo la giurisprudenza della Segnatura Apostolica. (Article)

See above, canon 128.

1732-1739

J 77 (2021), 465-478: Supreme Tribunal of the Apostolic Signatura, Decree of the Secretary, *Denial of Revocation of Elections*, prot. n. 50325/15 CA, September 4, 2015; Wojciech Kowal: Brief Note on a Decree of the Secretary of the Supreme Tribunal of the Apostolic Signatura Rejecting Recourse for Revocation of an Election in an Association of the Faithful. (Decree and comment)

The Apostolic Signatura issued a Decree rejecting a recourse concerning the alleged nullity of the decisions of the electoral committee in a confraternity, with the accompanying demand for the suspension of the electoral process. K. comments on some implications of the Decree which might be relevant for those involved in this type of procedure.

EXCHANGE PERIODICALS

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

ABBREVIATIONS, PERIODICALS, AND ABSTRACTORS FOR THIS ISSUE

AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
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.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
HPR	Homiletic and Pastoral Review (online publication: https://www.hprweb.com/?s=canon) – Editor.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
IM	Ius Matrimoniale, Uniwersytet Kardynała Stefana Wyszyńskiego, Warsaw – Abstracts supplied by publisher.
Ius	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
J	The Jurist, Washington – Abstracts supplied by publisher.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.

Abbreviations, Periodicals, and Abstractors / Books Reviewed

RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
SM	Sacred Music Journal, McMinnville, TN – Duane L.C.M. Galles, Minneapolis.
TyV	Teología y Vida, Santiago de Chile – 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**

- Rafael DOMINGO: *Roman Law: An Introduction*, Routledge, New York, 2018, 252pp., ISBN 978-0815362777 (reviewed by Thierry Sol in *IE XXXIII* [2021], 703-705)
- Varghese PALATHINGAL: *An Introduction to Canon Law*, Qanona 6, OIRSI, Kottayam, 2021, x + 112pp. (reviewed by Sunny Kokkaravalayil in *Ius 12*, No. 1 [2021], 193-197)

BOOKS RECEIVED

- D. L. D'AVRAY: *Papal Jurisprudence c. 400. Sources of the Canon Law Tradition*, Cambridge University Press, 2019, x + 302pp., ISBN 978-1-108-47293-7 [see above, Historical Subjects (*1st millennium*)]
- Federico BERTOTTO: *Analogia e diritto nella Chiesa*, Marcianum Press, Venice, 2022, 414pp., ISBN 978-88-6512-797-1 [see above, canon 19]
- Armand P. BOSSO – Ernest B.O. OKONKWO (eds.): “*Quis custodiet ipsos custodes?*” *Studi in onore di Giacomo Incitti*, Urbaniana University Press, Vatican City, 2021, 597pp., ISBN 978-88-401-6051-1 [see above, General Subjects (*Compilations*)]
- Francesco COCCOPALMERIO: *Sinodalità ecclesiale “a responsabilità limitata” o dal consultivo al deliberativo? A colloquio con padre Lorenzo Prezzi e nel ricordo del cardinale Carlo Maria Martini*, Libreria Editrice Vaticana, 2021, 113pp., ISBN 978-88-266-0671-2 [see above, General Subjects (*Ecclesiology*)]
- Wim DECOCK – Janwillem OOSTERHUIS (eds.): *Great Christian Jurists in the Low Countries*, Cambridge University Press, 2021, xi + 380pp., ISBN 978-1-108-42984-9 [see above, Historical Subjects (*Classical period*)]
- Anne J. DUGGAN (edited and with an introduction by Travis R. BAKER): *Popes, Bishops, and the Progress of Canon Law, c. 1120-1234*, Brepols, Turnhout (Belgium), 2020, 504pp., ISBN 978-2-503-58547-5 [see above, Historical Subjects (*Classical period*)]
- R. H. HELMHOLZ: *The Profession of Ecclesiastical Lawyers. An Historical Introduction*, Cambridge Studies in Law and Christianity, Cambridge University Press, Cambridge, 2019, 248pp., ISBN 978-1108499064 online ISBN 978-1108614887 [see above, Historical Subjects (*16th-19th centuries*)]
- Thomas M. IZBICKI: *The Eucharist in Medieval Canon Law*, Cambridge University Press, 2015, xxiv + 264pp., ISBN 978-1-107-56180-9 [see above, Historical Subjects (*Classical period*)]

Books Received

- K. J. KESSELRING – Tim STRETTON: *Marriage, Separation, and Divorce in England, 1500-1700*, Oxford University Press, 2022, xiii + 195pp., ISBN 978-0-19-248995-3 [see above, Historical Subjects (*16th-19th centuries*)]
- Wolfgang P. MÜLLER: *Marriage Litigation in the Western Church, 1215-1517*, Cambridge University Press, 2021, viii + 270pp., ISBN 978-1-108-84542-7 [see above, Historical Subjects (*Classical period*)]
- Adriana NERI – Inés LLORÉNS (eds.): *I fondamenti relazionali del diritto di famiglia. Un approccio interdisciplinare*, Pontificia Università della Santa Croce (Subsidia Canonica 35), Rome, 2021, 524pp., ISBN 978-88-8333-955-0 [see above, General Subjects (*Compilations*)]
- Michael NOBEL: *The Use of Means of Social Communication in the Context of Procedural Law. Questions and Suggestions on the Advantages of Using the Internet at Local Tribunals for Marriage Cases in the Canadian Context*, Wilson and Lafleur (Gratianus series), Montreal, 2021, 255pp., ISBN 9782924974070 [see above, canons 1501-1618]
- Rebecca PROBERT: *Tying the Knot. The Formation of Marriage 1836-2020*, Cambridge Studies in English Legal History, Cambridge University Press, Cambridge, 2021, xii + 283pp., ISBN 9781316518281 [see above, Historical Subjects (*20th century*)]
- Philip L. REYNOLDS (ed.): *Great Christian Jurists and Legal Collections in the First Millennium*, Cambridge University Press, 2019, xviii + 489pp., ISBN 978-1-108-47171-8 [see above, Historical Subjects (*1st millennium*)]
- DANICA SUMMERLIN: *The Canons of the Third Lateran Council of 1179. Their Origins and Reception*, Cambridge Studies in Medieval Life and Thought, Fourth Series, Cambridge University Press, Cambridge, 2019, xxiii + 306pp., ISBN 978-1-108-81384-6 [see above, Historical Subjects (*Classical period*)]
- Anders WINROTH – John C. WEI (eds.): *Medieval Canon Law*, Cambridge University Press, 2022, xx + 617pp., ISBN 978-1-107-02504-8 [see above, Historical Subjects (*1st millennium*)]