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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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GENERAL SUBJECTS

Comparative law

EIC 62 (2022), 601-623: Aldo Travi: La giustizia amministrativa negli ordinamenti statuali: elementi per un confronto con la giustizia amministrativa nella Chiesa. (Article)

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

IC 62/124 (2022), 837-878: Juan Martínez Otero: Policía, servicio público y fomento en el ejercicio de la función administrativa de la Iglesia. Explorando nuevas formas de sistematización del Derecho Administrativo Canónico. (Article)

M.O. aims to contribute to the discussion on the best way of approaching canonical administrative law, one of the most extensive and recent branches of canon law. To this end, he proposes recourse to the traditional forms of administrative intervention used by secular approaches in this area (control, public service, and promotion) to categorize the way in which administrative functions are exercised in the Church. He argues for the suitability of these categories to organize and explain many of the actions of ecclesiastical administrative bodies, as well as to improve their regulation by taking developments in secular law as a standard.

IM 33 (2022), nr 1, 195-210: Michał Kilanowski: Instytucja małżeństwa w porządku kanonicznym Kościoła Anglii (*The institution of marriage in the canonical order of the Church of England*). (Article)

See below, canon 1055.

Charles J. Scicluna – Myriam Wijlens (eds.): Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems. (eBook)

See below, General Subjects (*Compilations*).

Compilations

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

Given here are the proceedings of a conference held in Strasbourg on 22-23 November 2021 to mark the 800th anniversary of the death of St Dominic. Contributors are **Bénédicte Sère**: “Memory, history, identity. The narrative/story of the Order”; **Bruno Cadore**: “Dominicans for Justice and Peace: Human Rights, People’s Rights”; **Paul-Bernard Hodel**: “The ancient constitutions of the Order of Preachers. An original source?”; **Laurent Fonbaustier**: “The Dominicans: a contribution to the publicization and acclimatization of the rules of ‘Constitutional government’”; **Sébastien Milazzo**: “Albert the Great’s theory and practice of judicial arbitration”; **Raphaël Eckert**: “The Dominicans and learned law in the 13th century. A history to be written?”; **Frédérique Cahu**: “The Dominican order of Rouen: workshop for the production of a manuscript of the *Liber Extra* (1298-1310)”; **Marie Monnet**: “From *ius communicationis* to free circulation. The reception of the Dominican theologians and lawyers of Salamanca”; **Wim Decok**: “Social Crisis and migration. Domingo de Soto on the Rights of the Deserving Poor”; **Jean-Michel Potin**: “What freedom(s) do liberal Catholics want?”; **Romy Sutra**: “With faith and law. The Dominicans and the *Comité des jurisconsultes des congrégations* in battle order (1880-1903)”; **Maxime Allard**: “Louis Lachance, O.P., or the patient writing of a Thomistic philosophy of law on the eve of the Quiet Revolution”; **Yann Le Foulgoc**: “Georges Renard, from the law to the faith. A neo-Thomistic approach to law”.

Charles J. Scicluna – Myriam Wijlens (eds.): Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems. (eBook)

The December 2021 seminar organized by the Pontifical Commission for the Protection of Minors on the rights of victims in penal procedures brought together more than 60 experts in civil and canon law, theology, psychiatry and the social sciences, who presented a critical approach to the status quo in canon law and provided recommendations for new criteria and standards. The rights of victims of sexual abuse as minors in penal proceedings are gaining increasing attention. International standards have been developed and national judicial systems have implemented them and developed them further. This book presents the standards, the provisions of nine different countries,

as well as four studies suggesting possible improvements to the role of victims in the canonical penal proceedings of the Catholic Church. The contributions are from **Myriam Wijlens** (Introduction); **Gianpaolo Montini** (“The Rights of Alleged Victims in Canonical Penal Procedures”); **Fabián Salvio** (“The Rights of the Victims: International Standards and the Need of a Holistic Approach”); **Ma. Liza Miscala Jorda** (“Rights of Alleged Victims in Penal Procedures in the Philippines”); **Jane Goodman-Delahunty – Nicholas Cowdery** (“Rights of Survivors of Child Sexual Abuse in Criminal Proceedings in Australia”); **Mary Graw Leary** (“A Crime Victim Rights Framework in the USA”); **Jorge Cardona Llorens** (“Rights of Alleged Victims in Penal Procedures in Spain”); **María Inés Franck** (“Rights of Alleged Victims in Penal Procedures in Argentina and Current Approach to Victims’ Rights in Canon Law”); **Raphaële Parizot** (“The Rights of Alleged Victims in Penal Procedures in France”); **Livia Pomodoro** (“Rights of Alleged Victims in Criminal Proceedings in Italy, with Reference to Canon Law”); **Frauke Rostalski** (“The Rights of (Minor) Victims of Sexual Violence in German Criminal Procedure”); **Malgorzata Skorzewska-Amberg** (“Polish Criminal Procedure in Respect of Sexual Offences Against Minors”); **Mark L. Bartschak** (“The Position of Alleged Victims in the Canonical Penal Process”); **Aidan McGrath** (“With Dignity and Respect: How Victims May Participate in Canonical Proceedings – Reflections on a Seminar by a Practising Canon Lawyer in Penal Matters”); **Charles J. Scicluna** (“*Quo vadis?* Canonical Reflections on the Rights of Alleged Victims in Canonical Procedures”). The publication is available in open access free of cost. (For bibliographical details see below, Books Received.)

Ecclesiology

AC 62 (2022), 239-256: Grégory Woimbee: Synodalité et infaillibilité: la qualité ecclésiale du consensus et la qualité du progrès doctrinal. (Article)

Current thinking on synodality began with “a communion of Churches” in *Lumen gentium*. Pope Francis’s address in 2017 on the 50th anniversary of the Synod of Bishops sees synodality as “a constitutive dimension of the Church” that includes all the baptized. The International Theological Commission on “synodality in the Church” (2018), no. 70, articulates this. Synodality is based on the shared belonging in the Church of all the baptized, vested with the dignity and responsibility as regards ministries and charisms. What makes a synodal event authentic is the effective presence of Christ and his Spirit; consensus is the effect of this presence. Orthodox Catholic faith is,

in the formula of Vincent of Lerins, what has been believed everywhere, for ever and by all (*quod ubique, quod semper, quod ab omnibus creditum est*). Faith develops through contemplation and study (*sacra theologia*), the experience of the faithful (*sensus fidelium*) and the teaching of bishops (*magisterium*). Infallibility is a gift of God to the whole Church: *universitas fidelium in credendo falli nequit*. In the light of the thinking of St John Henry Newman in his *Apologia pro vita sua* and *On consulting the faithful in matters of doctrine*, W. sees infallibility as a synodal gift.

EIC 62 (2022), 357-370: Péter Erdő: La sinodalità come una delle espressioni della teocrazia nella costituzione della Chiesa. (Article)

Some canonists in the past and several more recent secular sources called the Papal States and the Catholic Church itself an absolute monarchy. However, they also recognized the theocratic nature of their governments. With the exception of some ancient religious systems, where the monarchs themselves were considered to be true deities, it is precisely the theocratic aspect that greatly corrects and relativizes the absolute character of such a monarchy. In the Catholic Church, in addition to the role of the College of Bishops and the recognition of the role and function of divine law as an element of the existing law, there is also synodality, which represents a theocratic element of revision of the assumptions that constitute an absolute monarchy. E. concretely examines how true synodality is called upon to act in this context.

EIC 62 (2022), 371-404: Carlo Fantappiè: Variazioni della sinodalità. (Article)

F. describes the evolution of the notion of synodality from the Second Vatican Council to the current pontificate. He focuses in particular on the contribution of theologians and canonists to the topic.

EIC 62 (2022), 405-422: Patrick Valdrini: Sinodalità e *communio hierarchica*. Un'espressione operativa della comunione ecclesiale nella sua organicità. (Article)

V. looks at the relationship between synodality, the central theme of Francis's pontificate, and *communio hierarchica*, the fundamental element of the organization of supreme authority in the Church mentioned by the Second Vatican Council, which concerns the relationship between the bishops and the Roman Pontiff. He analyses the role of the Primate in the synodal exercise of

the power of the College of Bishops, the relationship between the Roman Pontiff and the members of the Synod of Bishops, the synodal assistance provided by the College of Cardinals and the Council of Cardinals, and finally the development initiated by Francis in this area in the Apostolic Constitution *Praedicate Evangelium*.

EIC 62 (2022), 423-459: Manlio Miele: «Episcopalis Communio» e nuove forme della sinodalità. (Article)

M. presents an interpretation of the Apostolic Constitution *Episcopalis communio* in the light of the evolution of the concept of synodality in the Church since the Second Vatican Council.

EIC 62 (2022), 511-533: Alphonse Borras: La sinodalità cattolica tra la Chiesa universale e la Chiesa locale. (Article)

B. examines synodality as it unfolds in the dual dimension of the universal Church and the local Churches. He offers a number of suggestions for a better application of the principle of synodality in the Church.

IC 62/124 (2022), 625-661: Javier Canosa: La consideración del buen gobierno en la Iglesia como un derecho de los fieles. (Article)

In the history of the Church and of its institutions and communities there are many examples of governing practices that meet high standards of quality, leading to greater growth in the communion of its members with God and with one other, and to more profound evangelizing action. If these actions of good governance in the Church, which are not infrequent over the two millennia of its existence, correspond to what Jesus Christ established, it may be concluded that, as a salvific good (and therefore, in the Church, a juridical good), good governance may also be considered as a right of the faithful.

Ius 13, 1-2 (2022), 159-169: Kuriakose Bharanikulangara: Synodality and Particular Law. (Article)

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

Ius Comm X (2022), 157-173: Antonio M^a Rouco Varela: Fundamentación teológica del derecho canónico – Nuevas perspectivas. (Article)

Faced, on the one hand, with the secularism of the global culture that seeks to impose itself with all the means of human power and, on the other hand, with the new spiritual movements in the Church, canon law today is faced with two important tasks: the internal and external construction of ecclesial communion as *catholica* and *apostolica* at the evangelizing service of the witness of the faith of the whole Church and of all its members, together with the configuration of Christian existence as a path of holiness and full following of Christ; and the opening of the ecclesial space to the presence and charismatic action of the Holy Spirit to lead the Church towards an ever more living union with her Lord and Spouse and to an ever more convincing service of salvation from the Gospel for the good of the people of our time.

Ius Comm X (2022), 175-203: Luis Marín de San Martín: Reflexiones sobre la reforma sinodal en la Iglesia: una mirada teológica. (Article)

Synodality, in a listening Church, is part of the development of the ecclesiology of Vatican II as a mature fruit. Pope Francis's reform of the Synod goes in a double direction: first, in the revision of the functioning, structure and orientation of the Synod of Bishops; and second (and this is decisive) in the development of synodality in the Church. In this reform, canon law must be found listening and in consultation and discernment in and from the People of God, as a hierarchically structured community, with the criteria pointed out by Pope Francis in *Praedicate Evangelium*: individuality; pastorality; missionarity; rationality; functionality; modernity; sobriety; subsidiarity; synodality; catholicity; professionalism; and gradualness.

J 78 (2022), 383-412: Javier Hervada†: The Sacramental Roots of Canon Law. (Article)

Starting from a conception of canon law as an ensemble of just things in the Church, one may strive to understand why it is possible for the sacraments to be just things – that is, a juridical reality connected to sanctifying grace, which in itself is not juridical. The response comes by means of a theological investigation into the sacramental reality, by bringing to light the fact that the sacraments are just realities inasmuch as they are visible channels of grace. It is also possible to highlight the nexus existing between the sacraments' effects *ex opere operato* and their character as goods that, according to justice, are

due to the persons receiving them from the ministers. Additionally, consideration is given to the special place of the sacraments of baptism and holy orders in the Church's law, as well as the radical sacramentality of the Church, which extends not only to the sacraments but also to other factors, such as the canonical mission.

QDE 35 (2022), 396-407: Andrea Migliavacca: Il cammino sinodale delle Chiese in Italia. (Article)

See below, canon 439.

QDE 35 (2022), 408-420: Pierantonio Pavanello: La sinodalità nella Chiesa particolare: riflessioni canonistiche. (Article)

See below, canon 212.

QDE 35 (2022), 421-445: Francesco Grazian: Sinodalità, diritto canonico e strutture parrocchiali. (Article)

See below, canons 536-537.

SC 56 (2022), 379-393: Jos Moons: Synodality and Discernment: The Affective Reconfiguration of the Church. (Article)

While most reflections on synodality refer to the discernment of spirits as a crucial element, it is usually not specified what discernment entails. After exploring some possibilities, M. focuses on Ignatian discernment and elaborates what it means for synodality. Firstly, it presupposes God's direct interaction with his creatures, a theological conviction that comes with the spiritual requirement of inner freedom. Moreover, discernment engages one's interiority: it is an affective undertaking. Synodality presupposes a similarly active view of God: it is about "receiving the new things that the Spirit wishes to reveal to us" (Pope Francis). Therefore, it comes with the same spiritual requirement and the same affective focus. As the affective realm is a relatively unfamiliar aspect of Church life, its growing importance amounts to an affective reconfiguration of the Church.

SC 56 (2022), 395-412: Carlos Schickendantz: “The Bishop is Never Seen as Accountable before His Church”. Accountability as an “Iconic Manifestation of Good Governance”. (Article)

After examining the deep-rooted “Gregorian form” of Church, S. analyses a post-conciliar way of proceeding in reference to various Church institutions that reflect a serious lack both of synodal theology and of good governance according to contemporary standards. He then discusses the topic in the new social and ecclesial context created by the abuse crisis. He places emphasis on the importance of international reports, in the form of external audits, which coincide with the theological analyses on Church reform; the theological use of the reports is justified on the basis of *Gaudium et spes*. Subsequently, S. uses updated bibliography from various social sciences to treat the concept of accountability, its current importance, its essential elements, and the many ways in which it can be applied to various institutions and organizations. He ends by stressing the importance of the theological appropriation of this key cultural concept of good governance.

SC 56 (2022), 413-439: Myriam Wijlens: Synodality Implies Accountability. Accountability Requires a Synodal Church: A Theological Reflection with Canonical Implications. (Article)

With the Synod on Synodality (2021-2024), the Catholic Church has embarked on becoming a more synodal Church to strengthen its missionary task. In its first steps, the focus lies on being a listening Church. The call for being a synodal Church is not merely another important step in the reception of Vatican II. In particular, the disastrous handling of allegations of sexual abuse in the Church has revealed how much a systemic change in exercising leadership is necessary: there is a strong call for holding leaders accountable. After tracing the call for accountability, W. investigates whether synodality implies accountability and whether the call for accountability stipulates a Church that is synodal in mentality and operations. The Church understood as *communio* provides the theological basis for her reflections. She concludes that synodality implies accountability, and accountability requires a synodal Church.

SC 56 (2022), 441-470: Serena Noceti: *In persona Christi: Limits and Potential of an Espressione abusata*. (Article)

N. proposes a critical reading of the expression *in persona Christi (capitis)*, which was adopted by John Paul II as the “key definition” and “short

expression” for his interpretation of the ordained ministry from a Christological perspective. She compares the use of the expression in the recent Magisterium (in relation to the theology of the presbyterate and diaconate, the non-ordination of women, and the episcopal ministry) with the use made of the term in Scholasticism, and she illustrates elements of continuity and profound difference. Finally, she suggests overcoming this *espressione abusata* (an Italian expression that means both “overused” and “misused”) to deepen the ecclesiological-pneumatological perspective of ministry outlined in the Second Vatican Council to a further and authentic renewal of ordained ministry in a synodal Church.

SC 56 (2022), 471-491: Peter De Mey: Searching for Traces of an Accountable Church during the Long Preparation of the Conciliar Documents. (Article)

De M. investigates whether the conciliar documents and their preparatory stages describe the collaboration between laity and their pastors in a way which comes close to mutual accountability. He does not encounter a technical definition of accountability in the documents of Vatican II. However, if creating a greater culture of accountability refers to the willingness of all members of the People of God to have the quality of their Christian life evaluated by other members, then he encounters such pleas in the attention to the mutual relationship of ordained and lay faithful during the preparation of the conciliar documents.

SC 56 (2022), 493-508: Astrid Kaptijn: Charisms as Mediation between Baptism and Ministries in the Church: Ecclesiological and Canonical Perspectives. (Article)

The question of personal charisms in the Church was briefly addressed by the Second Vatican Council, but it does not seem to have received much attention from theologians and canonists following the Council. K. is of the opinion that the current reflections on synodality in the Church call for a reconsideration and deepening of this aspect. It is a question of examining which ecclesiology seems most appropriate for integrating personal charisms, what the relationship between charisms and ministries might be, as well as the question of whether an institutionalization of charisms is desirable. The ecclesiological perspective and the place given to each member of the faithful with his or her charisms, underlining the responsibility of each one, can contribute to a greater awareness of the need for accountability.

SC 56 (2022), 509-527: Rafael Luciani: Towards A Co-Responsible Accountable Bond of the Episcopal Exercise in Light of the *Sensus fidelium* of the Whole People of God. (Article)

The current reception of the Second Vatican Council recovers the hermeneutical primacy of Chapter II of *Lumen gentium*. In the model of the Church as People of God, all the *Christifideles* form an *organic totality* from which derive relationships of co-responsibility that link them together and reconfigure their identities through interactions of reciprocal necessity that mutually complete them, and not only complement them, according to what each one contributes *suo modo et pro sua parte*. The theology of the *sensus fidei fidelium* has a determining role. It cannot be reduced to the exercise of the intelligence of faith, for it is also a dynamic of permanent reconfiguration of the whole ecclesial life that links all ecclesial subjectivities with each other in a co-responsible way by means of communicative dynamics capable of manifesting the action of the Spirit. L. deals with this theme and its consequences for a responsible and accountable linking of the episcopal exercise within the People of God.

SC 56 (2022), 529-546: Vimal Tirimanna: A Distorted Interpretation of the Concept of Obedience and Its Effects on Clericalism and Accountability. (Article)

Although obedience is a cherished traditional Christian virtue, the distortion of its true meaning and value has reinforced a culture of clericalism in the Church that exempts those in authority from being held accountable. T. examines the roots of the Christian virtue of obedience, with specific reference to the religious vow of obedience. He then examines how a distortion of obedience over time has nourished a wider ecclesial culture of a lack of accountability on the part of those who command obedience legitimately. Even regarding the hierarchical magisterial teachings, what is demanded from the faithful is not a response of obedience, but either an “assent of faith” or a “religious submission of the intellect and will”, depending on whether the teaching is definitive or non-definitive.

SC 56 (2022), 547-567: Eugene Duffy – Eddie Molloy: Developing a Culture of Accountability in the Church: Learning from Other Organisations. (Article)

This essay is concerned with how the Church can learn from the world of management and organizational change as it develops structures of

accountability. Lessons learned from other organizations can provide opportunities for receptive learning, which can be appropriately applied to the task of ecclesial reform. The first section of the paper provides a definition of accountability and explores the mechanisms of accountability in large organizations, paying attention to how defence mechanisms can be deployed to frustrate efforts at reform. The second part of the paper provides a theological rationale for engaging with the insights and experience provided by the culture of accountability in these organizational settings.

SC 56 (2022), 569-586: Gilles Routhier: Conversion pastorale et redevabilité. (Article)

Enshrining the principle of accountability in Church governance will require a true pastoral conversion. However, if the expression “pastoral conversion” has become commonplace today, its widespread use does not mean that its content is always clear. Indeed, several proposals are put forward in the name of pastoral conversion and Church reform. R., drawing on Yves Congar’s masterwork, *Vraie et fausse réforme dans l’Église*, distinguishes between a reform that proceeds from a true renewal and return to principle, and a reform that consists only in an adaptation to the external environment. He argues that the call for more accountability in the Church will have a stronger resonance if it is grounded in the Christian tradition rather than based solely on developments in organizational science and management. It is by recovering obliterated elements of our tradition and by re-emphasizing concrete processes that link bishops and their Church that accountability will regain its place in the governance of the Church.

SC 56 (2022), 587-604: Timothy Radcliffe: Accountability and Co-Responsibility in the Government of the Church: The Example of the Dominicans. (Article)

St Dominic left his Order a spirituality embedded in a communitarian form of government, which animates the fraternal life and mission of the brethren. It has enabled the Order to remain one in its search for truth. Government is founded on dialogue in chapter, requiring patient listening and imaginative sympathy for those with whom one disagrees. The role of leadership is shown in care for the conversations, which sustain brotherhood and form preachers engaged in conversation with the world. This dialogical form of government can be helpful as the Church ponders on how it responds to Pope Francis’s invitation to embark on the synodal path. It is also countercultural and needs

to be sustained by a shared life of prayer and friendship if it is to transcend the polarization of contemporary society.

SC 56 (2022), 605-627: John D. Faris: The Role of Consultation in Eparchial Governance. (Article)

Focusing on a term included in the theme of the 2023 Synod, “participation”, F. examines an institution already extant in the Eastern Catholic Churches, consultation. Consultation can be broadly described as the involvement of others in the decision-making process. Beyond the traditional narrow understanding of consultation for the purpose of consent or counsel, consultation can also serve to coordinate and build consensus. After treating the various levels of requirement for consultation, F. demonstrates that consultation with subordinates takes a different form from consultation with peers. He examines various consultative bodies in the eparchy, and offers possible improvements for consideration.

SC 56 (2022), 629-644: Catherine E. Clifford: Synodality and the Renewal of Mission in the Archdiocese of Gatineau (Canada): A Case Study. (Article)

Prior to Pope Francis’s convocation of a worldwide Synod on Synodality (2021-2023), the Archbishop of Gatineau, Paul-André Durocher, initiated a multi-year synodal process (2018-2021), aimed at the renewal of the life and mission of his diocese. C. examines the experience of that synodal process as a case study in the practice of a more open and accountable style of Church governance, with a view to understanding the challenges of becoming a more synodal, missional, and outward-bound local Church. As the concluding documents of the diocesan synodal process reveal, an ecclesial-centric dynamic, declining resources, and inadequate formation, weaken the capacity for mission. Yet a more transparent and accountable style of Church governance is already bearing fruit and deepening the lived experience of co-responsibility.

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

The CIC/83 identifies a number of participative structures at both the diocesan and parish level, whose purpose is to assist diocesan bishops and parish priests

in their duties. Despite this, recent events have shown that structures and procedures designed to ensure accountability were ineffectual or lacking altogether. After a brief consideration of the concept of accountability, G. examines these various participative structures, identifying the limitations of these structures and possibilities for reform, to assist the Church along its “path of synodality”.

SC 56 (2022), 671-689: Peter Sedgwick: Accountability in a Synodal Church: Theology and Structures Governing the Anglican Practice. (Article)

S. discusses what might be learned from the Anglican practice of synodality, taking a chronological perspective from the Reformation and the writing of the Anglican theologian Richard Hooker. He examines the Church of England and discusses the Enabling Act, 1919, which gave the Church of England much greater power on legislation, with laity included in the Church Assembly. The Church Assembly became the present-day Church of England General Synod in 1970. He also provides an extensive discussion of synodality in the Episcopal Church in the United States of America, before discussing the 2018 report of the Anglican-Roman Catholic International Commission, *Walking Together on the Way*. Finally, he attends to the issue of sexual abuse and the question of accountability in relation to synodality.

SC 56 (2022), 691-707: Alphonse Borrás: The Call to Synodal Conversion. (Article)

The theme of synodal conversion, dear to Pope Francis, is not new; it has its roots in the 2007 Document of Aparecida, of which the present Pope was one of the main redactors. Such a conversion is unthinkable without the participation of all the People of God (Preparatory Document of the 2023 Synod, no. 6). Against the backdrop of ecclesial synodality and the co-responsibility among the faithful that it implies, B. looks at what such a conversion suggests for a collective process of reform as well as the resistance that it brings out. He then presents some institutional perspectives for implementing synodality at the level of the particular Churches.

Ecumenism and interreligious dialogue

IusM XVI/2022, 143-165: Alberto Fabbri: Le chiese orientali unite a Roma tra storia e azione ecumenica. (Article)

The Eastern Catholic Churches represent a dimension within the *Ecclesia universa* that has sometimes been hard to understand and value. Their shared heritage with the non-Catholic Eastern Churches has enabled them to develop a sensitivity and a communicative approach that proves to be a valuable tool in the ecumenical journey, in which theological dialogue is accompanied by territorial and historical sharing. Starting from the juridical condition that the Code of Canons of the Eastern Churches provides for the different degrees and typologies in which the Eastern Catholic Churches can be structured in relation to autonomy, a brief historical overview of the different Churches allows us to highlight the role and the task to which the Eastern Catholic Churches are called, for a fruitful journey of unity.

Human rights

ADC 11 (julio 2022), 93-126: José Antonio Soler Martínez: Protección constitucional de la intimidad y de los datos de carácter personal frente a las nuevas tecnologías. (Article)

Respect for the right to privacy, honour and self-image is the basis for the protection of personal data. It should become a common practice focused on protecting such rights and making it possible for their holders to exercise these rights. They are rights that confer on their holder powers that impose on third parties legal duties not included in the fundamental right of religious freedom. Thus, the objective of the fundamental right to data protection is to guarantee people a power of control over their personal data and its use and destination, in order to prevent its illicit trafficking and the causing of harm to their dignity and rights in an environment conditioned by new technologies.

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

See above, General Subjects (*Compilations*).

Law reform

EE 97 (2022), 1117-1142: Diego Zalbidea: Propuestas de derecho patrimonial canónico al servicio de la misión de la Iglesia. (Article)

See below, canons 1254-1310.

EE 97 (2022), 1217-1250: Carlos M. Morán Bustos: Los abusos de menores en la Iglesia y la necesidad ineludible de un nuevo derecho procesal penal canónico. (Article)

See below, canon 1398*.

EIC 62 (2022), 511-533: Alphonse Borras: La sinodalità cattolica tra la Chiesa universale e la Chiesa locale. (Article)

See above, General Subjects (*Ecclesiology*).

IC 62/124 (2022), 765-798: José Bernal: Noción de delito y delitos en el nuevo Libro VI reformado. (Article)

See below, canons 1311*-1399*.

IE XXXIV (2022), 573-596: Paolo Gherri: Struttura ed elementi dell'intervento sanzionatorio canonico. Ipotesi per una sistematica. (Article)

See below, canons 1311*-1399*.

SC 56 (2022), 605-627: John D. Faris: The Role of Consultation in Eparchial Governance. (Article)

See above, General Subjects (*Ecclesiology*).

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

General Subjects (Law reform / Legal theory)

Charles J. Scicluna – Myriam Wijlens (eds.): Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems. (eBook)

See above, General Subjects (*Compilations*).

Legal theory

Ap XCIII (2020), 73-106: Paolo Gherri: Note sullo *Ius puniendi* della Chiesa nella prospettiva della Teologia del Diritto canonico. (Article)

See below, canon 1311*.

Comm 54 (2022), 422-433: P. Parra: “La Administración de la justicia eclesiástica al servicio del evangelio. Una lectura a la luz del magisterio del Papa Francisco”. Lectio magistralis di S.E.R. Mons. Edgar Peña Parra, Sostituto per gli Affari Generali, in occasione dell’apertura dell’anno giudiziario del Tribunale Ecclesiastico di Valencia, 21 ottobre 2022. (Lecture)

In a speech opening the judicial year at the ecclesiastical tribunal of Valencia the substitute Secretary of State for General Affairs seeks to put the tribunal’s work in a wider context. He speaks first of proclaiming the Gospel through communion, mission and synodality and then of the pastoral dimension of law. He draws these together under three headings: the reform of procedural law in marriage nullity cases; the reform of the Synod of Bishops; the reform of the Roman Curia. Finally he seeks to show how procedural law is a place of encounter between the Church and the world.

EIC 62 (2022), 601-623: Aldo Travi: La giustizia amministrativa negli ordinamenti statuali: elementi per un confronto con la giustizia amministrativa nella Chiesa. (Article)

T., a secular jurist, attempts a dialogue with canonical science on the subject of administrative justice. This is a comparative perspective aimed at investigating the differences and points of contact between the two legal systems.

EIC 62 (2022), 625-666: Gianpaolo Montini: La giustizia amministrativa nella Chiesa. (Article)

M. traces an outline of administrative justice in the Church, starting with a historical evolution of the subject and then presenting its main regulatory profiles.

FCan XVII/2 (2022), 91-98: Miguel Falcão: A relação entre o Direito e a Norma. (Note)

F. summarizes and comments on an article by Eduardo Baura on the relationship between law and norm. Baura's analysis is based on the thinking of three great 20th century legal philosophers: Michel Villey (1914-1988), Sergio Cotta (1920-2007), and Javier Hervada (1934-2020). For these authors, law, or right, is what the Romans called *ius*, or the *ipsa res iusta*, something objective that demands to be respected. For its part, a legal norm is a rule for human conduct established by the authority, which imposes the requirement that it be respected. The obligation to follow justice comes from *ius* and not from the norm, which is limited to indicating what the *ius* is. Natural right, even if not expressly received, is in force whenever a just solution is required. It is evident that Baura does not equate *ius* and norm, as legal positivism and other forms of legalism do. Legal positivism identifies *ius* with the norm established by the legitimate authority, because it does not recognize any moral constraints for the elaboration or interpretation of laws or norms. Other legalisms, even if they recognize *ius* as inspiring and limiting the elaboration of the norm, end up identifying the two when they fail to recognize the juridical tradition.

IC 62/124 (2022), 665-723: Jorge Castro Trapote: Del paradigma codicial al paradigma constitucional. (Article)

The law-centred or Code-centred focus has given way to the *età dei diritti*, shaped by the revival of natural law after the Second World War. In theory, the law has not been at the centre of canon law because of the undeniable validity of the *ius divinum*, although the Code-focused paradigm has given rise to a canonical experience that depends almost exclusively on the legal text. Setting aside *theoretical canonizatio*, the Code-centred paradigm has brought about a certain *practical canonizatio* in the juridical life of the Church. The age of rights transformed constitutionalism in the second half of the 20th century, yielding a more nuanced account of so-called *paleopositivism* and leading to *iusmoralism*, and blurring the boundary

between iusnaturalism and iuspositivism. In order to clarify these questions, T. turns to a fundamental debate that has conditioned the history of law and canon law up to the present day: *iusvoluntarism* or *iusrealism*. After examining some insufficient paradigms and their origins in canon law, he points to the constitutional paradigm as the most appropriate for channelling and continuing the canonical tradition and the mission of the Church.

IE XXXIV (2022), 623-647: Petar Popović: Lo statuto epistemologico della deontologia professionale del giurista nella Chiesa e i principi deontologici fondamentali. (Article)

P. offers seven fundamental deontological principles for the work of a professional jurist in the Church, and describes the basic features of each principle.

IusM XVI/2022, 21-39: Paolo Gherri: Norma missionis: missio Ecclesiae, norma Ecclesiae. (Article)

Through the lens of the unquestioned principle *Societates sunt uti fines* it is possible to look at canon law with new eyes, starting from the self-awareness of the Church's missionary nature. If the *esse* of the Church is mission, its *agere* is to be realized in the same perspective, making "what" the Church does and "how" it does it, inalienable: actually, canon law. That norm which is mission can be assumed as the very mission of the ecclesial norm, so that the weaknesses of human living together do not damage the very dynamics in which the being (of the) Church is embodied in history.

J 78 (2022), 369-382: Thomas John Paprocki: Legalism, Laxism, and Antinomianism in the Church Today. (Article)

Legalism, laxism, and antinomianism are rather common occurrences in the Church today but are all deficient approaches to the proper understanding and application of the law. Legalism separates the law from its inner theological and pastoral purposes. Laxism harms the law by diminishing its relevance to pursuing and advancing these higher purposes. Antinomianism denies the rightful role of law in setting a just order for the community. In contrast to legalism, laxism, and antinomianism, there stands the rule of law, according to which those who exercise the power of governance do so through law, not their arbitrary whims. P. seeks to describe the true purpose of law based on

the teachings of Sacred Scripture and the writings of scholarly thinkers such as Aristotle, St Thomas Aquinas, and Pope St John Paul II.

J 78 (2022), 413-444: Patrick R. Reilly: The Principle of Proportionality Regarding Non-Penal Singular Administrative Acts in the Recent Jurisprudence of the Apostolic Signatura. (Article)

See below, canon 1445.

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

See above, General Subjects (*Compilations*).

Relations between Church and State

ADC 11 (julio 2022), 15-37: Jaime Rossell Granados: Cuarenta años de libertad religiosa en España: la vigencia de la ley orgánica de libertad religiosa. (Article)

40 years after its coming into force, R.G. analyses the Organic Law of Religious Freedom in Spain, reflecting on why the legislator chose this model to regulate Church-State relations, its influence in other countries in Europe and Latin America, and the reasons that have led some political parties to request its modification or abolition, analysing the different proposals they have presented.

ADC 11 (julio 2022), 39-91: Ricardo García García: Los acuerdos entre la Santa Sede y el Estado Español. Algunas consideraciones sobre su aplicación práctica tras más de cuarenta años de vigencia. (Article)

G. analyses the agreements between the Catholic Church and the Spanish State in the context of religious freedom in Spain, examining to what extent they are applied in practice, and how conflicts in their practical application are resolved.

Comm 54 (2022), 456-471: Stato della Città del Vaticano: Legge N. DXXXI recante modifiche al Codice Penale e al Codice di Procedura Penale, 6 settembre 2022. (Document)

This law modifies the Penal Code of the Vatican City primarily in procedural matters such as prescription, the right to privacy, notifications, electronic communications, actions of the judge and promoter of justice, and access to testimony.

Comm 54 (2022), 472-475: Stato della Città del Vaticano: Legge N. DXXXII circa la raccolta di prove dichiarative all'estero mediante collegamento audiovisivo, 6 settembre 2022. (Document)

This law covers the acquisition of proofs by audio-visual means by the courts of the Vatican City State.

Comm 54 (2022), 475-476: Stato della Città del Vaticano: Pontificia Commissione per lo Stato della Città del Vaticano, Modifiche degli artt. 36 e 52 del Regolamento Generale per il personale del Governatorato dello Stato della Città del Vaticano, 3 novembre 2022. (Document)

This change in the regulations for personnel of the Governorate of the Vatican City State affects the way in which sickness is to be notified.

Comm 54 (2022), 477-488: Stato della Città del Vaticano: Legge N. DL sulle persone giuridiche, 5 dicembre 2022. (Document)

This law sets out the procedure and requirements for bodies to be recognized as juridical persons in the Vatican City State.

EIC 62 (2022), 565-600: Bruno Fabio Pighin: Cina-Santa Sede: i rapporti prima e dopo l'Accordo di Pechino stipulato nel 2018 e riconfermato nel 2022. (Article)

P. considers the Provisional Agreement signed in Beijing in 2018 between the People's Republic of China and the Holy See to be a "watershed" in relations between the two subjects of international law. He retraces the history of relations between the two sovereign parties, with a focus on the Catholic community in China, emphasizing the varying characteristics of these relations at different times: of slow development, break-up, thawing, and

rapprochement through this Agreement, renewed for the second time in 2022. He considers the Agreement's scope and consequences – some of which are problematic – to be mostly positive, since the Agreement favours the unity of Chinese Catholics and greater spaces of freedom for the Church.

FCan XVII/2 (2022), 25-39: Adão Maximiano: O Acordo-Quadro entre a Santa Sé e a República de Angola-2019. A questão do Estatuto jurídico da Igreja Católica na República de Angola. (Article)

M. reflects on the legal status of the Catholic Church in the Republic of Angola following the signing and ratification of the 2019 Framework Agreement between the Holy See and the Republic of Angola.

IC 62/124 (2022), 917-957: Thierry Sol: Aspectos canónicos problemáticos del informe Sauvé sobre los casos de abusos en la Iglesia católica de Francia. (Article)

S. presents the main issues, challenges and canonical problems that would be prompted by the application of the recommendations of the report of the Independent Commission on Abuses in the Catholic Church of France (CIASE), without entering into a debate here about the estimated number of victims, or certain theological or ecclesiological points which the report contains. The canonical issues addressed here are the most problematic: the systemic or non-systemic nature of the abuse and the determination of the criminal and civil responsibility of bishops and diocesan associations; proposals relating to recognition and reparation; and the issue of the confessional seal. S.'s analysis also aims to explore how confusion may arise in comparing French law with canon law.

IE XXXIV (2022), 521-537: Matteo Carnì: La responsabilità civile degli enti ecclesiastici nella giurisprudenza italiana. (Article)

C. analyses Italian case law on the civil liability of ecclesiastical entities, with particular regard to compensation for damage deriving from crimes committed by clerics or religious. He highlights current criticisms of the relationship between canon law and Italian civil law.

IE XXXIV (2022), 689-705: Fabio Vecchi: Relazioni concordatarie e conflitti regionali nell'ordinamento secolarizzato della Repubblica Democratica del Congo. (Article)

The 2016 Framework-Agreement on religious freedom in the Democratic Republic of Congo corroborates, together with the 2005 Constitution, the democratic transition timidly initiated in the so-called Third Republic; it is also an instrument of mediation between written and customary law, and between the doctrine of *authenticité* and evangelical charity; finally, it provides the national episcopate with a means of social presence, in the difficult role of pacification of regional ethnic conflicts.

IusM XVI/2022, 89-118: Nadia Spinelli: Delibazione delle sentenze di nullità matrimoniale in Italia: possibili scenari di dialogo nel rapporto Stato – Chiesa. (Article)

After defining the main historical-legal framework, S. analytically explores two key sentences (nos. 16379 and 16380 of 2014) of the Italian Supreme Court of Cassation on the subject of the execution of the marriage nullity judgements in Italy, which in her opinion present critical aspects. This is followed by a post-2014 jurisprudence overview and a concluding reflection, in which she emphasizes the need for more up-to-date Italian jurisprudence, and calls for an improvement in the legislation.

PS LVII 174 (2022), 463-490: Angeli Francis S. Rivera: Pontifical Diplomacy in the East Asian Region: A Pre-Pope Francis Era (1964-2013). (Article)

R. examines the pontifical diplomacy of the Vatican II Popes Paul VI, John Paul II, and Benedict XVI, and how their diplomatic styles consistently upheld the nature and mission of the Holy See in accordance with the ideals of Vatican II. Through pontifical diplomacy, the Holy See rightly exercises the Church's prophetic office. R. uses text-based and author-based analyses to decode and interpret the papal addresses to the diplomatic corps accredited to the Holy See between 1968 and 2012. He finds that the major political events in the East Asian region have formed each papal style. Paul VI established the foundations of modern pontifical diplomacy by tapping into the potential of bilateral and multilateral diplomacy. John Paul II used the same platforms to appeal to and inspire States and institutions to respect the primacy of the human person and to trust the universal and moral foundations of diplomacy. For his part, Benedict XVI focused on truth against moral

relativism and dedicated it to the path of openness, forgiveness, and new energies. These unique papal styles are also found to influence Pope Francis's culture of encounter.

Religious freedom

RGDCDEE 60 (2022): Javier García Oliva – Helen Hall: Religious liberty and freedom of expression in the United Kingdom (RI §425432). (Article)

This article explores the legal framework in the United Kingdom in relation to freedom of religion and freedom of expression. It begins with an examination of the legislative context, before considering whether the legal system treats expressions in relation to religion differently from other expressions, before finally examining the prevailing approach to conflicts of rights.

RGDCDEE 60 (2022): Isidoro Martín Sánchez: La objeción de conciencia del vendedor a confeccionar tartas para bodas entre personas del mismo sexo. (RI §425421). (Article)

M.S. examines some jurisprudential decisions on specific cases of conscientious objection: specifically, the refusal of some bakery owners to provide same-sex couples cakes with certain messages that they considered contrary to their religious beliefs. These assumptions have occurred relatively frequently in the United States, only once in Europe, and never in Spain. To carry out this study, M.S. examines a judgment of the Supreme Court of the United States and another of the European Court of Human Rights on this type of case. He also addresses the approach and the possible solution of a hypothetical case of this kind in Spain.

Social issues

Ap XCIII (2020), 173-192: Marilena Montanari: Verso una tutela effettiva dei rifugiati? Diritto internazionale privato e diritto internazionale pubblico a confronto. (Article)

M. reflects on some current proposals that the international community has set itself in attempting to strengthen the *opinio juris* on the need to guarantee

effective protection to those fleeing their countries of origin on account of persecution, conflicts, environmental calamities or famines, in the hope of being able to ensure for themselves a better future and a dignified life.

Comm 54 (2022), 411-421: P. Parolin: “Un momento spartiacque: soluzioni transformative per sfide interconnesse”, intervento di S.E.R. il card. Pietro Parolin, Segretario di Stato e Capo della Delegazione della Santa Sede al Dibattito generale della “Settimana di Alto livello” all’apertura della 77a Sessione dell’Assemblea Generale delle Nazioni Unite, New York, 24 settembre 2022. (Address)

Addressing the United Nations, the Secretary of State speaks of fresh conflicts that have arisen to an extent not seen since 1945, a mutual lack of trust that closes people against each other. It is essential to recover a sense of the common identity of the human family. He feels that too often decisions are taken without a true negotiation in which all countries have a voice. He invites the members to return to the spirit of their founding Charter. Violence and the expenditure on arms serve only to increase insecurity, particularly in the area of food, and the conflict in Ukraine has exacerbated this. He refers also to other conflicts in the Middle East, Libya and sub-Saharan Africa. This was first published in *L’Osservatore Romano* on 26 September 2022, p. 4.

Comm 54 (2022), 434-441: P. Parolin: “The Full Face of Humanity. Women in leadership for a just society.” Keynote speech by His Eminence Cardinal Pietro Parolin, Secretary of State of His Holiness, on the occasion of the International Conference UNESCO, Paris, 27 October 2022. (Address)

The Secretary of State opens a UNESCO conference in Paris prepared by Caritas Internationalis marking its 70th anniversary of foundation. Education is central to the development of each person and any discussion on the promotion of women without tackling the right to education is likely to be empty. Inclusiveness is not an innate disposition but requires respect for the inherent dignity of each human being. It can be distorted by some anthropological paradigms. There are various reasons why girls can drop out of education even in developed countries. A quality education does not imply exclusiveness. P. goes on to speak of the values of femininity as a gift for humanity and of the institutional commitment of the Church and the Holy See in support of women’s leadership.

IM 33 (2022), nr 2, 137-160: Piotr Morciniec: Płaszczyzny odpowiedzialności genetycznej a rola rodziców (*Reference points for genetic responsibility and the role of parents*). (Article)

M. addresses the question of genetic responsibility in the context of parental tasks, especially the transmission of life, and the management of acquired genetic information and of genetic risk.

HISTORICAL SUBJECTS

1st millennium

Ap XCIII (2020), 107-126: Francesco Giammarresi: Alcune caratteristiche del processo episcopale nel diritto romano e loro valorizzazione nella riforma dei processi di nullità matrimoniale. (Article)

G. offers a reading of the characteristics of the Church's jurisdictional activity following the reform of the canonical process for the declaration of the nullity of marriage, to show that these are the same as characterized the *episcopalis audientia* from the fourth century on. He thus demonstrates that Roman law, and more generally the Roman juridical experience, are still able to provide us with a key to a better understanding of the current law.

Ap XCIII (2020), 127-171: Gaetano A. Corvasce: Statuto personale e funzionale nella Chiesa. (Article)

See below, canon 96.

Classical period

AC 62 (2022), 193-212: Engelbert Myongo Nama: L'aliénation des biens de l'Église en période classique et post-classique vue sous l'angle de la constitution *Ambitosae* du pape Paul II. (Article)

M.N. traces the origins of the law on alienation of Church property from the early Church, including the responsibility of deacons in this regard. It has always been punished by sanctions. The Constitution *Ambitosae*, issued by Paul II in 1435, decreed that goods could be alienated on the basis of *necessitas Ecclesiae*, *utilitas Ecclesiae*, and *pietas*, when there had been deliberation, consent of the diocesan chapter, and the authorization of the Sovereign Pontiff. Alienations effected without these formalities were null. Bishops and priests *mal alienantes* incurred an interdict from entering a church; after six months they incurred a suspension from the administration of a benefice and their office. There were similar sanctions for lower clergy and religious.

IC 62/124 (2022), 549-589: José-Miguel Viejo-Ximénez: La tradición canónica sobre la responsabilidad penal de *universitates* y *collegia*: la *Glossa Ordinaria* al Decreto de Graciano. (Article)

Penal canon law maintained the imputability of moral persons until the CIC/17. Corporate offences and punishments disappeared from Book VI of the CIC/83. This issue was not taken into account in the reform promulgated in 2021. In the meantime, secular legislation has introduced the criminal liability of legal persons, including that of recognized religious entities. Corporate criminal culpability is consistent with the canonical tradition. V.-X. presents the teachings of *Johannes Teutonicus* and *Bernardus Compostellanus Antiquus*, which were included in the revision of the *Glossa Ordinaria* to Gratian's *Decretum* by *Bartolomaeus Brixienensis*. It is rare for a *universitas* to commit a crime, but it is not impossible. Irrespective of civil liabilities *ex delicto*, the moral person and its members may be punished with spiritual or corporal penalties.

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

See above, General Subjects (*Compilations*).

16th-19th centuries

AC 62 (2022), 161-178: François Janowiak: Le pape *en sa Curie*? Remarques sur le souverain pontife préfet de dicastère, de Sixte à François. (Article)

See below, canon 360.

ELJ 24 (2022), 273-294: Norman Doe: Pre-Reformation Roman Canon Law in Post-Reformation English Ecclesiastical Law. (Article)

Catholic canon law did not cease to have an effect within the Church of England after the Reformation. English ecclesiastical lawyers continued to use pre-Reformation foreign papal law and domestic provincial and legatine law. These lawyers used several ideas to explain its status in pre-Reformation England. They usually held that it continued in force after the Reformation on the basis of section 7 of the Submission of the Clergy Act 1533 (if not repugnant to laws of the realm) – and a commission would reform it.

However, D. argues that this statute enabled the continuance of only domestic provincial law and perhaps legatine law but not foreign papal law. Yet a 1543 statute continued the provincial law and “other ecclesiastical laws” used in England, which may or may not have included legatine and papal law. Another of 1549 has no continuance provision, but the commission was to review “ecclesiastical laws used here” – which, too, may or may not include legatine and papal law. A statute of 1553 repealed these earlier statutes. A statute of 1558 repealed that of 1553 but revived only the 1533 statute, not those of 1543 or 1549. This suggests that only domestic provincial law, and perhaps legatine law, continued on the basis of statute, and not foreign papal laws. The latter might have applied from 1543 to 1553 but not after 1558, as only the 1533 statute perpetuating solely domestic law was revived. Nevertheless, English lawyers continued to invoke foreign “Roman” canon law. By the 19th century they did so on basis of custom not statute – and the 1533 Act section 7 was repealed in 1969.

IE XXXIV (2022), 597-621: Giovanni Minnucci: *Sed nunquid species mulina maior est et dignior equina et asinina? L'allegoria come strumento del dibattito fra teologi e giuristi: dalla canonistica classica alla Riforma.* Alcune note. (Article)

In the 12th and 13th centuries, Stefano Tornacense and Henry of Susa (Hostiensis) focused on the relationship between theology, civil law, and canon law, illustrating some of their thought by resorting to the device of allegory. At the end of the 16th century, one of the allegories employed by Hostiensis, comparing theology, civil law, and canon law to horses, asses and mules respectively (*theologia = scientia equina; ius civile = scientia asinina; ius canonicum = scientia mulina*), was critically used by a Puritan theologian, named John Rainolds, in the debate with Alberico Gentili, Regius Professor of Civil Law at Oxford. The two authoritative professors aimed at determining the respective competencies of the theologian and the jurist, also discussing the text of the great canonist.

IusM XVI/2022, 177-246: Giancarlo Rocca: *La Commissione per l'approvazione dei nuovi istituti religiosi istituita da Propaganda Fide nel 1887.* (Article)

To cope with the growing number of institutes applying for approval, and in order to shortcut the process, the S.C. *de Propaganda Fide* set up an ad hoc commission for approval in 1887: moreover it also went so far as to recommend two prototype-constitutions to help institutes in drafting their

own constitutions. In this way, *Propaganda Fide* anticipated the *Normae* that the S.C. of Bishops and Regulars was to adopt only in 1901.

IusM XVI/2022, 247-268: Matteo Sanfilippo: Propaganda Fide e le missioni per gli emigranti. (Article)

S. looks at the pastoral attention of the Congregation *de Propaganda Fide* for emigrants from the time of its foundation in 1622 up to the reform of the Curia in 1908.

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

See above, General Subjects (*Compilations*).

1917 Code

Ap XCIII (2020), 127-171: Gaetano A. Corvasce: Statuto personale e funzionale nella Chiesa. (Article)

See below, canon 96.

20th century

EE 97 (2022), 903-971: Miguel Campo Ibáñez: El derecho canónico en Estudios Eclesiásticos. Balance de un siglo II (1999-2021). (Article)

At the end of the 20th century, *Estudios Eclesiásticos* published a chronicle of contributions of canonists from 1922, the year of the journal's birth, until 1999. Here C.I. presents in detail, up to the year 2021, the canonical publications in the annual monographs that the journal dedicates to canon law (the last issue of each year).

EE 97 (2022), 973-999: Nicolás Álvarez de las Asturias: Apuntes para una historia del derecho canónico español en este último siglo. (Article)

The history of canon law in the last hundred years can be written as the process of three receptions: that of the Code of 1917, that of the doctrine of

the Second Vatican Council, and that of the Code of 1983. Á. studies these receptions in the context of the Spanish canonical world, and more specifically, that of Spanish canonists who worked in the different universities, generally excluding other significant contributions, such as those of canonists who worked in the Roman Curia, or in the ecclesiastical tribunals or in establishing relations with the political power.

IC 62/124 (2022), 799-836: Sebastian Terráneo: La instrucción *Crimen sollicitationis* (1922): La competencia del Santo Oficio en delitos de naturaleza sexual cometidos por clérigos. (Article)

At the beginning of the 20th century, the authorities of the Holy Office noticed a worrying increase in the number of accusations and processes relating to the offence of solicitation. This situation and the need to update the regulatory norms contained in the 1741 Constitution *Sacramentum Poenitentiae* marked the start of a process that, stemming from its origins in the 19th century, led to the 1922 Instruction *Crimen sollicitationis*. These stipulations would regulate offences of a sexual nature subject to the competence of the Holy Office. T. presents this Instruction which, addressed to local Ordinaries, regulated in detail the process for addressing an offence that at the time seriously afflicted the Church and, while also dealing with other offences, included for the first time within the competence of the Holy Office sexual offences committed by clerics against prepubescent children.

IM 33 (2022), nr 2, 175-189: Robert Kantor: Threats to the institution of marriage in letters and messages of the Polish bishops in 1918-1939. (Article)

K. studies the subject of threats to the institution of marriage as seen by the Polish bishops between 1918 and 1939. In the interwar period, the bishops watched over the purity of the teaching on marriage and were sensitive to emerging threats to this institution. K. presents the teaching of the bishops in pastoral letters and messages on the sanctity of marriage, and discusses threats in the form of civil weddings, divorces, mixed marriages, or abuses of marriage under the name of “conscious motherhood”.

IusM XVI/2022, 41-62: Maurizio Martinelli: Chiesa e missione. Continuità e aggiornamento dell'esperienza evangelizzatrice nella prima parte del ventesimo secolo. (Article)

M. analyses the evangelizing experience from a double perspective. The ecclesiological moment and the juridical dynamics that had marked the experience of the missionary dicastery constitute interpretative keys to understand the logic and themes that, albeit with different accents, were re-proposed at the beginning of the 20th century. The governance of evangelization still faces urgent needs, which mark the institutional development of Propaganda (training of the indigenous clergy, finding new means of sustenance for the missions) and which overlap the persistent nationalistic logic of the missions and the system of relations between the Church and secular realities. In this context, renewed ways of missionary action are emerging, in particular the universal missionary involvement of all the Catholic faithful and the expressions of the particular Churches. The general presuppositions of such a dynamic process are to be found in the institutional experience of the governance of Propaganda, which responds with renewed tools to the need to evangelize.

Per 111 (2022), 469-490: Eva Vybíralová: “Mexican Faculties” provided by Pope Pius XII and the Hidden Church in Czechoslovakia during the Communist Period (1948-1989). (Article)

Among the documents revealed in the opening of the archive of Pope Pius XII were those referred to previously as the “Mexican Faculties”, i.e., the extraordinary measures provided by the Pope to help the situation of the particular Churches that found themselves suffering from persecution, especially under Communist regimes. V. shows that such provisions had their origins in the persecution suffered in Mexico during the 1920s, and then considers how similar faculties were used to even greater effect in Czechoslovakia during the period 1948-1989, when Church activities were severely restricted by the government. She shows that the lack of proper documentation led to a very complex situation which has yet to be fully understood and resolved more than 30 years after the fall of Communism.

RDC 72/1-2 (2022), 5-391: Les Dominicains, la modernité et le droit. (Compilation)

See above, General Subjects (*Compilations*).

Second Vatican Council and revision of the CIC and CCEO

Comm 54 (2022), 489-524: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus” IV sessione, 28-31 gennaio 1969. Voti dei consultori. (Report)

This report comprises the *vota* of eight consultors on the revision of the canons on dispensation. A footnote indicates that the oral discussion was reported in *Communicationes* XIX (1/1987), pp. 68-105. Several of the consultors offer just brief comments on the draft canons 80-84: P. Andrieu-Guitrancourt (pp. 489-493); U. Beste (pp. 494-495); R. Arrieta Villalobos (pp. 496-498); J. Bernhard (pp. 499-501); P. Tocanel (pp. 508-509). More substantial evaluation setting out basic principles and approaches is offered by W. Bertrams (pp. 502-507) and Severino Álvarez-Menéndez (pp. 512-524).

Comm 54 (2022), 525-554: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” III Sessione 20-25 ottobre 1975. (Report)

This report covers the discussion of proposed revisions to canons 60-87 and 53-59 of *Cleri Sanctitati* on the obligations and rights of clerics. The original and emended texts are set out side by side with brief comments followed by a number of individual proposals from members of the study group (pp. 549-554).

Comm 54 (2022), 555-593: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” IV Sessione 8-19 novembre 1976. (Report)

This report continues the discussion raised at the previous meeting on the obligations and rights of clergy and then moves on to the ascription of clergy (*Cleri Sanctitati*, nos. 42-52), loss of the clerical state (*Cleri Sanctitati*, no. 155) and the formation of clergy. In the latter case a draft of fourteen canons is provided. Several proposals from individual consultors follow. The report concludes with a provisional draft covering the areas discussed.

Ius 13, 1-2 (2022), 45-71: John D. Faris: Crafting a Paradigm for the Catholic Communion of Churches. (Article)

See below, CCEO canons 27-28.

CODE OF CANONS OF THE EASTERN CHURCHES

General

Ius 13, 1-2 (2022), 159-169: Kuriakose Bharanikulangara: Synodality and Particular Law. (Article)

As the theme of synodality is being discussed globally to attain better “communion, participation and mission”, B. states that this idea of communion and participation in the canonical framework was pondered over by the recently deceased Fr George Nedungatt SJ († 26 October 2022) about 25 years ago. In his capacity as Professor and later Dean of the Pontifical Oriental Institute, and as a close collaborator of the drafting Committee of the Guidelines for the Revision of the Eastern Code, he had insisted on the principle of subsidiarity in the drafting of Eastern canon law, arguing in favour of legislative freedom and flexibility on the part of the *sui iuris* Churches and individual bishops. B. examines the right of the bishop to make law in his diocese, and that of the Synod of Bishops for making particular law. He cautions against the danger of synchronization or generalization in applying this legislative right in the life of Eastern Churches.

IusM XVI/2022, 143-165: Alberto Fabbri: Le chiese orientali unite a Roma tra storia e azione ecumenica. (Article)

See above, General Subjects (*Ecumenism and interreligious dialogue*).

IusM XVI/2022, 269-276: Gianpaolo Rigotti: Le fonti dell'Archivio storico della Congregazione per le Chiese Orientali, tra Pio IX e Pio XI (1862-1939). (Article)

The Archive of the Congregation for the Oriental Churches, open to the public, comprises the fonds of the Eastern section of the Congregation *de Propaganda Fide*, created by Pius IX (1862), and the Congregation for the Oriental Church, founded by Benedict XV (1917). Classification criteria underwent changes during the period examined; the one based on titles (1928) is organized according to the designations of the Eastern Catholic Churches *sui iuris*. Three documentary areas arouse particular historical interest: 1. the activity of Eastern religious institutes, especially monastic, and the missionary work in the East of Latin religious Orders; 2. the migration of

Eastern Catholics to Western Europe and overseas and pastoral care in the diaspora; and 3. the Holy See's aid to Eastern Christians and the solidarity of other international institutions, such as the *Oeuvre d'Orient* and the *Catholic Near East Welfare Association*.

IusM XVI/2022, 277-293: Lorenzo Lorusso: I rapporti interdicasteriali tra la Congregazione per l'Evangelizzazione dei Popoli e la Congregazione per le Chiese Orientali: attualità e prospettive. (Article)

L. analyses the origins and competence of the Congregation for the Oriental Churches from its erection to *Pastor Bonus*. He highlights the relationship with the Congregation *de Propaganda Fide* from which it broke away, its financial administration, and evangelization especially in the Eastern territories.

CCEO 27-28

Ius 13, 1-2 (2022), 45-71: John D. Faris: Crafting a Paradigm for the Catholic Communion of Churches. (Article)

The drafting of the post-conciliar common Code for the Eastern Catholic Churches highlighted the need for a clear understanding of the ecclesial and hierarchical infrastructure of the Catholic Church in order to ascertain the place of the Eastern Catholic Churches in it. A lack of appreciation of the ecclesial nature of these Churches reduced them in practice to administrative anomalies in the Catholic Church that had their own rites. The Second Vatican Council provided insights into the Catholic Church as a communion of Churches, each with the power to govern itself.

CCEO 43

Ius 13, 1-2 (2022), 73-91: George Thekkekara: The Power of the Roman Pontiff in Relation to the Churches *Sui Iuris*: An Analytical Study of CCEO c. 43 with Special Reference to the Patriarchal Churches in an Ecumenical Perspective. (Article)

Canon 43 of the Eastern Code is the crux of the Catholic teaching on the primacy of the Bishop of Rome. Is papal primacy a stumbling block for ecumenism, as once observed by the late Pope Paul VI in his address to the members of the Secretariat for the Unity of Christians? Does canon 43 promote ecumenism or remain a hindrance to it? How far is it acceptable to

the non-Catholic Eastern Churches? Should the Catholic Church do anything more to make this mode of primacy more acceptable to the Easterners? T. argues that the Catholic Church should think of formulating an ecclesiology that gives more prominence to the heads of particular Churches *sui iuris*, especially the patriarchs.

CCEO 44

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all’ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

See below, CIC canons 187-189.

CCEO 56

Ius 13, 1-2 (2022), 45-71: John D. Faris: Crafting a Paradigm for the Catholic Communion of Churches. (Article)

See above, CCEO canons 27-28.

CCEO 210

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all’ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

See below, CIC canons 187-189.

CCEO 331-341

Comm 54 (2022), 555-593: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” IV Sessione 8-19 novembre 1976. (Report)

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

CCEO 357

Ius 13, 1-2 (2022), 141-157: Antony Perumanoor: Clerical Ascription According to CCEO: A Study with Special Attention to Clerical Ascription in the Missionary Society of St Thomas the Apostle. (Article)

See below, CCEO canon 572.

CCEO 357-366

Comm 54 (2022), 555-593: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” IV Sessione 8-19 novembre 1976. (Report)

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

CCEO 367-393

Comm 54 (2022), 525-554: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” III Sessione 20-25 ottobre 1975. (Report)

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

CCEO 367-393

Comm 54 (2022), 555-593: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” IV Sessione 8-19 novembre 1976. (Report)

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

CCEO 394-398

Comm 54 (2022), 555-593: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico” IV Sessione 8-19 novembre 1976. (Report)

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

CCEO 432

Ius 13, 1-2 (2022), 93-117: George Allumpurathu: Ascription and Government of a Dependent Monastery, a House or a Province of a Religious Institute Ascribed to Another Church *sui iuris* (CCEO c. 432). (Article)

CCEO canon 432 defines the juridical figure of a dependent monastery, house or province of a religious institute ascribed to another Church *sui iuris*. These are the only exceptions in the CCEO according to which a religious institute can admit candidates from another Church *sui iuris* without the prior permission of the Holy See. The ascription of a religious institute is distinct from its canonical erection. Nevertheless, the former is mostly accomplished *ipso facto* through the latter. So too the ascription of a house or province to another Church *sui iuris* is not the same as erecting a house of an institute in an eparchy. When it is a question of a dependent monastery, house, or province of an institute to be ascribed to another Church *sui iuris*, according to canon 432 of the CCEO the involvement of the Holy See is necessary. So the authorities competent – according to the *typicon* or statutes – to erect a dependent monastery, house, or province, effect this ascription with the approval of the Holy See.

CCEO 572

Ius 13, 1-2 (2022), 119-139: Sebastian Vadakel: The Juridical Status of the Missionary Society of St Thomas the Apostle. (Article)

V. deals with the present juridical status of the Missionary Society of St Thomas the Apostle, which under canon 572 of the CCEO is a missionary society of apostolic life of major archiepiscopal right of the Syro-Malabar Church. He looks at the juridical history of the Society and at its particular and proper law.

CCEO 572

Ius 13, 1-2 (2022), 141-157: Antony Perumanoor: Clerical Ascription According to CCEO: A Study with Special Attention to Clerical Ascription in the Missionary Society of St Thomas the Apostle. (Article)

All societies of apostolic life exclusively for the mission *ad gentes* started as the response of particular Churches to their responsibility for the universal mission. These societies are instruments of the local Churches which require close bonds with the bishop and priests. According to the teaching of the

Second Vatican Council, a missionary society exists not for itself but as an instrument of the living communion between the sending and the receiving Church (*Ad gentes*, nos. 17, 37). The clerical members of societies of apostolic life are normally ascribed/incardinated to the society. But there is a provision for the members to remain ascribed/incardinated to their home dioceses. With regard to the ascription of the members of the Missionary Society of St Thomas the Apostle (MST), the Constitutions of the MST state that members are ascribed to the Society as clerics through the reception of the sacred order of the diaconate. But there is another possibility of ascription given in the Constitutions by virtue of an exceptive clause, “unless otherwise provided for particular cases.” This provision allows members to be ascribed to their home dioceses and, at the same time, become members of the Society by taking the promise of incorporation. This helps the members to be aware of the universal mission of the dioceses concerned, whilst also expressing their dedication to the missionary activity of the universal Church and the active participation of their diocese of origin in the work of evangelization. At present, all members of the MST are ascribed to the Society. Making use of the exceptive clause will help members to participate in the missionary responsibility of their respective dioceses.

CCEO 934

SC 56 (2022), 605-627: John D. Faris: The Role of Consultation in Eparchial Governance. (Article)

See above, General Subjects (*Ecclesiology*).

CCEO 967-971

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all’ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

See below, CIC canons 187-189.

CCEO 1057

Ius 13, 1-2 (2022), 171-191: Cherian Thunduparampil: Reforms in the Canonization Process since 1983. (Article)

The *Normae* promulgated by St John Paul II in 1983 continue to govern the canonization process. The progress and advances that have taken place since 1983, both in the Church and outside, along with the difficulties and issues

encountered by the Congregation for the Causes of the Saints in the application of the *Normae*, prompted the competent authorities to enact reforms to the current process of canonization. T., paying homage to Fr George Nedungatt SJ († 26 October 2022), his former teacher and guide, introduces and presents these latest reforms.

CCEO 1401-1487

AC 62 (2022), 257-279: Ataa Denkha: Procédures pénales canoniques de l’Orient à l’Occident. (Article)

D. compares Titles XXVII-XXVIII of the CCEO and the new Book VI (2021) of the CIC/83 under these headings: competent authority; penalties; particular delicts; penal procedures. CCEO canon 1401 presents sanctions in the context of healing those whose actions have caused harm; the equivalent canon in the 2021 law, adds: “The one who is at the head of a Church must safeguard and promote the good of the community itself and of each of Christ’s faithful, through pastoral charity, example of life, advice and exhortation and, if necessary, also through the imposition or declaration of penalties, in accordance with the provisions of the law, which are always to be applied with canonical equity and having in mind the restoration of justice, the reform of the offender, and the repair of scandal” (canon 1311 §2). The duty of an Ordinary to act arises “when he perceives that neither by the methods of pastoral care, especially fraternal correction, nor by a warning or correction, can justice be sufficiently restored, the offender reformed, and the scandal repaired” (canon 1341).

CODE OF CANON LAW BOOK I: GENERAL NORMS

1-203

EE 97 (2022), 1001-1015: Ulrich Rhode: Desafíos viejos y nuevos para las normas generales del Código de Derecho Canónico. (Article)

Like the other books of the Code, Book I on General Norms deserves a review to see whether it is appropriate to adapt those norms to changing circumstances, including the development of civil legal theories (e.g. with respect to the theory of juridical acts and administrative acts), developments in Church doctrine (e. g. with respect to synodality), technological advances (such as the digital revolution) and fundamental questions that are no longer as easy to answer as they once were (such as the question of the criteria for whether one is to be considered a man or a woman).

7-8

FCan XVII/2 (2022), 61-81: James Bradley: Justice, Stability, and Integrity in the Doctrine of Promulgation. (Article)

Canon 7 provides that a law is established when it is promulgated, and canon 8 sets out how promulgation is carried out in the Church. Yet the essential nature of promulgation and its intrinsic importance to the provision of just legislation is found, first of all, in principles of natural justice. Establishing the fundamental purposes of promulgation, and so what in practical terms is requisite and necessary for its proper enactment, is essential to justice, stability, and integrity in the Church. B. offers a survey of the doctrine of promulgation from the perspective of natural justice, particularly as it is articulated by Saint Thomas Aquinas and Francisco Suárez. He reviews concerns about the subversion of promulgation in first-century Rome and eighteenth-century America, as a means of reflecting on the principles of natural justice in relation to concrete instances. He also considers and weighs contemporary developments in the promulgation of universal ecclesiastical law, inviting a renewed appreciation and concern for just and sufficient promulgation within the canonical legal system, thereby promoting good legislative and governmental practice, which in the Church is always oriented to the highest of goals.

48

J 78 (2022), 413-444: Patrick R. Reilley: The Principle of Proportionality Regarding Non-Penal Singular Administrative Acts in the Recent Jurisprudence of the Apostolic Signatura. (Article)

See below, canon 1445.

85-93

J 78 (2022), 551-574: Velasio De Paolis† – Andrea D’Auria: The Dispensation (Canons 85-93). (Article)

The dispensation is applied as a means of relaxing the law in a given case. This article considers the relationship between the dispensation and legislation, and so between the one dispensing and the legislator; which laws are dispensable and which are not; the need for a just and reasonable cause in view of the “wounding” of the law caused by dispensation; and the cessation of a dispensation. This translation of the work of De P. and D’A. presents their textbook discussion of the institute of the dispensation in canon law in English for the first time.

89-93

Comm 54 (2022), 489-524: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus” IV sessione, 28-31 gennaio 1969. Voti dei consultori. (Report)

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

96

Ap XCIII (2020), 127-171: Gaetano A. Corvasce: Statuto personale e funzionale nella Chiesa. (Article)

Defining a person’s identity and his or her prerogatives within the Church is essential not only for those who are responsible for leading an ecclesial community, but also for the individual who has to be conscious of his or her function. Legal science uses the concept of “status” to deal with this issue. This “status” refers to the ability acquired in a stable manner either sacramentally (through baptism, confirmation, order, or matrimony) or non-

sacramentally (through vows or sacred bonds), and to those abilities acquired in order to fulfil a function such as an ecclesiastical office with power of governance (see canon 145) or by delegation (see canon 131 §1) and which can be called a “statute of function”. C. demonstrates the use of this concept in Roman law and throughout the history of the Church up to the post-conciliar debates and the present legislation. The same notion can also be used in relation to objects and institutions, in so far as they are subject to specific rules regulating their use and organization.

110

Per 111 (2022), 173-205: Ulrich Rhode: L’adozione nel diritto canonico. (Article)

In the CIC/83, four canons (110; 535 §2; 877 §3; 1094) deal with the institution of adoption. R., Dean of the Canon Law Faculty of the Pontifical Gregorian University, first of all clarifies what is understood by adoption, and distinguishes it from other kinds of relationship which do not have the same juridical consequences. He goes on to consider the position of the Magisterium in relation to adoption, the development of the relevant canonical norms, and the juridical recognition by the Church of adoptions regulated by the State. He then considers the types of adoption that the Church can actually recognize. This leads him to reflect on five responses from the Holy See given during the past 20 years dealing with matters related to adoption: the adoption of a child by two homosexuals, or “same-sex” adoptions (response of the Pontifical Council for Legislative texts [PCLT], 17 January 2009); the determination of the religious affiliation of an adopted child and its *sui iuris* Church (Congregation for Eastern Churches, response 1 January 2003; PCLT, response 26 January 2011); the formal registration of the baptism of an adopted child (PCLT, response 15 November 2017); the question of the possibility of the adoption of a child by a cleric or a professed religious (Congregation for the Clergy, response 2004).

129

AC 62 (2022), 143-160: Thibault Joubert: Réflexions sur la mission canonique confiée aux laïcs dans la constitution *Praedicate evangelium*. (Article)

The Code provides for the participation of lay persons in the *munus docendi* (canon 759) and the *munus sanctificandi* (canon 835 §4), but not in the *munus regendi*. No book in the Code was dedicated to it, which reflected the

reluctance of the Code Commission to envisage the involvement of lay persons on the same basis as clerics (Corecco). *Christifideles laici* (1988), no. 22, and *Ecclesia de mysterio* (1997) affirm a double basis for involvement in ministry: baptism and confirmation for lay persons, ordination for clerics. *Praedicate Evangelium* states: “Each curial institution carries out its proper mission by virtue of the power it has received from the Roman Pontiff, in whose name it operates with vicarious power in the exercise of his primatial *munus*. For this reason, any member of the faithful can preside over a Dicastery or Office, depending on the power of governance and the specific competence and function of the Dicastery or Office in question” (Principles and criteria for the service of the Roman Curia, no. 5). J. asserts that the Code has two contrasting theories on sacred power: one distinguishes between the power of orders and the power of jurisdiction; the other affirms the unity of sacred power based on the *tria munera*. The question remains, to what extent can a lay person cooperate in the exercise of sacred power? J. holds that the notion of “sacred power” is rooted in a static and “reified” sacramental theology, and supports the Ghirlanda view that the power of governance in the Church comes not from the sacrament of orders but from canonical mission. This concept, found in the CIC/17 (canon 109), is used in *Lumen gentium*, no. 24. The *Nota explicativa praevia* links canonical mission to hierarchical communion, “not to be understood as some vague sense of goodwill, but as something organic, which calls for a juridical structure as well as being enkindled by charity” (no. 2). J. calls for power to be seen in the context of the pastoral mission of the whole Church.

129

AC 62 (2022), 161-178: Ludovic Danto: Des fidèles du christ laïcs à des postes de gouvernement et de responsabilité au sein de la Curie romaine: rendre compte de la constitution apostolique *Praedicate evangelium*. (Article)

Praedicate Evangelium, Preamble, no. 10, states: “Each Christian, by virtue of baptism, is a missionary disciple to the extent that he or she has encountered the love of God in Christ Jesus. This must necessarily be taken into account in the reform of the Curia, which should consequently make provision for the involvement of lay women and men, also in roles of government and responsibility. Their presence and their participation is essential, since they contribute to the well-being of the entire Church”. (“Contribute” does not capture the echo of the verb “cooperate” in canon 129 §2. The Italian version uses “*cooperano*”, the French “*coopèrent*”.) D. cites *Pastor Bonus*, no. 9: “In addition to this, most of the heads of individual

dicasteries have the character and grace of the Episcopate, pertaining to the one College of Bishops”, implying that this “character and grace” are not necessary in every case. If, according to canon 129 §2, a lay person can cooperate in the power of governance, then a priest can also do so. *Praedicate Evangelium*, no. 17, places a time-limit on the service of priests in the Curia, but none on lay people. D. asks: can such service by priests not be seen as a pastoral service and an expression of priestly commitment? Cardinal Consalvi and Cardinal Antonelli, Secretaries of State to Pius VII and Pius IX respectively, exercised significant power of governance, while only in minor orders. The requirement for cardinals to be ordained bishops dates to the motu proprio *Cum gravissima* (1962). In the past, women were Ordinaries and exercised the power of jurisdiction, e.g., the Abbess of Burgos until 1873. The exercise of power in the Roman Curia is vicarious. Women exercise the power of governance as chancellors, judges, and diocesan financial managers. *Praedicate Evangelium* is the latest step in this tradition.

129

Comm 54 (2022), 401-410: M. Ouellet: “La riforma della Curia romana nell’ambito dei fondamenti del diritto nella Chiesa, di S.E.R. il card. Marc Ouellet, Prefetto del Dicastero per i Vescovi”, 20 luglio 2022. (Article)

The promulgation of *Praedicate Evangelium* and its widening of the roles open to the non-ordained in the Roman Curia reopened the long disputed question of the relationship between the sacrament of holy orders and that of governance or “jurisdiction”. O. seeks to overcome this divergence of view by looking more widely at Trinitarian theology and the role of the Spirit in particular. Canonical mission has its origin in ordination, whether of the successor of St Peter or of the College of Bishops. In the case of religious communities the authority recognized in a superior is not purely domestic because the life of the community has been recognized and accepted by the Pope or bishop. It is a charismatic not ordained ministry but it is linked to ordained ministry. That it comes from the Spirit does not mean it is separated from the power of orders but that it has its own identity. Ultimately it is in Peter that these two aspects are united. O. cites St Irenaeus to the effect that Christ and the Spirit are the two hands of the Father. A view that sees canonical mission as simply delegation is too narrow. In this light the Apostolic Constitution better integrates the governance of the Church without undermining its hierarchical structure. This was first published in *L’Osservatore Romano* of 20 July 2022, pp. 6-7.

129

NRT 144 (2022), 612-628: Alphonse Borras: La sacra potestas, la seule voie pour la participation des laïcs au gouvernement de l'Église? (Article)

Is “sacred power” (*potestas sacra*) the only way for lay participation in the governance of the Church? In order to answer this question, B. identifies the nature of this “sacred power” at Vatican II. The Council highlighted the trilogy of prophetic, priestly and royal functions (*tria munera*) conferred by episcopal consecration: it favoured a rather theological language, without disqualifying the juridical language based on the binomial (power of) order and (power of) jurisdiction still present in the CIC/83. It is legitimate to ask whether, rather than starting from the “sacred power” (of the clerics), we should not start from the ecclesial community and its mission, namely its *cura animarum*, in order to consider the participation of the laity in the governance of communities.

144

IM 33 (2022), nr 1, 79-116: Dawid Pietras: Status kanoniczny małżeństw zawieranych przy asystowaniu kapłanów Bractwa Kapłańskiego Świętego Piusa X (FSSPX) po wydaniu listu Papieskiej Komisji Ecclesia Dei z 27 marca 2017 r (*The canonical status of marriages at which priests of the Priestly Fraternity of Saint Pius X [FSSPX] assist, following the issuing of the letter of the Pontifical Commission “Ecclesia Dei” of 27 March 2017*). (Article)

See below, canon 1108.

187-189

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all'ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

The CIC/83 and the CCEO establish the characteristics of resignation as a cause of cessation from ecclesiastical office. G. compares the “general model” of resignation with some “special” cases concerning in particular the offices of diocesan bishop and Roman Pontiff, in order to identify the common aspects and above all the divergent ones, which are sometimes necessary in order to conform canonical legislation to the needs that are rooted in divine law. He compares resignation from office with the case of the entirely impeded Roman See.

BOOK II, PART I: CHRIST'S FAITHFUL

207

FCan XVII/2 (2022), 41-60: Pablo Ormazábal Albistur: La subjetividad jurídica de los movimientos y nuevas comunidades eclesiales. Algunas perspectivas abiertas por la carta *Juvenescit Ecclesia*. (Article)

See below, canon 298.

207-208

Ap XCIII (2020), 127-171: Gaetano A. Corvasce: Statuto personale e funzionale nella Chiesa. (Article)

See above, canon 96.

212

QDE 35 (2022), 408-420: Pierantonio Pavanello: La sinodalità nella Chiesa particolare: riflessioni canonistiche. (Article)

P. sees in synodality an attempt to involve all the faithful in the making of decisions in the Church, and offers a more complex ecclesiological model of how decisions might be made. He comments on the importance of finding structures that can enable all to be heard, reflects on how these might link with the council of priests and the diocesan pastoral council, how the diocesan bishop exercises his own proper authority in this context, and how the diocesan synod can be a model of synodality in the particular Church.

220

ADC 11 (julio 2022), 93-126: José Antonio Soler Martínez: Protección constitucional de la intimidad y de los datos de carácter personal frente a las nuevas tecnologías. (Article)

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

220

J 78 (2022), 445-476: Michael J. Mazza: *Bona Fama* in an Age of “Transparency”: Publishing Lists of “Credibly Accused” Clerics. (Article)

The practice of making the names of clerics “credibly accused” of sexual abuse of minors publicly accessible has become the norm in recent decades. This practice must be considered in the light of conciliar teachings as well as civil and canonical doctrine on the right to a good reputation. It is essential to weigh carefully many factors when determining what is demanded by the need for transparency, especially such considerations as the right to a good reputation (*bona fama*), the definition of credibility, the utility of listing names of the deceased, and the necessity of repairing the reputation of those clerics who have been wrongfully accused. Ultimately, the practice of publicly listing the names of clerics who have been accused of abuse must be carefully weighed against the clerics’ legal and natural right to a good reputation.

228

NRT 144 (2022), 407-423: François-Xavier Amherdt: Points d’attention pour la mise en œuvre des récents *Motu proprio Spiritus Domini et Antiquum ministerium*. (Article)

A. asks how to implement Pope Francis’s two *motu proprio*s of 2021 on institutions, *Spiritus Domini* and *Antiquum ministerium*, with discernment, coherence and boldness. He places the two pontifical documents in the line of Paul VI’s reform of the minor orders with *Ministeria quaedam* (1972), and John Paul II’s Exhortation on the laity *Christifideles laici* (1988). He states that the issue is to think ecclesialogically about the instituted ministries exercised by lay men and women in their relationship to the community of missionary disciples and in keeping with their vocation, in particular in accordance with the new *Directory for Catechesis* (2020). He then considers what functions these instituted ministries of readers, acolytes and catechists (and others) could take on in the future. Finally, he points out some areas of vigilance and open questions to be taken into account, in order to favour the effective renewal of evangelization.

230

NRT 144 (2022), 407-423: François-Xavier Amherdt: Points d'attention pour la mise en œuvre des récents Motu proprio *Spiritus Domini* et *Antiquum ministerium*. (Article)

See above, canon 228.

237

IE XXXIV (2022), 707-721: Massimo del Pozzo: La promozione della prossimità e del decentramento nelle competenze delle Conferenze episcopali. (Article)

Del P. examines the modifications to the CIC/83 regarding the competences of episcopal conferences according to the motu proprio *Competentias quasdam decernere* (arts. 1, 2, 8). The main intention of the new legislation is to promote proximity and decentralization in decision-taking. In relation to the establishment of an interdiocesan seminary and its statutes, the programme of priestly formation, and the publication of a territorial catechism, what is now required is not an *approbatio*, but only a *confirmatio*. This legislative modification, however, demands a suitable hermeneutical and operative development.

242

IE XXXIV (2022), 707-721: Massimo del Pozzo: La promozione della prossimità e del decentramento nelle competenze delle Conferenze episcopali. (Article)

See above, canon 237.

265

Ius 13, 1-2 (2022), 141-157: Antony Perumanoor: Clerical Ascription According to CCEO: A Study with Special Attention to Clerical Ascription in the Missionary Society of St Thomas the Apostle. (Article)

See above, CCEO canon 572.

271

IusM XVI/2022, 63-87: Antoine Ndiaye: Prêtres diocésains en mission à l'extérieur. Enjeux juridiques actuels des mesures d'accompagnement de la Congrégation pour l'Évangélisation des Peuples du 25 avril 2001. (Article)

More than 20 years have passed since the publication of the Instruction of the Dicastery for the Evangelization of Peoples on the sending abroad and sojourn of diocesan priests from mission territories. In a further reflection on the document (for a previous comment see *Canon Law Abstracts*, no. 127, p. 46), N. points out that the Instruction continues to arouse the interest of those who are experiencing the situation and the problems highlighted therein by the Dicastery. He highlights the ten articles of the legislation, stating that the stakes are high, taking into consideration especially all the legal issues that the document could not specifically address and the complex cases that missionary cooperation encounters and to which it must find a solution to guarantee its true and authentic nature.

273-274

HPR October-November 2022: Philip Smith: Priestly Obedience in a Post-McCarrick Church, Parts I and II. (Articles)

The purpose of these two articles is to provide a clear articulation of Church teaching on the priestly promise of respect and obedience to one's bishop. S. hopes they will help seminarians to overcome any naïveté they have about the real difficulties of priestly obedience. At the same time, he underlines the positive value of obedience to allow the beauty of an obedient priestly lifestyle to emerge. In the first part he treats the theology of obedience and what it means to have one's will conformed to the Father's will. In the second part he takes up the nature of obedience and true authority and how that might play out in various offices within one's priestly training and life.

291

IE XXXIV (2022), 649-688: Tribunale Apostolico della Rota Romana: Nullitatis matrimonii – impedimento d'ordine sacro, impedimento di voto pubblico perpetuo di castità emesso in un istituto, difetto di libertà interna – Sentenza di primo grado – 12 gennaio 2021 (n. 1/2021) – Giordano Caberletti, Ponente, con commento di Santiago Vigo,

Sull'esigenza di certezza morale circa la non avvenuta dispensa dall'impedimento. (Sentence and comment)

See below, canon 1608.

294-296

Comm 54 (2022), 369-371: Pope Francis: Lettera Apostolica in forma di Motu Proprio “*Ad charisma tuendum*”, 14 luglio 2022. (Document)

By the Apostolic Constitution *Ut sit* of 28 November 1982 John Paul II established Opus Dei as a Personal Prelature. By his Apostolic Constitution *Praedicate Evangelium* of 19 March 2022 reforming the Roman Curia Pope Francis entrusted competency over Personal Prelatures to the Dicastery for the Clergy instead of that for Bishops. The regulations in this motu proprio are intended to safeguard the charism of Opus Dei. Articles 5 & 6 of *Ut sit* are amended accordingly. In future the Prelate will no longer be a bishop but will be accorded the title of Protonotary Apostolic in recognition of his office.

298

FCan XVII/2 (2022), 41-60: Pablo Ormazábal Albistur: La subjetividad jurídica de los movimientos y nuevas comunidades eclesiales. Algunas perspectivas abiertas por la carta *Iuvenescit Ecclesia*. (Article)

O.A. carries out a juridical analysis of the so-called ecclesial movements, as described in the 2016 letter *Iuvenescit Ecclesia* (IE). More precisely, using the category of ecclesial/juridical subject, he studies the notion of ecclesial movements as offered in IE, and the sharing by the Christian faithful in the charismatic gifts according to their different canonical conditions. Looking at nos. 2 and 22 of IE from a canonical perspective, he examines how a charism may be shared, as is referred to in IE no. 16. The question of participation in a charismatic gift is one of the great contributions of IE, and it has significant juridical consequences in relation to clarifying the canonical nature of the movements and new communities, which O.A. sets out in the form of seven perspectives of a theoretical and practical nature.

298

Andrea Ganci: La questione della consacrazione dei fedeli nei Movimenti Ecclesiali. Stato attuale e prospettive future. (Book)

See below, canon 605.

312

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

B. deals with the challenges of institutionalization. New foundations are in a very special situation, facing the great task of defining their charism, their institutional identity, and finding the place and role of the founder. They face many challenges in this process and their future depends on the answers they find to these challenges. B. analyses some of the pitfalls and struggles involved.

321

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

See above, canon 312.

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

332

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all'ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

See above, canons 187-189.

342-348

EIC 62 (2022), 423-459: Manlio Miele: «Episcopalis Communio» e nuove forme della sinodalità. (Article)

See above, General Subjects (*Ecclesiology*).

349-359

EIC 62 (2022), 461-509: Manuel Ganarin: La funzione sinodale del Collegio cardinalizio. Fondamenti, attualità e prospettive. (Article)

According to the teaching of Pope Francis, the Church must become the protagonist of an effort of “synodal conversion” that values the co-responsibility and participation of all faithful. This process also involves ecclesiastical institutions that support the exercise of primacy, such as the College of Cardinals. G. illustrates and examines the synodal foundation and function of Cardinals especially in the pontificate of Francis and formulates some proposals that could revive the collegial action of Cardinals as a qualified consultative body.

360

AC 62 (2022), 91-106: François-Régis Ducros: Une réforme parmi les réformes de la Curie dans l'histoire: approches historiques. (Article)

In the first four centuries, the Bishop of Rome governed his diocese like other dioceses, with the help of his *presbyterium*. The prestige of the Roman clergy and their organization slowly set them apart. The Roman Council or Synod, comprising bishops from Italy, France, Spain, and North Africa, became the Council of the Bishop of Rome in relation to important issues in the wider

Church. Senior clergy of the Roman Church became *tituli cardinales*. In the seventh and eighth centuries, a *cancellarius* headed the bishop's chancery; records were entrusted to the care of a librarian. A tribunal of Roman clergy dealt with disputes in Rome and the surrounding dioceses. The administration of clerical issues was entrusted to an archpriest and an archdeacon. The term "Roman curia" was used for the first time in a 1089 document of Urban II. Following the Gregorian Reform, three juridical structures emerge: the *audientia litterarum contradictarum*, the Apostolic Penitentiary, and the Roman Rota. "Congregations" trace their origin to the Constitution *Immensa aeterni Dei* (1588). The loss of the Papal States in 1870 led to a reshaping of papal governance. *Christus Dominus*, no. 9, called for the involvement of lay persons in councils and commissions of the Roman Curia; *Regimini Ecclesiae Universae* (1967) emphasized episcopal collegiality, the doctrine of subsidiarity and the pastoral character of the Curia, as did *Pastor Bonus* (1988).

360

AC 62 (2022), 107-142: Joël-Benoît d'Onorio: Une cinquième réforme générale pour la Curie Romaine. (Article)

D'O. criticizes the non-involvement of Curial cardinals in the redaction of *Praedicate Evangelium*; he claims that Pope Francis's address on 22 December 2014 shows his hostility to the Curia. He laments the loss of the name "Congregations", a term that goes back to a bull of Paul III (1542), the loss of distinctions between them, and the dropping of the "Sacred". The conferral of leadership roles on lay persons by virtue of baptism is a major innovation, which he feels is not sufficiently grounded. A lay person cannot be a single judge in a nullity case but can now be Prefect of a Roman Dicastery.

360

AC 62 (2022), 143-160: Thibault Joubert: Réflexions sur la mission canonique confiée aux laïcs dans la constitution *Praedicate evangelium*. (Article)

See above, canon 129.

360

AC 62 (2022), 161-178: François Jankowiak: Le pape en sa Curie? Remarques sur le souverain pontife préfet de dicastère, de Sixte à François. (Article)

J. traces the historical roots of the Roman Curia from the *presbyterium Romanum* or *presbyterium Apostolicae Sedis*, consistorial governance, the role of cardinals, papal chaplains, congregations, finally brought into legislation in *Immensa aeterni Dei* (1588). He illustrates how Popes highlight priorities by retaining the role of Prefect of a Congregation, e.g., Benedict XV in the congregation for Eastern Churches; Francis presides over the Dicastery for Evangelization (*Praedicate Evangelium*, no. 54).

360

AC 62 (2022), 161-178: Ludovic Danto: Des fidèles du christ laïcs à des postes de gouvernement et de responsabilité au sein de la Curie romaine: rendre compte de la constitution apostolique *Praedicate evangelium*. (Article)

See above, canon 129.

360

Comm 54 (2022), 372-377: Pope Francis: Lettera Apostolica in forma di Motu Proprio sulle persone giuridiche strumentale della Curia Romana, 5 dicembre 2022. (Document)

Over the years a variety of funds and institutions were established to support the work of the Holy See. The purpose of this motu proprio is to clarify their status and relationship in the light of the reforms to the Roman Curia contained in the Apostolic Constitution *Praedicate Evangelium*. It applies only to those juridical persons mentioned in article 1 §1 of the Statute of the Council for the Economy based in the Vatican City State and not the curial institutions of the Roman Curia, institutions connected with the Holy See or the Governatorate of the Vatican City State.

360

Comm 54 (2022), 381: Pope Francis: *Rescriptum ex Audientia SS.mi* circa l'Istruzione sull'Amministrazione e gestione delle attività finanziarie e

della liquidità della Santa Sede e delle Istituzioni collegate con la Santa Sede, 23 agosto 2022. (Document)

By this rescript Pope Francis clarifies the application of article 219 of the Apostolic Constitution *Praedicate Evangelium* to the effect that the management of both patrimonial and movable goods of the Holy See and its institutions are the competency of the Institute for the Works of Religion (Vatican Bank).

360

Comm 54 (2022), 382-383: Pope Francis: *Rescriptum ex Audientia SS.mi* circa il regolamento della Commissione di Controllo per il Progetto di rinnovo della Caserma della Guardia Svizzera Pontificia, 2 settembre 2022. (Document)

This rescript sets out the competence, composition and working procedures of a commission to oversee the rebuilding of the barracks of the Swiss Guard.

360

Comm 54 (2022), 384: Pope Francis: *Rescriptum ex Audientia SS.mi*, Soppressione della Fondazione *Populorum Progressio*, 16 settembre 2022. (Document)

At the request of the Prefect of the Dicastery for the Service of Integral Human Development, Pope Francis suppresses the Foundation *Populorum Progressio*.

360

Comm 54 (2022), 385-386: Pope Francis: *Rescriptum ex Audientia SS.mi* sul passaggio di competenza della pastorale del turismo, 30 settembre 2022. (Document)

At the request of the Prefect of the Dicastery for the Service of Integral Human Development, Pope Francis transfers responsibility for the care of pilgrims or the faithful travelling for the purpose of study to the Dicastery for Evangelization, specifically the section concerning fundamental questions of Evangelization in the world.

360

Comm 54 (2022), 387: Pope Francis: *Rescriptum ex Audientia SS.mi* circa la riscossione e destinazione di somme derivanti da provvedimenti dell’Autorità Giudiziaria dello Stato, 11 ottobre 2022. (Document)

By this rescript Pope Francis establishes that the proceeds of fines or confiscations arising from judicial proceedings before the authorities of the Vatican City State are to be paid into a dedicated account at the Institute for the Works of Religion to provide compensation for victims of crime.

360

Comm 54 (2022), 388-389: Pope Francis: *Rescriptum ex Audientia SS.mi* circa le competenze della Direzione per le Risorse Umane della Santa Sede istituita presso la Segreteria per l’Economia, 11 ottobre 2022. (Document)

This rescript clarifies the role of the Human Resources department of the Secretariat for the Economy with regard to the financial support given to staff other than the Swiss Guard, for whom other measures are in place.

360

Comm 54 (2022), 390-391: Pope Francis: *Rescriptum ex Audientia SS.mi* circa le procedure per la gestione del processo di acquisizione di beni, servizi e lavori dell’Ospedale Pediatrico Bambino Gesù e dell’Ospedale Casa Sollievo della Sofferenza, 17 ottobre 2022. (Document)

Given the complexity of the provision of medical care, Pope Francis agrees to exempt certain aspects of procurement at the Bambino Gesù Hospital and that for the Relief of Suffering from the norms generally applying to contracts made by the Holy See and the Vatican City State.

360

Comm 54 (2022), 401-410: M. Ouellet: “La riforma della Curia romana nell’ambito dei fondamenti del diritto nella Chiesa, di S.E.R. il card. Marc Ouellet, Prefetto del Dicastero per i Vescovi”, 20 luglio 2022. (Article)

See above, canon 129.

360

Comm 54 (2022), 442-455: P. Parolin: “La riforma della Curia Romana. Criteri generali e organismi di giustizia”, Discorso di S.E.R. il Cardinale Pietro Parolin, Segretario di Stato, all’inaugurazione dell’Anno Giuridico 2022-2023 dello Studio Rotale, 10 novembre 2022. (Address)

Addressing those participating in the *Studium Rotale*, the Secretary of State sets out the general principles underlying the reform of the Roman Curia in *Praedicate Evangelium*, in particular: the mission of evangelization; communion among pastors; the collaboration of the laity. He then considers how these apply to the organisms of justice: the Apostolic Penitentiary; the Signatura Apostolica; the tribunal of the Roman Rota.

360

EIC 62 (2022), 535-563: Antonio Viana: La potestà della curia romana secondo la costituzione apostolica «Praedicate Evangelium». (Article)

V. offers an initial commentary on the new Apostolic Constitution reforming the Roman Curia. Starting from the preparatory work of the document, he provides initial reconstructive insights into its contents.

360

IE XXXIV (2022), 419-434: Juan Ignacio Arrieta: La nuova organizzazione della Curia Romana. (Article)

A. sets out the fundamental principles governing the Apostolic Constitution *Praedicate Evangelium*, which brings about a reform of the Roman Curia. These include the Church’s evangelizing mission; the Curia as an instrument of the primatial office; governance in communion; and decentralization, particularly in respect of episcopal conferences. He also comments on a number of particular features of the new legislation: nomenclature of the organisms of the Curia; participation of the laity; general organizational criteria; new organisms and changes of competences; and the role of the nuncio.

360

IE XXXIV (2022), 435-459: Fernando Puig: Coordinamento ed unità di azione della Curia romana nella Costituzione apostolica *Praedicate Evangelium*. (Article)

Like any other organization, but also with its own theological basis, the Roman Curia needs to coordinate the institutions of which it is composed. In addition to harmonizing tasks at a personal level, the Apostolic Constitution *Praedicate Evangelium* also aims at common action. P. examines how it sets about achieving this at the personal and institutional level, looking in particular at interdicasterial meetings from the point of view of administrative procedures, as well as the kinds of relationships set out in the law in respect of institutions.

360

IE XXXIV (2022), 461-495: Sergio F. Aumenta: La Segreteria di Stato nella Cost. apost. *Praedicate Evangelium*. (Article)

A. examines Pope Francis's reforms of the structure and competence of the Secretariat of State, which in fact began prior to the recent Apostolic Constitution *Praedicate Evangelium* (PE). A first reform, from 2015, involved the creation of a Secretariat for Communication, and meant the loss of the Secretariat of State's competence to supervise the multimedia communication of the Holy See. Later, in 2020, responsibility for Peter's Pence and other funds was transferred from the Secretariat of State to the Administration of the Patrimony of the Apostolic See. PE now provides for the transfer to the Secretariat for the Economy of competences concerning the personnel of the entire Roman Curia, with the exception of appointments to the highest positions in the Curial institutions (prefects, members, secretaries, undersecretaries and consultants). Therefore, after the diplomatic staff transfer from the First Section to the Third Section in 2017, other responsibilities of one of the most relevant offices of the Section for General Affairs, i.e. the Personnel Office, have also been assigned by PE to the Human Resources Department of the Holy See at the Secretariat for the Economy.

360

IE XXXIV (2022), 497-520: Jesús Miñambres: Gli organismi economici nella *Praedicate Evangelium*. (Article)

The Apostolic Constitution *Praedicate Evangelium* (2022) on the Roman Curia gathers together the changes introduced during the current pontificate to the institutions established for the administration and management of the resources needed to carry out the mission of the Curia. M. gives a brief summary of the organisms provided for in the previous law and of the main reform made by Pope Francis in 2014. He presents a description of the competences and organization of the “institutions of finance” as they appear in Part VII of the Apostolic Constitution. He concludes by referring to stewardship as a vehicle of transparency and accountability in the management of the assets of the Roman Curia.

360

IE XXXIV (2022), 723-735: Matteo Visioli: Commento alla Lettera apostolica in forma di «motu proprio» “*Fidem servare*” con cui si modifica la struttura interna della Congregazione per la Dottrina della Fede. (Article)

Twice within the space of a few weeks, the Supreme Legislator intervened in respect of the Congregation [now Dicastery] for the Doctrine of the Faith. The first intervention (11 February 2022) was by means of the motu proprio *Fidem servare*, through which the organizational structure of the Congregation was modified; the second was by the Apostolic Constitution *Praedicate Evangelium* (19 March 2022) regarding the entire Roman Curia, of which the Dicastery forms part. V. comments on the first text – not avoiding a comparison with the second – and highlights innovations, confirmations, and some open questions which time and praxis will allow to be answered.

360

ITS 59 (2022), 285-310: Merlin Rengith Ambrose: *Praedicate Evangelium* (can. 360): The Task Accomplished and Ahead. (Article)

The Apostolic Constitution *Praedicate Evangelium* puts the preaching of the Gospel and the missionary nature of the Church as the top priority of the Roman Curia. It represents a tectonic shift in the functioning of the Roman Curia, aimed at bringing the Church’s mission to evangelize to the centre of its governing and administrative structures. Significantly, it calls for the

involvement of lay men and women also in the role of government and responsibility in the Church, and it allots the protection of minors a central place in the Curia's structure. It emphasizes the significance of synodality for the life of the Church, fostering decentralization in Church governance by vehemently affirming the significant role of episcopal conferences. Almost a decade in the making, much of it has already been implemented along the way. The final document does make some significant changes and provides a vision of a Curia that is evangelical, service-oriented, shorn of careerism, and highly professional. While aiming at elucidating some of the significant features of *Praedicate Evangelium*, highlighting the mind of Pope Francis in the reform effected in the Roman Curia, A. also calls on all the baptized, including the officials of the Roman Curia, to imbibe the "Franciscan" spirit in their ecclesiastical functioning. The real test of Pope Francis's reforms will be in their implementation.

360

QDE 35 (2022), 324-331: Roberto Interlandi: La costituzione apostolica *Praedicate evangelium* sulla Curia Romana. (Presentation)

I. offers a brief introduction to the new structure of the Roman Curia, looking at the principles with which it seeks to inspire the personnel and work of that Curia, the new possibilities it opens such as the openings for the laity and the time limits on appointments, and the way in which all the (newly labelled) Dicasteries are described in the text.

360

Vid 86 8/22, 567-581: Nihal Abeyasingha: *Praedicate Evangelium*: Pope Francis' Reform of Curia. Authority as Service-Communion-Participation-Evangelization. (Article)

A. explains how Pope Francis has brought about a reform of the Roman Curia through *Praedicate Evangelium*. He shows how it has broadened the functioning of the Roman Curia from a service-communion perspective to one of service communion-participation, with special emphasis on evangelization. He expresses the need of a purification of human institutions.

360

Stefano Rossano: Praedicate Evangelium. La curia romana di Papa Francesco. (Book)

R. offers a presentation of the Apostolic Constitution *Praedicate Evangelium*, examining the criteria governing the reform of the Roman Curia, criteria that form part of a wider project on the part of Pope Francis for the reform of the Church, involving communion, synodality and decentralization, all in the context of participation. (For bibliographical details see below, Books Received.)

360-361

Per 111 (2022), 355-420: Gianfranco Ghirlanda: La cost. ap. *Praedicate evangelium* sulla Curia Romana. (Presentation)

In this presentation to the 56th annual Colloquium of the Canon Law Faculty of the Gregorian University, which took place at Desenzano del Garda on 7 June 2022, G. considers the Roman Curia following the promulgation of the Apostolic Constitution *Praedicate Evangelium* of 19 March 2022. At the outset, he notes that the CIC/83 contained only two canons concerning the Roman Curia (canons 360-361), whereas the CIC/17 had some 23 canons. Over the past 40 years, the proper law to which the canons of the Code refer has been developed. This most recent Apostolic Constitution replaces *Pastor Bonus*, promulgated by Pope John Paul II in 1988. In the first part of the presentation, G. focuses on some of the guiding principles of the reform of the Roman Curia, especially the missionary and evangelizing nature of the Church itself, the aspects of communion, synodality, and a healthy decentralization, as well as the proper ministerial and pastoral role of the Curia itself and the vicarious character of the authority exercised within the Curia. In the second part, he considers the structure of the Roman Curia and the competence of the various Dicasteries, and offers some observations on the innovations introduced.

362-367

J 78 (2022), 477-499: Fredrik Hansen: Papal Legates and the Jurisdiction of Diocesan Bishops. (Article)

H. examines the dynamic between papal legates and diocesan bishops through a study of the role played in this regard by the power of governance or

jurisdiction. He first presents the CIC/83's norms on power of governance and on the power of governance of diocesan bishops. After giving a historical overview, he then outlines the reform of papal legates following Vatican II, a reform that the Council decided should take place "in relation to the pastoral office proper to bishops" (*Christus Dominus*, no. 9). Finally, he considers current legislation regarding papal legates, and identifies important aspects of the relationship between bishops and legates.

372

J 78 (2022), 501-527: James Bradley: What is a Personal Ordinariate? Ecclesiological and Juridical Considerations. (Article)

A decade after the erection of the three personal Ordinariates for former Anglicans, canonists continue to discuss this new juridical figure and compare it with other personal and territorial entities in the Latin Church. Debate has broadly focused on the proximity of this model, ecclesologically and juridically, to that of a diocese. The apostolic constitution *Anglicanorum coetibus* describes a personal Ordinariate as "juridically comparable to a diocese" (*iuridice dioecesi aequatur*). B. demonstrates how this description is to be correctly understood in respect of personal ordinariates.

381

J 78 (2022), 477-499: Fredrik Hansen: Papal Legates and the Jurisdiction of Diocesan Bishops. (Article)

See above, canons 362-367.

392

Per 111 (2022), 207-244: Alan Modrić: Il vescovo diocesano quale difensore dell'unità della Chiesa universale (can. 392 §1). (Article)

In this presentation to the 56th annual Colloquium of the Canon Law Faculty of the Gregorian University, which took place at Desenzano del Garda on 7 June 2022, M. begins by recalling the text of canon 392 §1 which speaks of the diocesan bishop's duty to defend the unity of the universal Church. He considers the teaching of Vatican II and the post-conciliar documents on the theme of the Church and the duty of its ministers (especially the bishops) to defend its unity, before passing on to a deeper reflection on the text of canon

392 §1 and more recent legislation such as *Summorum Pontificum* and *Traditionis custodes*.

392

Per 111 (2022), 245-291: Davide Salvatori: Il *munus vigilandi* del vescovo nei confronti del proprio tribunale. (Article)

Starting from canon 392 §2, S., a Prelate Auditor of the Roman Rota, examines the responsibility of the diocesan bishop to exercise due vigilance over his own tribunal. He points out that this responsibility is not stated explicitly in the CIC/83, but argues that it is implied in the text of the canon quoted. A more explicit articulation of the responsibility is found in the Directory for the Pastoral Ministry of Bishops, *Apostolorum successores*, issued on 22 February 2004. S. examines this duty of vigilance in the Magisterium: the documents of Vatican II; the 1973 Directory for Bishops *Ecclesiae imago*; canon 392 §2 and its sources; the Synod of Bishops working documents of 2001; the post-Synodal Exhortation *Pastores gregis* of 2003; and *Apostolorum successores*. He moves on to consider the *munus vigilandi* of the bishop regarding his own tribunal in the light of the canons regulating processes in general and the ordinary contentious process in particular. His conclusion is that any such vigilance exercised by the bishop is, in the first place, pastoral in nature, an expression of his solicitude for the faithful entrusted to his care. Nonetheless, this does not prevent the bishop from making use of the expertise of qualified persons to help him in the exercise of this vigilance, especially when it concerns technical matters in which he himself is not qualified.

401

IE XXXIV (2022), 539-572: Manuel Ganarin: La rinuncia all'ufficio ecclesiastico. Peculiarità strutturali e questioni aperte. (Article)

See above, canons 187-189.

439

QDE 35 (2022), 396-407: Andrea Migliavacca: Il cammino sinodale delle Chiese in Italia. (Article)

M. begins by looking at the impulse given to the Italian Church's decision to embark on the synodal path by Pope Francis. He goes on to examine the

decisions taken and institutions created by the Italian bishops' conference to launch the process. He distinguishes the process created from the canonical institutions of the diocesan synod and the plenary council, and looks at the significance of the choice of wording "churches in Italy".

460

QDE 35 (2022), 396-407: Andrea Migliavacca: Il cammino sinodale delle Chiese in Italia. (Article)

See above, canon 439.

460

QDE 35 (2022), 408-420: Pierantonio Pavanello: La sinodalità nella Chiesa particolare: riflessioni canonistiche. (Article)

See above, canon 212.

460-468

TyV LXIII (2022), 207-241: Tibaldo Zolezzi – Sandra Arenas: Los sínodos diocesanos en la historia posconciliar de la Iglesia en Chile. Antecedentes generales. (Article)

A wealth of ecclesial life and pastoral discernment is evident in the synods held in Chile after the Second Vatican Council, including a desire for communion and participation that promises a new way of "being Church". There are no academic works that address the synodal activity of the last six decades. As a first effort to contextualize such synodal activity, the authors present the initial findings of research into a corpus of primarily unpublished diocesan texts.

461

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

492-494

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

495

QDE 35 (2022), 408-420: Pierantonio Pavanello: La sinodalità nella Chiesa particolare: riflessioni canonistiche. (Article)

See above, canon 212.

495-501

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

502

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

511

QDE 35 (2022), 408-420: Pierantonio Pavanello: La sinodalità nella Chiesa particolare: riflessioni canonistiche. (Article)

See above, canon 212.

511-514

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

535

Per 111 (2022), 173-205: Ulrich Rhode: L'adozione nel diritto canonico. (Article)

See above, canon 110.

536-537

QDE 35 (2022), 421-445: Francesco Grazian: Sinodalità, diritto canonico e strutture parrocchiali. (Article)

G. outlines a pastoral situation where parishes are combined in various forms of pastoral union, and then looks at how the various papal and other statements inviting a synodal pathway might be applied in such situations. In particular, he considers how the parish finance committee and the parish pastoral committee might need to evolve to become more imbued with a synodal spirit.

536-537

SC 56 (2022), 645-669: Chad J. Glendinning: Structures of Accountability in the Parish and Diocese: Lessons Learned in North America and Possibilities for Reform. (Article)

See above, General Subjects (*Ecclesiology*).

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

573

Andrea Ganci: La questione della consacrazione dei fedeli nei Movimenti Ecclesiali. Stato attuale e prospettive future. (Book)

See below, canon 605.

579

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

Law follows life. Canon law is the law of the Church. This means it needs to be consistent with the new circumstances and with the sometimes urgent demands of the faith. As a result of this, we can see the great canonical production of the Magisterium on consecrated life. Here M.C. focuses only on the normative documents issued by the Holy See under the pontificate of Pope Francis. She analyses the content and juridical aims of the pontifical interventions and post-codicial pronouncements of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life that led to changes in the normative text. Throughout all this, the Church has shown its care for that portion of People of God which is the “consecrated life”, in line with the principle *Ecclesia semper reformanda*. If consecrated life is to remain meaningful, there is the need for a continuous revision and updating process in order to react to new social and ecclesial situations and challenges.

587

Comm 54 (2022), 399-400: Dicastero per i Testi Legislativi: Risposte particolari. (Reply)

The Dicastery sets out its reply to a written question as to whether a major superior who is not a cleric is the Ordinary for the institute’s members. The answer is negative. When an institute has sought permission to appoint a lay major superior it must set out in its proper law who is to exercise the faculty granted to the Ordinary during this period, e.g. a priest Vicar, unless the appropriate Dicastery disposes otherwise.

588

Comm 54 (2022), 378-380: Pope Francis: Decreto per il Sovrano Militare Ordine Ospedaliero di San Giovanni di Gerusalemme, di Rodi e di Malta (S.M.O.M.), 3 settembre 2022. (Document)

While the Knights of Malta have legal status in international law, they do not form a sovereign entity in the strict sense, but are a religious Order approved by the Holy See, with a religious and charitable role, which its sovereign status is intended to protect. Following a review and to prepare for an Extraordinary General Chapter to take place in January 2023, by this decree Pope Francis promulgates a new Constitutional Charter for the Knights of Malta and replaces the existing Sovereign Council with a provisional Council.

601

SC 56 (2022), 529-546: Vimal Tirimanna: A Distorted Interpretation of the Concept of Obedience and Its Effects on Clericalism and Accountability. (Article)

See above, General Subjects (*Ecclesiology*).

604

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

See above, canon 312.

605

Andrea Ganci: La questione della consacrazione dei fedeli nei Movimenti Ecclesiali. Stato attuale e prospettive future. (Book)

Within the ecclesial movements, it is common to observe the phenomenon of personal self-giving to God, through the assumption of commitments that involve the whole of one's existence and take the practical form of the evangelical counsels. The canonical debate is at present divided as to the nature of the consecration of the faithful within the ecclesial movements. In this work G. proposes some hypotheses for future development, and attempts to provide answers to some particular questions, including the place within the Church of those who consecrate themselves to the Lord within the movements, and whether it will be possible in the future to consider this

practice as a “new form of consecrated life” within canon 605. In relation to this canon, could one define such self-giving as a “consecration according to the charism” of the ecclesial movement? G. examines the notion of consecration from a biblical, historical-theological and canonical point of view, and compares it to the notion of consecrated life, as defined by the canonical legislation. He then focuses on the right of association which is in fact the basis of the ecclesial movements, arising as they do from a precise foundational charism given to the founder of the movement. After setting out the different positions of various illustrious canonists, he suggests a number of possible future developments, in the hope of being able to help bring greater official clarity to the matter. (For bibliographical details see below, Books Received.)

607

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

See above, canon 312.

607

J 78 (2022), 575-602: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Dismissal*, prot. n. 53159/17 CA, October 26, 2018; 2. Definitive Decree of the College *coram Sandri, Dismissal*, prot. n. 53159/17 CA, September 17, 2019; John Chrysostom Kozlowski: Brief Note on Two Decrees from the Apostolic Signatura Rejecting Recourse against a Decree of Dismissal. (Decrees and comment)

See below, canon 696.

628

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

See above, canon 579.

638

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

See above, canon 579.

667

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

See above, canon 579.

686

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

See above, canon 579.

694

Ang 99 (2022), 231-251: John Chrysostom Kozlowski: When an Illegitimate Absence Irreparably Damages Communion: An Analysis of the Motu Proprio *Communis Vita*. (Dissertation)

The common life is a constitutive element of the religious life. It is no less optional than the profession of the evangelical counsels. A member's illegitimate absence from the religious house violates his/her obligation to the common life (canon 665 §1). It is precisely this intolerable situation that Pope Francis addresses in the motu proprio *Communis vita*, by which he adds two provisions to canon 694. The first provides for the unreachable member's ipso facto dismissal from the institute if he/she is illegitimately absent from the religious house for 12 uninterrupted months (canon 694 §1, 3^o). The second provision concerns the juridical establishment of this ipso facto dismissal (canon 694 §3). By all appearances, it seems that the unreachable member no longer wants to be a religious, or at least a member of his/her institute. With these modifications, canon 694, under certain specific conditions, effectively ratifies a member's free and deliberate choice against the religious life, a choice that irreparably damages communion with the institute and its membership since the consequence of that choice is the member's ipso facto dismissal from the institute. To better understand *Communis vita*'s impact, K.

considers the member's obligation to live in the religious house; the 1983 Code's measures for responding to a member's illegitimate absence pre-*Communis vita*, all of which remain in force; canon 694 as originally promulgated; and *Communis vita*'s modifications to canon 694.

694

EE 97 (2022), 1017-1048: Delfina Moral Carvajal: Reforma postcodicial en el pontificado del papa Francisco sobre la vida consagrada. (Article)

See above, canon 579.

696

J 78 (2022), 575-602: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso*, *Dismissal*, prot. n. 53159/17 CA, October 26, 2018; 2. Definitive Decree of the College *coram* Sandri, *Dismissal*, prot. n. 53159/17 CA, September 17, 2019; John Chrysostom Kozlowski: Brief Note on Two Decrees from the Apostolic Signatura Rejecting Recourse against a Decree of Dismissal. (Decrees and comment)

In the two decrees presented here from the Apostolic Signatura, the Supreme Tribunal responded to Rev. X's recourses against a decree that had dismissed him from his religious institute, the Society of Jesus. Rev. X was dismissed because he refused to obey a precept to transfer to a religious house. The first decree, from the Prefect in *Congresso*, determined that Rev. X's recourse was not to be admitted for discussion before the College of Judges because it lacked any foundation. The second decree, from the College of Judges, determined that the Prefect's decree should not be reformed. Notwithstanding Rev. X's arguments to the contrary, these two decrees demonstrate that Rev. X lacked a legitimate reason not to obey the precept to transfer. Each of the two decrees in its own way acknowledges and reinforces the vow of obedience and the common life as constitutive elements of the religious life (see canon 607 §2).

710

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

See above, canon 312.

731

Cla n.s. 13, 62 (2022), 315-331: Marta Balog: Le sfide dell'istituzionalizzazione di nuove fondazioni. (Article)

See above, canon 312.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

750-751

EIC 62 (2022), 357-370: Péter Erdö: La sinodalità come una delle espressioni della teocrazia nella costituzione della Chiesa. (Article)

See above, General Subjects (*Ecclesiology*).

750-752

SC 56 (2022), 529-546: Vimal Tirimanna: A Distorted Interpretation of the Concept of Obedience and Its Effects on Clericalism and Accountability. (Article)

See above, General Subjects (*Ecclesiology*).

775

IE XXXIV (2022), 707-721: Massimo del Pozzo: La promozione della prossimità e del decentramento nelle competenze delle Conferenze episcopali. (Article)

See above, canon 237.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

837

EE 97 (2022), 1049-1077: José San José Prisco: La celebración de los sacramentos en un mundo digital. (Article)

40 years after the promulgation of the Code, questions have arisen concerning the celebration of the sacraments, especially in relation to the use of the virtual environment and the digital world. This article focuses on three problems: with reference to the Eucharist, participation in the virtual celebration of the Mass, and the possibility or otherwise of “long-distance” consecration; and with reference to the sacrament of reconciliation, the possibility or otherwise of administering absolution by telematic means.

838

AC 62 (2022), 213-238: Olivier Monniot: Approbation, confirmation, *recognitio*. Trois termes en quête de définition. Autour de la procédure d’approbation des livres liturgiques modifiée par le motu proprio *Magnum principium*. (Article)

In the Vatican II debates on liturgy, *approbatio*, *confirmatio* and *recognitio* are used interchangeably. M. cites the plenary meeting of the Code Commission on 29 October 1980. *Recognitio* should replace *approbatio* in (the future) canon 455: *recognitio* is an act of governance by a higher authority that allows the latter to impose even substantial changes. The act, law or decree however remains an act of the original authority: cf. canon. 838. *Recognitio* involves a detailed examination of a liturgical text and a judgement as to its legitimacy and appropriateness; it is a revision (cf. *Communicationes* 15 (1983), p. 173). In the context of *Magnum principium*, this authority belongs to bishops’ conferences, not to the Holy See. The bishops’ conferences now have the responsibility “to translate faithfully” the liturgical texts from the Latin into the language of their respective countries. The translation has to be faithful both to the original Latin text and to the language into which it is translated, and also must be comprehensible to those for whom it is destined. The motu proprio grants bishops’ conferences “the right to judge the authenticity and consistency” of the translations, and verify if the translation is faithful to the original Latin text. They can do so in dialogue with the Holy See, if necessary. This recognition was previously a task of the Congregation.

BOOK IV, PART I, TITLE I: BAPTISM

849

Per 111 (2022), 445-468: Éric Besson: Le rapport nécessaire entre foi et sacrement: le cas du baptême. (Article)

In 2020, the International Theological Commission published a document entitled *The Reciprocity between Faith and Sacraments in the Sacramental Economy*. B. takes the document as the starting point for a reflection on baptism; more specifically, he focuses on the question of the faith of parents who request baptism for their child. After analysing some of the more difficult aspects of this situation, he puts forward some proposals to help make sure that faith is taken more into account in the celebration of the sacrament.

868

Per 111 (2022), 445-468: Éric Besson: Le rapport nécessaire entre foi et sacrement: le cas du baptême. (Article)

See above, canon 849.

877

Per 111 (2022), 173-205: Ulrich Rhode: L'adozione nel diritto canonico. (Article)

See above, canon 110.

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

899

EE 97 (2022), 1049-1077: José San José Prisco: La celebración de los sacramentos en un mundo digital. (Article)

See above, canon 837.

915-916

J 78 (2022), 529-549: Thomas John Paprocki: Seeking Eucharistic Coherence in an Era of Incoherence. (Article)

The phrase “Eucharistic coherence” was used by the Latin American bishops in their 2007 Aparecida document, in which they insisted on Eucharistic coherence in their Catholic communities. Then-Cardinal Jorge Mario Bergoglio, now Pope Francis, played a crucial role in the development of the document. Christian teaching promotes coherence between faith and action, and consistency between thoughts, words, and deeds. Such coherence is especially important when it comes to the reception of Holy Communion. At the same time, the incoherence of our culture is evident in the confusion over the meaning of marriage, gender identity, and the sanctity of unborn human life. P. addresses the canonical aspects of seeking Eucharistic coherence in an era of incoherence, paying particular attention to canons 915 and 916. The ultimate goal is conversion and readmission to communion, not exclusion and permanent expulsion from the community of faith.

924

HPR September 2022: Brian Mullady: Valid Matter for the Eucharist: Do’s and Don’ts. (Reply)

In response to a question raised as to whether a priest may validly use non-alcohol grape juice for confecting the Holy Eucharist, M. refers to a 2003 document of the Congregation for Doctrine of the Faith stating that *mustum*, which is grape juice that is either fresh or preserved by methods that suspend its fermentation without altering its nature (for example, freezing), is valid matter for the celebration of the Eucharist. It is the smallest amount of fermentation necessary to classify something as wine. Alcoholic priests ask

to say Mass with this and it is used for Mass in a number of Muslim countries. (See also *Canon Law Abstracts*, nos. 76, pp. 54-55; 77, p. 42; 90, p. 61; 93, p. 58; 120, p. 74; 121, pp. 71-72; 122, p. 81; 123, p. 85.)

927

HPR August 2022: Brian Mullady: Mixing Unconsecrated Hosts? (Reply)

In response to a question raised, M. answers that it is a sin for a priest, having run out of consecrated hosts, to mix unconsecrated hosts with the consecrated Precious Blood in intinction when distributing Communion. Any abuse of this practice is condemned in several Church documents, and it should be obvious that to say “The Body of Christ” when it is not the “Body of Christ” but common bread is a lie and therefore a sin. Since it deals with holy things, it is also a sacrilege.

927

HPR November 2022: Brian Mullady: Incomplete Consecration and its Consequences. (Reply)

A priest forgot to bring wine in preparing for Mass. Instead of going to the sacristy to get some he remained in the sanctuary and consecrated the hosts during the Eucharistic prayer and distributed the consecrated hosts to the faithful. In response to a question about the validity of the consecration, M. answers that the hosts were validly consecrated, but since the wine was absent and not consumed, this was not the Sacrifice of the Mass. It was a communion service only. The consecration of both elements and their consumption are both necessary for the sacrifice and for the faithful to participate in the heavenly meal which is ongoing and eternal. Someone must finish the incomplete Mass.

958

QDE 35 (2022), 446-457: Gianluca Marchetti: Il Registro delle Messe (can. 958 §1). (Article)

M. examines the regulation surrounding the register of Mass intentions. He considers who has the obligation to maintain one and in what circumstances, and looks in detail at each element that has to be recorded in such a register.

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

960

EE 97 (2022), 1049-1077: José San José Prisco: La celebración de los sacramentos en un mundo digital. (Article)

See above, canon 837.

983-984

IC 62/124 (2022), 917-957: Thierry Sol: Aspectos canónicos problemáticos del informe Sauvé sobre los casos de abusos en la Iglesia católica de Francia. (Article)

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

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

998-1007

Ang 99 (2022), 215-229: Ryan Connors: Holy Anointing Makes Holy Suffering. (Dissertation)

Theological discourse on the Anointing of the Sick appears sparse in the post-conciliar period. Limited discussion regarding the grace of this sacrament was not always a feature of the Church's theological reflection. At least since the scholastic period theologians have debated the precise nature of the effects of this sacrament. The recovery of this debate will communicate to believers the importance of this sacrament in Christian life and its place in the sound pastoral care of the sick and dying. This essay considers how the canonical criteria for who may administer and receive this sacrament validly reveal the Church's understanding of the sacrament's effects. One discovers the Church's preference in her teaching and pastoral practice for the Thomist position on the principal effect of holy anointing.

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

SC 56 (2022), 441-470: Serena Noceti: *In persona Christi: Limits and Potential of an *Espressione abusata**. (Article)

See above, General Subjects (*Ecclesiology*).

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

AC 62 (2022), 7-28: Alexis Ossola: L'exclusion du *bonum coniugum*: actualité, complexité et enjeux. (Article)

In his address to the Rota in 2013, Benedict XVI called for more reflection on the meaning of the *bonum coniugum*, its exclusion and incapacity for it. O. traces the development of the *bonum coniugum* from Vatican II, the magisterium of Benedict XVI and Francis, and the jurisprudence of the Rota in recent decades.

1055

BV 82 (2022), 651-665: Stanislav Slatinek: Motnja spolne identitete: pravne dileme in pravica do poroke (*Gender identity disorder: legal dilemmas and the right to marry*). (Article)

Gender identity disorder (gender dysphoria) in people of all ages is sweeping across Europe, especially in recent times, and is gaining ground worldwide. All positive approaches are motivated by the desire to alleviate the dissatisfaction arising from the discrepancy between biological sex and the gender in which a person feels that he or she is more authentic. Even surgical interventions on the body have only one purpose: to improve life and alleviate symptoms of dysphoria. Nevertheless, young people above all should be told to remain true to their identity, because that is what belongs to nature and to a healthy person. Civil laws all over the world are adapting to the modern pursuit of all rights, including the right to marry. However, the aspirations for the right to marry on the part of persons who have gender identity disorder are not acceptable to the Catholic Church. The common good demands that canon law also uphold and protect marriage between a man and a woman as the foundation of the family, the basic unit of society. Canon law must therefore defend marriage between a man and a woman for the good of humanity and society as a whole.

1055

EE 97 (2022), 1079-1116: Carmen Peña: Interpelaciones sinodales al derecho matrimonial: de los itinerarios catecumenales de preparación al

matrimonio a la relevancia del discernimiento, el «bonum coniugum» y la apertura al «bonum familiae». (Article)

The pontificate of Pope Francis pays special attention to the pastoral – and juridical – challenges of marriage and the family, doing so from a synodal perspective. Since the celebration of the great Synod on the Family of 2014 and 2015, there has been intense magisterial and legislative activity which also concerns marriage canon law. P. reflects on some of the issues most directly challenged by the synodal process, such as the pontifical proposal for the renewal of marriage formation, the role of discernment in the genesis of consent and its implications for the interpretation of the grave defect of discretion of judgement, the need for a doctrinal and jurisprudential study of the relationship of marriage to the *bonum coniugum*, and for a better integration of the pastoral and family dimension (the *bonum familiae*) in the canonical, substantive and procedural marriage system.

1055

IM 33 (2022), nr 1, 195-210: Michał Kilanowski: Instytucja małżeństwa w porządku kanonicznym Kościoła Anglii (*The institution of marriage in the canonical order of the Church of England*). (Article)

K. presents the institution of marriage in Anglican canon law. Starting from a legal-comparative analysis of marriage in Anglican and Catholic canon law, he examines the issues of the sacramentality of marriage, the religious-State nature of Anglican marriages, and the methods of contracting marriage with civil consequences in English law. He also looks at nullity in Anglican law, and declarations of divorce.

1055-1165

IM 33 (2022), nr 1, 5-30: Piotr Majer: Nowe polskie tłumaczenie Kodeksu prawa kanonicznego – uwagi na temat kanonów regulujących małżeństwo (*New Polish translation of the Code of Canon Law – some remarks on the canons regulating marriage*). (Article)

M. comments on the revised Polish translation of canons 1055-1165 of the CIC/83, approved by the Polish Bishops' Conference on 18 November 2021.

1057

EE 97 (2022), 1079-1116: Carmen Peña: Interpelaciones sinodales al derecho matrimonial: de los itinerarios catecumenales de preparación al matrimonio a la relevancia del discernimiento, el «bonum coniugum» y la apertura al «bonum familiae». (Article)

See above, canon 1055.

1063-1072

EE 97 (2022), 1079-1116: Carmen Peña: Interpelaciones sinodales al derecho matrimonial: de los itinerarios catecumenales de preparación al matrimonio a la relevancia del discernimiento, el «bonum coniugum» y la apertura al «bonum familiae». (Article)

See above, canon 1055.

1086

IM 33 (2022), nr 2, 161-174: Jacek Wilk: The status of Messianic Jews on mixed marriage in the Canonical Legal Order and its canonical implications. (Article)

W. examines the status of Messianic Jews in relation to mixed marriages in the canonical legal order. The doctrine of the Messianic Jewish community is characterized by syncretism, containing both Judaic and Christian elements, including faith in Jesus Christ as the Messiah. However, the sacrament of baptism is not received among Messianic Jews, and therefore the impediment of cult applies if one of them wishes to marry a Catholic (canon 1086). On the other hand, many members of this community are Gentiles of Christian provenance, and they should therefore be treated as baptized, coming under the provisions for mixed marriages (canon 1125).

1087-1088

IE XXXIV (2022), 649-688: Tribunale Apostolico della Rota Romana: *Nullitatis matrimonii* – impedimento d'ordine sacro, impedimento di voto pubblico perpetuo di castità emesso in un istituto, difetto di libertà interna – Sentenza di primo grado – 12 gennaio 2021 (n. 1/2021) – Giordano Caberletti, *Ponente*, con commento di Santiago Vigo,

Sull'esigenza di certezza morale circa la non avvenuta dispensa dall'impedimento. (Sentence and comment)

See below, canon 1608.

1094

Per 111 (2022), 173-205: Ulrich Rhode: L'adozione nel diritto canonico. (Article)

See above, canon 110.

1095 2°-3°

EE 97 (2022), 1079-1116: Carmen Peña: Interpelaciones sinodales al derecho matrimonial: de los itinerarios catecumenales de preparación al matrimonio a la relevancia del discernimiento, el «bonum coniugum» y la apertura al «bonum familiae». (Article)

See above, canon 1055.

1095 2°-3°

IM 33 (2022), nr 2, 33-89: Bogumiła Olejnik: Czy zaburzenie osobowości typu borderline może stanowić przyczynę nieważności małżeństwa kanonicznego? Analiza w oparciu o orzecznictwo Roty Rzymskiej (*Could borderline personality disorder be the cause of nullity of a canonical marriage? Analysis based on the jurisprudence of the Roman Rota*). (Article)

Borderline personality disorder is one of the mental dysfunctions that cause a consensual inability to enter into canonical marriage. It is a disorder that is difficult to diagnose and, at the same time, it occurs more and more frequently in the population. For this reason, the threads related to the occurrence of borderline disorder are also present in the practice of Church tribunals. O. analyses the jurisprudence of the Roman Rota on nullity of marriage due to defects in matrimonial consent caused by the presence of borderline personality disorder, in cases occurring between 1983 and 2020.

1095 2°-3°

IM 33 (2022), nr 2, 211-228: Rafał Kamiński: Poważny brak rozeznania oceniającego (kan. 1095, n. 2 KPK) oraz niezdolność do podjęcia istotnych obowiązków małżeńskich z przyczyn natury psychicznej (kan. 1095, n. 3 KPK). Wyrok Roty Rzymskiej c. McKay z 15 kwietnia 2013 roku (*Grave lack of discretion of judgement (can. 1095, n. 2 CIC) and incapacity to assume the essential obligations of marriage (can. 1095, n. 3 CIC). Judgement of the Roman Rota c. McKay of 15 April 2013*). (Sentence and comment)

The judgement commented on by R., given by the Roman Rota at third instance, concerned the grounds of grave lack of discretion of judgement and incapacity to assume the essential obligations of marriage (canon 1095 nos. 2°-3°). K. points out that the judgement is particularly helpful for its method of assessing evidence obtained from the opinions of several experts, comparing such opinions, and placing them within the context of the overall evidence for the case.

1095 2°-3°

Per 111 (2022), 503-526: Iurisprudentia: Tribunal Metropolitanum Bracarense: Sententia coram Federica Dotti, 4 maii 2020, in una nullitatis matrimonii. Excerptum. (Sentence)

This extract from a sentence from the Metropolitan Tribunal of Braga in Portugal deals with a case of nullity of marriage arising out of alleged demonic possession. The grounds involved were a grave defect of discretion of judgement on the part of the petitioner and an incapacity to assume the essential obligations of marriage on the part of the respondent, as well as his exclusion of fidelity. The focus of the excerpt is only on the grounds of nullity based on canon 1095, and the conclusion of the three judges was negative on these grounds. The sentence is published in Portuguese.

1095 3°

IM 33 (2022), nr 1, 31-78: Jerzy Adamczyk: Zakupoholizm (oniomania) w odniesieniu do niezdolności wyrażenia ważnej zgody małżeńskiej (*Shopaholism [oniomania] in relation to inability to express valid consent*). (Article)

A. presents the issue of shopaholism in relation to the inability to express valid marriage consent. He defines and describes the phenomenon of

compulsive buying; the effects of this addiction; and the problem of shopaholism in relation to a person's ability to undertake essential marital duties. He concludes that a person affected by severe shopaholism is unable to enter into a canonically valid marriage.

1095 3°

IM 33 (2022), nr 1, 211-226: Wojciech Góralski: «Incapacitas assumendi» (kan. 1095, n. 3 KPK/83) w wyroku Roty Rzymskiej c. Verginelli z 25 marca 2011 roku (“*Incapacitas assumendi*” (can. 1095, n. 3 CIC/83) in the sentence of the Roman Rota c. Verginelli of 25 March 2011). (Sentence and comment)

G. presents and comments on a negative Rotal sentence in a case for nullity of marriage due to *incapacitas assumendi* (canon 1095 3°), heard at third instance. At first instance the evidence collected was quite extensive (testimonies of the parties and of seven witnesses, and an expert opinion); at second instance it was supplemented only by an expert opinion prepared on the basis of the acta; at the Rota, it was confined to the material previously gathered. There was evidence of marriage consent (*actus humanus*), as well as the ability to give it. The *ponens* emphasized the importance of relating this ability to serious psychological reasons that make it impossible for the individual in question to give true marriage consent. In the factual grounds of the judgment, the Rota assessed the evidence gathered in the first two instances. A certain drawback here was the lack of the defendant's testimony in the second instance, and the failure to appear for the expert's examination. A significant element in the Rota's sentence was its rejection of the second instance expert opinion which was considered to be inconsistent with the other evidence.

1097

ADC 11 (julio 2022), 127-165: Carlos Hurtado de Mendoza y Domínguez: Reflexiones sobre el error (c. 1097 § 2) y la violencia habitual. (Article)

Usually, before becoming evident, habitual violence has an imperceptible beginning in the couple's relationship and, more specifically, in marriage. This phenomenon therefore requires an analysis of the different forms of violence that women generally suffer and of the traumatic relationship that is finally established between victim and abuser. At the same time, this perspective requires a work of interpretation of the canon law and of the criteria used for proving the nullity or otherwise of the marriage, so as to take

proper account of the effects that the aggressions produce in the victim. This article focuses only on the ground of error concerning a quality of the person (canon 1097 §2), although it can be applied to some aspects of error produced by deceit, and condition.

1101

AC 62 (2022), 29-47: Christian Paponaud: Approches jurisprudentielles concernant l'exclusion du *bonum coniugum*. (Article)

P. analyses two Rotal sentences where the exclusion of the *bonum coniugum* was at issue. The first, *coram* Salvatori, makes clear that it is for an advocate or instructing judge to decide on the basis of the facts whether the exclusion is total or partial. The facts can indicate an incapacity to assume the obligations of marriage, or an exclusion of the *bonum fidei* or the *bonum prolis*. For lack of proof, the plea of nullity failed in this case. The second sentence, *coram* Caberletti, clarifies that the *bonum coniugum* must be considered an objective element of marriage. An act of consent that includes the traditional *bona* will be invalid if the motivation of a party is radically alien to marriage. It was judged that the husband did not exclude the traditional *bona* but replaced them with another end. The marriage was declared null. The *bonum coniugum* is a dynamic concept, which, P. says, “appears more than ever a beautiful intuition of the Council”.

1101

IM 33 (2022), nr 1, 141-176: Jan Krajczyński: Okoliczności sprawy a dowodzenie w procesie o nieważność małżeństwa *ob exclusionem indissolubilitatis* (Circumstances of the case and proof in a trial for nullity of a marriage “*ob exclusionem indissolubilitatis*”). (Article)

K. examines various Rotal cases of exclusion of indissolubility. He collects and presents selected legal principles concerning the circumstances of the case and proofs that help establish the thinking and will of the alleged simulator in such cases.

1101

IM 33 (2022), nr 2, 5-32; Lucjan Świto: Czasowe wykluczenie potomstwa: terminologia i problemy praktyczne (*Temporary exclusion of offspring: terminology and practical problems*). (Article)

Ś. asks whether the temporary exclusion of offspring, which refers to the principle of conscious and responsible parenthood, can cause a marriage to be invalid; that is, is it the same as excluding the good of offspring? He takes the view that the good of offspring will be presumed to be excluded if the intention to postpone the possibility of the conception and birth of a child was taken in an absolute or conditional manner, or if the intention to exclude the birth of offspring for ever was known.

1108

IM 33 (2022), nr 1, 79-116: Dawid Pietras: Status kanoniczny małżeństw zawieranych przy asystowaniu kapłanów Bractwa Kapłańskiego Świętego Piusa X (FSSPX) po wydaniu listu Papieskiej Komisji *Ecclesia Dei* z 27 marca 2017 r (*The canonical status of marriages at which priests of the Priestly Fraternity of Saint Pius X [FSSPX] assist, following the issuing of the letter of the Pontifical Commission “Ecclesia Dei” of 27 March 2017*). (Article)

On the initiative of Pope Francis, by the letter of the Pontifical Commission *Ecclesia Dei* of 27 March 2017, norms were introduced for granting delegation to priests before whom the faithful attached to the Priestly Fraternity of Saint Pius X (FSSPX) wished to marry. The priests of this community, which is part of the Catholic Church, are canonically irregular and do not have the status of Ordinary or pastor. Thus they need the delegation required *ad validitatem* to assist at marriages. In the light of the document under discussion, such delegation is issued by the local Ordinary. The FSSPX maintain that marriages contracted before one of their priests without delegation are valid, referring to the extraordinary canonical form of marriage and to common error, as well as to a positive and probable doubt in the light of canon 144 of the CIC/83. The Holy See, in the documents issued by the Pontifical Commission *Ecclesia Dei* and the decrees and sentences of the Tribunal of the Roman Rota, maintains the position that these marriages are invalid due to lack of canonical form.

1116

Ap XCIII (2020), 11-70: Rotae Romanae Tribunal: Sententia definitiva, A. 139/2019, Vianen. Castelli, Coram Emmanuele Saturnino da Costa Gomes, *Exsistentiae matrimonii*; Francesco Catozzella: Le cause *de exsistentia matrimonii*. Considerazioni a partire da una peculiare fattispecie di celebrazione *in mortis periculo*. (Sentence and comment)

Commenting on a decision *coram* da Costa Gomes of 18 July 2019, C. examines the typology of causes *de exsistentia matrimonii* (that is, concerning the *factum celebrationis*), which give rise to particular considerations at both the substantive and the procedural level. C. discusses the topic in connection with an alleged celebration according to the extraordinary form *in mortis periculo* (canon 1116), and offers a complete jurisprudential review of cases of this nature. Such a review is useful for understanding the arguments used both in the final published sentence and in two previous Rotal decisions in the same case.

1116

IM 33 (2022), nr 1, 79-116: Dawid Pietras: Status kanoniczny małżeństw zawieranych przy asystowaniu kapłanów Bractwa Kapłańskiego Świętego Piusa X (FSSPX) po wydaniu listu Papieskiej Komisji Ecclesia Dei z 27 marca 2017 r (*The canonical status of marriages at which priests of the Priestly Fraternity of Saint Pius X [FSSPX] assist, following the issuing of the letter of the Pontifical Commission “Ecclesia Dei” of 27 March 2017*). (Article)

See above, canon 1108.

1125

IM 33 (2022), nr 2, 161-174: Jacek Wilk: The status of Messianic Jews on mixed marriage in the Canonical Legal Order and its canonical implications. (Article)

See above, canon 1086.

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

1199

IC 62/124 (2022), 879-913: Vojtech Vladár: The Oath in Medieval Canon Law. (Article)

The oath was historically one of the most important institutions in legal procedure. Its form was established in perfect detail by the classical canonists, who thereby ensured that its application would continue into modern times. Its origins can be found in Holy Scripture, in both Old and New Testaments, and an important factor in its development was traditional Roman law, which has always played a crucial role in the evolution of canon law. Precisely through the agency of the oath, defined in one sense as a particular form of ordeal, it became possible later to progress from the older type of common law ordeals towards the standard of Roman-canon law full proof, and equally to the principle of free assessment of evidence by a judge. V.'s main aim is to present the conceptual definition of the oath as an institution in classical canon law specifically on the basis of the most important sources and procedural law manuals, describing its origins in the Bible and Roman law and emphasizing its role in the formation of modern-day procedural standards.

BOOK IV, PART III: SACRED PLACES AND TIMES

1222

Per 111 (2022), 293-319: Iurisprudentia: Supremum Signaturae Apostolicae Tribunal: Decisioni nella causa prot. n. 53235/17 CA.
(Jurisprudence)

This selection of jurisprudence of the Apostolic Signatura consists of three decisions in the same case. The story begins with the announcement by a bishop of the merger of three parishes and the establishment of a new parish replacing all three. To this end the bishop announced the closure on 1 January 2016 of the church of X. Some of the faithful were very unhappy at the decision and eventually took recourse against it to the Congregation for the Clergy, without success. A further recourse took them to the Signatura: the initial decree (of the Secretary) rejected the recourse because neither the party having recourse nor the bishop had supplied the necessary fundamental documentation. The second decree (of the *Congresso*) upheld the first decree but determined that the whole question should be referred to the Fathers of the Signatura, not under the original heading of a recourse against the reduction of a church to a profane use, but under the heading: “the reopening of the church of X”. On 8 October 2019, the judges of the Signatura, in a sentence *coram* Mamberti, decided that there had been a violation of the law *in procedendo et in decernendo*. The immediate result of the decision was that the church of X had to be opened and that some acts of divine worship were to take place in it.

1222

Per 111 (2022), 321-341: G. Paolo Montini: I diritti dei fedeli di fronte all'autorità ecclesiastica che procede per vie di fatto. Commento alle decisioni della Segnatura Apostolica nella causa prot. n. 53235/17 CA.
(Note)

See preceding entry. M. comments that at the centre of the controversy was the failure of the bishop to issue a decree explicitly reducing the church building of X to profane use in accordance with canon 1222. The implicit communication of such a decision by way of a newsletter is not at all adequate. M. shows that the final outcome of the case is wholly in conformity with the jurisprudence of the Apostolic Signatura and with the *Guidelines* issued by the Congregation for the Clergy in April 2013.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

EE 97 (2022), 1117-1142: Diego Zalbidea: Propuestas de derecho patrimonial canónico al servicio de la misión de la Iglesia. (Article)

Z. puts forward various proposals for canonical patrimonial law. They are suggestions for serving the mission of the Church in order to develop the full potential of Book V of the CIC/83. They include the following topics: co-responsibility and the temporal goods of the Church; the rendering of accounts to the faithful; transparency in dealing with the Church's patrimonial goods; compliance issues; diocesan and parochial finance committees; suitable remuneration for clerics; spontaneous offerings on the occasion of sacramental services; non-charging for marriage nullity processes; non-profane uses of desacralized sacred places; stable patrimony; investments; reliance on the opinion of the faithful; and synodality.

1257

IC 62/124 (2022), 591-623: Fernando Puig: Actividades punibles y vigilancia episcopal ante la responsabilidad penal de los entes eclesiales. (Article)

Because of the civil legal personality of many ecclesiastical entities, they are potential subjects of "corporate criminal liability". P. looks at the primary political-criminal dimension of this form of liability (which applies mainly to companies), and the crimes that may be committed in an ecclesiastical context (especially financial crimes and the cover-up of child abuse). In the light of these considerations, he proposes new requirements for oversight by ecclesiastical authorities, and outlines a compliance model to prevent the cover-up of child abuse.

1281

QDE 35 (2022), 334-349: Alberto Perlasca: L'impugnabilità della negata autorizzazione del vescovo per atti di straordinaria amministrazione di una parrocchia (can. 1281 §1). (Article)

P. begins by making more precise some of the terms used in his analysis, addressing the legal position of church property, and distinguishing carefully

between permission and authorization. He looks at what acts of extraordinary administration are, and at the role played by church authorities in these acts. He considers what challenging the bishop's action could mean in the different cases of denial and of administrative silence, and concludes with a review of the process for hierarchical recourse.

1290-1298

AC 62 (2022), 193-212: Engelbert Myongo Nama: L'aliénation des biens de l'Église en période classique et post-classique vue sous l'angle de la constitution *Ambitosae* du pape Paul II. (Article)

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

BOOK VI: SANCTIONS IN THE CHURCH

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

1311*

Ap XCIII (2020), 73-106: Paolo Gherri: Note sullo *Ius puniendi* della Chiesa nella prospettiva della Teologia del Diritto canonico. (Article)

The so-called *ius puniendi* constitutes one of the “certainties” of canonical penal law: a sort of axiom necessary for the construction of the entire theory of penal law in the Church. In reality, the consistency and scope attributed to the concept by doctrine does not seem to be matched by either the consistency or the scope of its theological, let alone biblical, foundation. G. seeks to illustrate the structural problematic nature of the concept by highlighting the different approach to the subject found first and foremost at the New Testament level, from the perspective of “coercion” as the “protection” of the community, well before any notion of “punishment” of anti-ecclesial conduct.

1311*

EE 97 (2022), 1143-1173: Ricardo Daniel Medina: La reforma del Libro VI: algunas claves de interpretación. (Article)

The reform of Book VI, without abandoning the ecclesiology of communion that inspired the CIC/83, has incorporated some principles and institutes taken from the Pio-Benedictine Code. The new Book VI highlights the use of the *ius coactivum* of the Church as an instrument of charity in government.

1311*-1399*

AC 62 (2022), 257-279: Ataa Denkha: Procédures pénales canoniques de l’Orient à l’Occident. (Article)

See above, CCEO canons 1401-1487.

1311*-1399*

FCan XVII/2 (2022), 9-23: Juan Ignacio Arrieta: El nuevo sistema penal canónico. (Article)

A. identifies the shortcomings of the canonical penal system promulgated in 1983, which on several occasions obliged the Holy See to intervene by carrying out a significant centralization of the penal system, highlighting the need for it to be reformed. After describing the work of revision of the canons, he presents the criteria that guided the reform, with a view to giving greater emphasis to the principles of legality and obligatory penal action. He then sets out the new categories of offence that appear in Book VI and the new ordering of criminal sanctions.

1311*-1399*

IC 62/124 (2022), 725-763: José Luis Sánchez-Girón Renedo: Las penas canónicas en el nuevo Libro VI del Código de Derecho Canónico. (Article)

In terms of canonical penalties the new Book VI, which came into force on 8 December 2021, includes significant differences with respect to the 1983 version. There is a clearer and more detailed presentation of censures and expiatory penalties, with new effects and possibilities among the former, and a number of new penalties among the latter. The number of optional penalties is decreased, which is likewise true of indeterminate penalties – or such indeterminacy is limited in ways that favour the imposition of expiatory sentences. Overall, there would appear to be a hardening of penal law, leaving less room for the possibility that the judicial sentence take the form of a censure, which canon law acknowledges as fostering repentance, amendment and reparation.

1311*-1399*

IC 62/124 (2022), 765-798: José Bernal: Noción de delito y delitos en el nuevo Libro VI reformado. (Article)

B. explores the concept of offence and the different types of offences included in the revised Book VI, comparing it with the previous version of Book VI in the CIC/83, and highlighting similarities, differences and novelties. He also provides some critical commentary, including proposals *de iure condendo*. He considers the new system of titles categorizing the different offences as one of the most innovative and positive elements of the reform. He briefly describes the new types of offence outlined in Part II of the new Book VI,

with the exception of those in canon 1398, which would require a separate, more detailed study. He also analyses the origins of the newly included offences. Finally, he describes the most innovative and positive aspects of the revised Book VI, such as the formulation of the principle of the presumption of innocence, and new financial offences.

1311*-1399*

IE XXXIV (2022), 573-596: Paolo Gherri: Struttura ed elementi dell'intervento sanzionatorio canonico. Ipotesi per una sistematica. (Article)

Canonical sanctions are commonly divided into *administrative* and *penal*, often causing confusion as to the matter (penal vs. disciplinary) and as to its modality (judicial vs. administrative). As a result of the revised and expanded formulation of canon 1339, G. considers that it is now possible to identify three possible sanctioning approaches: *pastoral*, *disciplinary*, and *penal*, and to work towards a systematic ordering of canonical sanctions based on this distinction.

1311*-1399*

Ius Comm X (2022), 205-224: José Bernal Castillo: Aspectos más relevantes de la reforma del Derecho penal canónico. (Article)

Pope Francis's Apostolic Constitution *Pascite gregem Dei* has reformed Book VI of the CIC/83, emphasizing its penal nature. The aim is to facilitate the task of those who have to apply penal law in the Church. There is greater emphasis on legality, with greater specification of the types of offences, reducing the discretion of the judge or superior and better determining the penalties; the right of defence has been explicitly formulated; corrections have been made to the rules on culpability; the titles that encompass the various offences have been re-systematized; the classification of offences has been refined and the judge is offered better criteria for choosing the right penalty; and a preferential option has been made for expiatory penalties. In contrast to the mentality that sets charity and mercy against justice and the law, charity demands that pastors have recourse to the penal system when necessary.

1311*-1399*

Ius Comm X (2022), 225-256: Juan Manuel Cabezas Cañavate: Los delitos reservados a la Congregación para la Doctrina de la Fe en el nuevo derecho penal reformado el 1 de octubre de 2021. (Article)

C. studies the reform of the legislation on offences reserved to the Dicastery for the Doctrine of the Faith carried out in October 2021. He starts with a simple presentation of the subject, explaining the offences dealt with by this Dicastery and the different extra-Code laws which have governed them. He sets out the essential principles of the reform of Book VI made in 2021 and analyses the updating of the *Sacramentorum Sanctitatis Tutela* promulgated in October 2021, in line with the new provisions of the Code. Finally he looks at administrative procedures, highlighting the conditions to be observed and the dangers to be avoided in order to achieve impartial and equitable justice in the Church.

1321*

QDE 35 (2022), 357-377: Gianpaolo Montini: La struttura del processo penale giudiziale canonico. (Article)

See below, canon 1501.

1331*-1332*

QDE 35 (2022), 289-298: Markus Graulich: «Ut Pastores haberent agile instrumentum salutare et ad corrigendum aptum»: alcune modifiche nella definizione delle sanzioni penali nella rinnovata disciplina penale canonica. (Article)

G. notes that the new Book VI removes all expressions which could dissuade Ordinaries from the use of penal sanctions and indeed encourages their use. He goes on to examine the way in which the canon on excommunication is made more precise, and a new possibility is added to the sentence of interdict. He examines the new list of expiatory penalties in canon 1336*, and concludes with a note on how the new canons can also apply to those who are not clerics.

1336*

QDE 35 (2022), 289-298: Markus Graulich: «Ut Pastores haberent agile instrumentum salutare et ad corrigendum aptum»: alcune modifiche nella definizione delle sanzioni penali nella rinnovata disciplina penale canonica. (Article)

See above, canons 1331-1332.

1341*

QDE 35 (2022), 264-288: Marino Mosconi: L'avvio della procedura per l'applicazione della sanzione penale nella revisione del libro VI del CIC, tra opportunità e dovere per l'ordinario diocesano. (Article)

M. examines the reforms of Book VI of the Code from the point of view of the “one who is at the head of a Church” in the light of the principles contained both in the new text of the Code and in *Pascite gregem Dei*. The two key changes he notes are the duty to take regard of and respond to a delict, and the duty to initiate a process which might lead to a sanction; both of these are closely examined in relation to the duty of the Ordinary to promote the good of the Church.

1362*

Ius Comm X (2022), 257-283: José Luis Sánchez-Girón Renedo: La prescripción de la acción criminal en el nuevo Libro VI del Código de Derecho Canónico. (Article)

The CIC/83 dealt with prescription of criminal actions in canon 1362. The norms relating to offences reserved to the Congregation for the Doctrine of the Faith that have followed since then, as well as the new canon 1362* of the revised Book VI of the Code, have established a variety of periods of prescription. This gives rise to the problem of which period to apply to each offence according to the moment in which it was committed. The faculty granted to the Congregation to waive prescription in cases involving offences reserved to itself reduces the importance of this problem to some extent, but does not eliminate the difficulty; nor does it affect the problem in relation to non-reserved offences.

1364*-1398*

QDE 35 (2022), 299-323: Matteo Visioli: I nuovi delitti del libro VI e i loro principi direttivi. (Article)

V. begins his review of the delicts that have been added to the Code since 1983 by reviewing the three principles that *Pascite gregem Dei* states underpin them all: the faith professed by the Church, new changes in society to which the Church has to respond, and the new needs of the People of God. He then goes through each of the new canons, commenting on each in the light of the particular principles that led to it.

1371*

IC 62/124 (2022), 591-623: Fernando Puig: Actividades punibles y vigilancia episcopal ante la responsabilidad penal de los entes eclesiales. (Article)

See above, canon 1257.

1376*

IC 62/124 (2022), 591-623: Fernando Puig: Actividades punibles y vigilancia episcopal ante la responsabilidad penal de los entes eclesiales. (Article)

See above, canon 1257.

1385*

IC 62/124 (2022), 799-836: Sebastian Terráneo: La instrucción *Crimen sollicitationis* (1922): La competencia del Santo Oficio en delitos de naturaleza sexual cometidos por clérigos. (Article)

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

1398*

EE 97 (2022), 1217-1250: Carlos M. Morán Bustos: Los abusos de menores en la Iglesia y la necesidad ineludible de un nuevo derecho procesal penal canónico. (Article)

Pastoral action in the area of abuse must take into account the juridical aspect of the problem and cannot ignore the juridical mechanisms which for centuries have been used for resolving conflicts and controversies. The failure to use those mechanisms has been one of the causes of the abuse crisis in the Church. M.B. calls for a substantive and procedural reform of penal law in this area, involving simplification and greater technical rigour. He provides details of a project of the Spanish Episcopal Conference for reform of the law.

1398*

TyV LXIII (2022), 317-344: Roman Guridi: La dimensión teológica de la crisis de los abusos. Reflexiones desde la antropología teológica. (Article)

G. highlights the theological dimension of the sexual abuse crisis in Church contexts and examines some important considerations aimed at guarding against simplistic associations or causal attributions that are difficult to sustain. He also proposes that, in order to get the ecclesial crisis of abuse under control in all spheres in which it occurs, in-depth analysis of three topics related to theological anthropology is necessary: a) a reflection on the gift/limit polarity underlying the theological understanding of human power; b) the conceptualization of human exceptionalism and its implications; and c) the lack of a deeper theological consideration of childhood.

1398*

TyV LXIII (2022), 345-366: Carolina Montero: Vulnerabilidad humana y el uso del término *adultos vulnerables* ante los abusos eclesiales a mayores de edad. (Article)

The expression “vulnerable adults” has been used to describe certain victims of advanced age in the realm of sexual abuse and the abuse of conscience in the Catholic Church. While acknowledging the existence of older adult victims of abuse is a step towards repairing the harm perpetrated, the use of the term is ambiguous. It is also inaccurate when analysing the category of vulnerability from the perspective of theological anthropology. By redefining this category as a human characteristic that is both inherent and situational, it

becomes clear that everyone is a potential victim of abuse, a point M. develops throughout her article.

1398*

TyV LXIII (2022), 367-398: Juan Bautista Duhau: De la primavera de la Iglesia al sofocante verano de la crisis de los abusos en los movimientos y nuevas comunidades. (Article)

The change in perspectives on abuse – which have come to integrate the abuse of authority and spiritual abuse in the context of power asymmetries linked to charismatic leadership – brought to the fore the abuses perpetrated within new movements and communities of the Catholic Church. D. examines recent sources to analyse this phenomenon. These sources include reflections and actions of oversight arising from the Church’s Magisterium as well as independent reports regarding reform and healing. In addition, he proposes that two (adulterated) theological concepts are possible causes: the falsification of the virtue of obedience and the hypertrophied concept of the founder's charism.

1398*

TyV LXIII (2022), 399-424: Rocío Figueroa – David Tombs: El abuso espiritual de religiosas. Caso de estudio: Siervas del Plan de Dios. (Article)

This study proposes that the term “spiritual abuse” is helpful in understanding the systemic mistreatment experienced by six former nuns belonging to the community known as the “Servants of God’s Plan” (*Siervas del Plan de Dios*, or SPD) in Peru, Chile, Colombia, and Ecuador. In the existing research in Latin America, there is relatively little focus on spiritual abuse and almost no research on the impact of abuse on women in religious orders. This is particularly significant since the abuse of nuns and women in religious orders has received global attention in recent years. The authors seek to identify the issues that communities of women in religious orders need to address if they are to deal with this problem in a positive and informed manner.

1398*

TyV LXIII (2022), 425-446: Daniel Portillo Abusos y sacerdocio. (Article)

Since the first cases of abuse in the Catholic Church came to light, the issue has shaken the ecclesial institution and all of its internal structures. P. argues that in order to address clerical sexual and non-sexual abuse in a fair and responsible manner, two issues need to be examined: the systemic view of the Church, including its various anomalous dynamics, and the theology of the ministerial priesthood, which he says may have colluded with and facilitated abusive behaviour.

1398*

Charles J. Scicluna – Myriam Wijlens (eds.): Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems. (eBook)

See above, General Subjects (*Compilations*).

BOOK VII: PROCESSES

1400

EE 97 (2022), 1197-1216: Gianpaolo Montini: Agenda per una evoluzione della giustizia amministrativa canonica. (Article)

See below, canons 1732-1739.

1403

Ius 13, 1-2 (2022), 171-191: Cherian Thunduparampil: Reforms in the Canonization Process since 1983. (Article)

See above, CCEO canon 1057.

1445

IC 62/124 (2022), 517-545: Dominique Mamberti: Los abogados en el ámbito de la vigilancia del Supremo Tribunal de la Signatura Apostólica: Sobre la administración de la justicia. (Article)

The Supreme Tribunal of the Apostolic Signatura has authority to oversee the proper administration of justice in the Church. Among other things, this power includes the duty to monitor the ethical practices of advocates and procurators. M. explores the development of the relevant legislative rules and regulations up to the current law, paying particular attention to the specific characteristics of these norms and the corresponding disciplinary procedures.

1445

J 78 (2022), 413-444: Patrick R. Reilley: The Principle of Proportionality Regarding Non-Penal Singular Administrative Acts in the Recent Jurisprudence of the Apostolic Signatura. (Article)

Executive authority in the Church has an ample margin of discretion in choosing between (legitimate) courses of action. Except for limited areas, the law (*lex*) itself does not guide the executive authority in how to weigh options in making decisions for non-penal singular administrative acts. Recent developments in jurisprudence at the level of the Apostolic Signatura have highlighted the principle of proportionality as an important criterion for

evaluating the proper response in certain causes regarding contentious-administrative recourse.

1478-1479

Per 111 (2022), 343-353: Robert Gołębiowski: Il curatore processuale nelle cause di nullità matrimoniali secondo la giurisprudenza rotale: funzione e costituzione. (Article)

In this summary of his doctoral thesis, G. considers the juridical figure of the curator (in the sense of canons 1478-1479) and the role of this official in cases of nullity of marriage. He bases his study on a careful reading of the jurisprudence of the Roman Rota.

1483

IC 62/124 (2022), 517-545: Dominique Mamberti: Los abogados en el ámbito de la vigilancia del Supremo Tribunal de la Signatura Apostólica: Sobre la administración de la justicia. (Article)

See above, canon 1445.

1488

IC 62/124 (2022), 517-545: Dominique Mamberti: Los abogados en el ámbito de la vigilancia del Supremo Tribunal de la Signatura Apostólica: Sobre la administración de la justicia. (Article)

See above, canon 1445.

1501

QDE 35 (2022), 357-377: Gianpaolo Montini: La struttura del processo penale giudiziale canonico. (Article)

M. addresses a number of points concerning the penal process. He begins by outlining the exclusive role of the promotor of justice in bringing a penal case. He goes on to look at the role, rights and prerogatives of the person harmed by the delict; examines the new statement of the presumption of innocence; and finally surveys the relationship between the penal judgment and the action for damages.

1526-1573

IM 33 (2022), nr 1, 117-140: Ryszard Sztynchmiller: Przesłuchania stron, udział adwokata (*Hearing of the parties, participation of advocates*). (Article)

See below, canons 1671-1691.

1574-1581

IM 33 (2022), nr 2, 115-135: Bartosz Nowakowski: Biegły w sprawach o nieważność małżeństwa spowodowanych zaburzeniami nastroju – trzy objaśnienia (*Experts in cases of nullity of marriage caused by mood disorders – three explanations*). (Article)

N. discusses three aspects of the role of an expert in cases of nullity of marriage caused by mood disorders, looking at the judge-expert relationship, the issue of obligatory expert opinion, and the scope of activities of a tribunal expert, extrajudicial experts and private experts.

1587-1591

AC 62 (2022), 49-66: José Luis Domingo: La cause incidente dans le procès matrimonial. (Article)

In the canonical tradition, incidental matters concern procedural issues, such as competence, proofs, and requests for judicial assistance, that can avoid an eventual declaration of the nullity of the acts. They can be used in a vexatious way to delay the progress of a case. *Dignitas connubii* states that “in causes of matrimonial nullity, given the nature of the principal cause, incidental causes are not to be lightly proposed or admitted, and if they are admitted, particular care is to be taken so that they are resolved as soon as possible” (art. 128). D. deals in detail with all aspects of incidental causes in matrimonial cases.

1587-1591

IM 33 (2022), nr 2, 91-114: Wiesław Kiwior: Sprawy incydentalne w procesie o stwierdzenie nieważności małżeństwa (*Incidental matters in the marriage nullity process*). (Article)

K. examines the nature and role of incidental matters that arise in the course of the principal case, and the manner in which they are examined and dealt

with. The provisions regulating incidental matters aim to ensure a quick examination and resolution of the principal case, reducing delays in the trial caused by the litigants, and safeguarding the parties' right of defence. Appropriate balancing of these two directions is not an easy task.

1596

Charles J. Scieluna – Myriam Wijlens (eds.): Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems. (eBook)

See above, General Subjects (*Compilations*).

1608

IE XXXIV (2022), 649-688: Tribunale Apostolico della Rota Romana: *Nullitatis matrimonii – impedimento d'ordine sacro, impedimento di voto pubblico perpetuo di castità emesso in un istituto, difetto di libertà interna – Sentenza di primo grado – 12 gennaio 2021 (n. 1/2021) – Giordano Caberletti, Ponente, con commento di Santiago Vigo, Sull'esigenza di certezza morale circa la non avvenuta dispensa dall'impedimento.* (Sentence and comment)

In Communist times, a young medical student in a country behind the Iron Curtain clandestinely made his religious profession and received priestly ordination in a clerical institute of pontifical rite, without any documentary record being kept of these events. Carrying out his priestly work underground, he continued to work as a doctor, and at the hospital where he worked he began a relationship with a female colleague, as a result of which she became pregnant. Having informed his religious superiors of this, he was told by word of mouth that he could consider himself discharged from the institute and from sacred orders, so that he could marry the girl, which he did shortly afterwards. Married life did not last long; and having obtained a divorce, the woman asked for the marriage to be declared null and void on the ground of the impediment of sacred bond and/or public perpetual vow of chastity on the part of her husband. The man opposed the request, to the point where the woman eventually renounced the petition. Years later, the husband himself took up the case again, adding to the impediments of sacred order and vow of chastity the ground of incapacity for lack of discretion of judgement on his own part. Regarding the grounds of the bond of sacred order and public vow, although there was no relevant documentation in respect of these events or of his dismissal from the institute, the facts could be reconstructed on the basis

of evidence provided by other members of the institute at the time. What could not be proved was that there was ever any dispensation from the impediments. It was not entirely impossible for such a dispensation to have been granted, and it was this remote possibility that prevented the judges from reaching moral certainty as to whether the dispensation was in fact obtained. Consequently they decided the case on the ground of incapacity, even though from an evidential perspective that was the more difficult route to follow, since almost 40 years had elapsed since the date of the marriage. In his comment, V. asks why – given the clear existence of the impediment – the marriage could not have been declared null on that ground. The judges obviously took the view that there needed to be moral certainty not only in respect of the impediment itself but also in respect of the negative fact of a dispensation not having been granted. But V. wonders whether the extension of the requirement of moral certainty to the absence of dispensation is justified in this sort of case (as distinct from cases involving the documentary process, where the current canon 1688 does require moral certainty concerning any dispensation given). In attempting to answer this question he examines the sentences published in the *Decisiones* and *Decreta* of the Roman Rota concerning impediments of merely ecclesiastical law, concentrating on those cases where proof of dispensation has presented some difficulty.

1619-1627

AC 62 (2022), 67-88: Anne Bamberg: La plainte en nullité contre la sentence. (Article)

A plaint of nullity of a sentence can be raised by the parties, the defender of the bond or the promoter of justice. Marriage nullity cases concern the public good and in certain circumstances are affected by an “irremediable nullity” (canon 1620; cf. *Dignitas connubii*, arts. 269-278). Following the issuing of *Mitis Iudex*, Pope Francis issued a rescript clarifying that there is no appeal from the Rota against decisions relating to the nullity of sentences or decrees (7 December 2015). Since the promulgation of the CIC/83 plaints of nullity of sentences have become more common. B. draws on the jurisprudence of the Roman Rota, especially relating to the right of defence (canon 1598 §1).

1637

IM 33 (2022), nr 1, 177-193: Urszula Nowicka: Instytucja apelacji wpadkowej w systemie prawa kanonicznego (*The institution of the incidental appeal in the system of canon law*). (Article)

N . examines the functioning of the institution of the incidental appeal in the ordinary litigation process and in proceedings for nullity of marriage. These considerations include both theoretical issues related to the proper understanding of the incidental appeal, as well as special situations: the possibility of changing the position of a litigant; the filing by the defendant of a ground of nullity; or the possibility of an incidental appeal by the defender of the bond.

1645

Per 111 (2022), 491-501: Iurisprudentia: Rotae Romanae Tribunal: Decretum coram R.P.D. Gregorio Erlebach, diei 3 decembris 2021, in una Nullitatis Matrimonii; Praejud.: Restitutionis in integrum (B. 142/2021). (Document)

This decree concerns a request for a declaration of nullity presented by the father of the husband who died just three years after the wedding. For a variety of reasons, the tribunal decided to admit the petition. The wife promptly submitted a request that the petition be rejected. However, the tribunal had by then issued the decree of the joinder of the issue. The tribunal ignored the pleadings of the wife's advocate, who then sought recourse from the tribunal of appeal seeking a *restitutio in integrum*. The appeal tribunal rejected this recourse, and the advocate then sought the intervention of the Roman Rota. The issue before the Apostolic Tribunal was twofold: did the woman respondent have the right to have recourse against the decree of the appeal tribunal and, if so, should a *restitutio in integrum* be granted? The decree outlines the nature of the various procedural decrees involved before answering in the negative and demonstrating that *restitutio* could only be considered after a definitive sentence.

1671-1691

Ap XCIII (2020), 107-126: Francesco Giammarresi: Alcune caratteristiche del processo episcopale nel diritto romano e loro

valorizzazione nella riforma dei processi di nullità matrimoniale.
(Article)

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

1671-1691

EE 97 (2022), 1175-1196: Claudia Izzi: Il processo canonico di nullità del matrimonio dalla codificazione post-conciliare alla riforma scaturita dalla riflessione sinodale sulla famiglia. (Article)

The normative evolution which has occurred over the last 40 years concerning causes for the declaration of matrimonial nullity is closely connected with the doctrine of the Second Vatican Council and with the issues which have emerged in the context of the synodal reflection on the family, promoted by Pope Francis. In this article I. highlights the constant and progressive assimilation of the guiding principles of the canonical process, in the light of which she proposes some possible improvements and developments.

1671-1691

IM 33 (2022), nr 1, 117-140: Ryszard Sztymiler: Przesluchania stron, udział adwokata (*Hearing of the parties, participation of advocates*).
(Article)

In matrimonial trials, many issues cannot be brought to light without the testimony of the parties. Therefore, the tribunal always hears the parties, or at least tries hard to do so. An advocate may, and sometimes should, appear in these trials to assist the parties and the tribunal in arriving at the truth about the marriage in question. The advocate, like the judge and the defender of the bond, is to seek to establish the truth about a particular marriage. S. examines the provisions of *Dignitas connubii* in this regard. After the entry into force of the norms of the *motu proprio Mitis Iudex Dominus Iesus* (2015), the importance of the interrogation of parties and the presence of advocates has increased.

1671-1691

IusM XVI/2022, 119-141: Emanuele Tupputi: La rilevanza della coscienza in relazione alla nullità matrimoniale alla luce del *Mitis Iudex Dominus Iesus*. (Article)

With the reform of the matrimonial nullity process, introduced by Pope Francis's *Mitis Iudex Dominus Iesus*, and the subsequent issuing of the Apostolic Exhortation on the love of the family *Amoris Laetitia*, it is not infrequent that we find ourselves before faithful who "in conscience" consider their marriage to be null and void. What does this belief in conscience imply in relation to the nullity of the marriage? Can there be a conflict? T. seeks to answer and clarify the question of conscience in relation to matrimonial nullity with a view to a correct itinerary of discernment and integration or a concrete procedural process, the purpose of which is to help ascertain the truth about the marriage.

1688

IE XXXIV (2022), 649-688: Tribunale Apostolico della Rota Romana: *Nullitatis matrimonii* – impedimento d'ordine sacro, impedimento di voto pubblico perpetuo di castità emesso in un istituto, difetto di libertà interna – Sentenza di primo grado – 12 gennaio 2021 (n. 1/2021) – Giordano Caberletti, *Ponente*, con commento di Santiago Vigo, *Sull'esigenza di certezza morale circa la non avvenuta dispensa dall'impedimento*. (Sentence and comment)

See above, canon 1608.

1688

Per 111 (2022), 421-443: Paolo Bianchi: Il processo documentale e il tribunale interdiocesano. (Article)

Canon 1688, as contained in *Mitis Iudex*, presents the possibility of a diocesan bishop declaring a marriage null on the basis of the documentary process. B. considers some problems raised by this: 1. who is the competent bishop to make the decision?; 2. if the process is introduced at an interdiocesan tribunal, who is the bishop competent to make the decision (especially in the domain of the Italian interdiocesan tribunals)?; 3. what is the correct procedure to be followed in order to bring the case to the competent bishop? In addition, B. examines the arguments in favour of and against considering the documentary process as an application of the abbreviated process (the *processus brevior*).

1717

J 78 (2022), 445-476: Michael J. Mazza: *Bona Fama* in an Age of “Transparency”: Publishing Lists of “Credibly Accused” Clerics. (Article)

See above, canon 220.

1717-1731

EE 97 (2022), 1217-1250: Carlos M. Morán Bustos: *Los abusos de menores en la Iglesia y la necesidad ineludible de un nuevo derecho procesal penal canónico.* (Article)

See above, canon 1398*.

1717-1731

Charles J. Scicluna – Myriam Wijlens (eds.): *Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems.* (eBook)

See above, General Subjects (*Compilations*).

1721

QDE 35 (2022), 357-377: Gianpaolo Montini: *La struttura del processo penale giudiziale canonico.* (Article)

See above, canon 1501.

1722

QDE 35 (2022), 468-484: Matteo Visioli: *I provvedimenti cautelari: annotazioni pratiche.* (Article)

V. reviews the precautionary measures that canon 1722 permits the Ordinary to impose during a penal process (article 10 of the Norms for delicts reserved to the Dicastery for the Doctrine of the Faith allows this even from the beginning of the preliminary investigation). He examines the aims of these measures in the canon: preventing scandal; protecting the freedom of witnesses; and protecting the judicial process. He then asks whether it is legitimate to include the protection of the good name of the accused. He

considers these measures a right of the Ordinary, and sometimes a duty. He examines the possible measures that can be imposed, how they may be imposed or varied, and how they cease. He argues that these measures are not subject to hierarchical recourse. Finally, he offers fuller notes on the protection of reputation and on the idea that these measures are precautions, not punishments.

1722

QDE 35 (2022), 485-499: G. Paolo Montini: I ricorsi avverso le misure cautelari di cui al can. 1722. (Notes)

M. argues that the precautionary measures imposed in view of a penal action according to canon 1722 may be the subject of recourse or a request for a review. He suggests that the procedure for presenting such a recourse is the same as for any other recourse, and looks at the possible reasons for making such a recourse. He echoes the consensus of the authors that such a recourse does not have a suspending effect, looks at the process when one of the *graviora delicta* is in question, and examines a number of common ambiguities in the area of precautionary measures. Finally he considers whether the precautionary measures can be considered as part (or the whole) of a punishment on an *ex quo satis* basis in the event of culpability (arguing that they can).

1729-1731

QDE 35 (2022), 357-377: Gianpaolo Montini: La struttura del processo penale giudiziale canonico. (Article)

See above, canon 1501.

1732-1739

EE 97 (2022), 1197-1216: Gianpaolo Montini: Agenda per una evoluzione della giustizia amministrativa canonica. (Article)

In the context of the challenges facing the law of the Church 40 years after the promulgation of the current Code, M. sets out what he sees as the desirable evolution of canonical administrative justice, involving a sharing of responsibilities by the faithful who should develop a greater awareness of their rights to participate in the mission of the Church, by the lawyers who should operate with greater competence and courage, by the Dicasteries of the

Roman Curia who should proceduralize hierarchical recourses to a greater extent, and by diocesan bishops who should develop more effective norms for achieving conciliation. M. sets out some proposals for an evolution of the jurisprudence of the Supreme Tribunal of the Apostolic Signature, and the proposal that the supreme and universal legislator should allow the establishment of local administrative tribunals at the request of individual episcopal conferences.

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Anuario de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletín Eclesiástico de Filipinas
- Bogoslovni vestnik
- Claretianum
- Commentarium pro Religiosis et Missionariis
- De Processibus Matrimonialibus
- Eastern Legal Thought
- Ephemerides Iuris Canonici
- Ephrem's Theological Journal
- Estudio Agustiniانو
- Estudios Eclesiásticos
- Folia Theologica et Canonica
- Forum Canonicum
- Forum Iuridicum
- Indian Theological Studies
- Immaculate Conception School of Theology Journal
- Irish Theological Quarterly
- Ius Canonicum
- Ius 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
- Vidyaajyoti

ABBREVIATIONS, PERIODICALS, AND ABSTRACTORS FOR THIS ISSUE

AC	L'Année Canonique, Paris – Most Rev. Dr John McAreavey, Co. Down.
ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
Ang	Angelicum, Rome – Abstracts supplied by publisher / Editor.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Cla n.s.	Claretianum ITVC, new series, Rome – Abstracts supplied by publisher.
Comm	Communicationes, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
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.
ITS	Indian Theological Studies, Bangalore – Editor.
Ius	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.

IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.
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.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
RGDCDEE	Revista General de Derecho Canónico y Derecho Eclesiástico del Estado (online publication: https://www.iustel.com/) – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
TyV	Teología y Vida, Santiago de Chile – Abstracts supplied by publisher.
Vid	Vidyajyoti, Delhi – Abstracts supplied by publisher.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Merlin Rengith AMBROSE: *Right of Defence in Marriage Nullity Trials: A Study based on CIC 1983, DC and MIDI*, LIT Verlag, Germany, 2022, 360pp. (reviewed by Varghese Koluthara in *Ius* 13, 1-2 [2022], 197-200; also by Felix Wilfred in *Vid* 86 10/22, 795-796)
- Sarah R. LAUHEAD: *Canon 149 of the Code of Canon Law. Determining the Suitability of a Candidate for an Ecclesiastical Office*, EUNSA, Pamplona, 2021, 326pp. (reviewed by Fernando Puig in *IE XXXIV* [2022], 763-765)
- Alex VELACHENY: *Briefer Judicial Process of Matrimonial Nullity: The Role of the Eparchial/Diocesan Bishop as Personal and Sole Judge in the Reformed Matrimonial Nullity Process of "Mitis et Misericors Iesus" and "Ratio Procedendi"*, Dharmaram Canonical Studies 29, Dharmaram Publications, Dharmaram College, Bengaluru, 2022, xx + 463pp. (reviewed by Benny Sebastian Tharakunnel in *Ius* 13, 1-2 [2022], 193-195)

BOOKS RECEIVED

- Andrea GANCI: *La questione della consacrazione dei fedeli nei Movimenti Ecclesiali. Stato attuale e prospettive future*, Edizioni Santa Croce, Rome (Dissertationes Series Canonica – LII), 2018, 406pp., ISBN 978-88-8333-752-9 [see above, canon 605]
- Stefano ROSSANO: *Praedicate Evangelium. La curia romana di Papa Francesco*, Valore Italiano, 2023, 176pp., ISBN 978-88-97789-19-2 [see above, canon 360]
- Charles J. SCICLUNA – Myriam WIJLENS (eds.): *Rights of Alleged Victims in Penal Proceedings. Provisions in Canon Law and the Criminal Law of Different Legal Systems*, Nomos, Baden-Baden, 2023, 343pp., e-book, ISBN 978-3-7489-3616-9 (downloadable free) [see above, General Subjects (*Compilations*)]