

Canon Law Abstracts
No. 131 (2024/1)

Covering periodicals appearing
January – June 2023



Under the patronage
of Saint Pius X

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

Every effort is made to report the views of authors objectively and accurately, without attempting to comment on them. If any of our readers discover any inaccuracies, we hope they will point them out to the editor.

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<http://canonlawabstracts.uk>

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

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ISSN 0008-5650

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GENERAL SUBJECTS

Comparative law

ELJ 25 (2023), 139-155: Russell Dewhurst: The King and the Law of the Church of England. (Article)

Charles III acceded to the British throne on 8 September 2022, becoming at the same time Supreme Governor of the Church of England. D. presents an overview of the law relating to the King and the Church of England, and considers the effects of the royal supremacy today.

LJ 189 (2022), 126-141: Richard Deadman: Confession in the Anglican Church – Breaking the Seal? (Article)

D. traces the residual presence of the seal of the confessional in the Church of England after the Edwardine Reformation prior to its modification in the Canons of 1603/4 and then the resurgence of interest in the issue during the Catholic Revival of the 19th century and the provisions made in response to this over the next 100 years or so. He then sets this in the context of the wider Anglican Communion and the various approaches to the seal reflecting the varying weight placed on the inherited tradition by different provinces. He proceeds to consider whether the seal is or would be respected by the temporal authorities in some of the jurisdictions in which the Anglican Church is present – particularly the complex questions raised by the established status of the English Church and its law. He notes the considerable pressure on the seal in some jurisdictions following reports of the child abuse scandals and the part that they assign to the seal of the confessional in encouraging the continuing abuse of children and vulnerable people. He then considers the response of the Australian Church and the possibility that England may follow suit in qualifying the seal, questioning whether a qualified seal is a seal at all.

QDE 36 (2023), 59-77: Chiara Minelli: Una canonista nell'Università di Stato. (Article)

M. reflects on the experience of teaching canon law in a State (rather than pontifical) university. Using an account of a famous debate in mid-20th century Italian legal circles concerning the concept of the certainty of law, she suggests how canon law can offer illumination to civil lawyers reflecting on basic legal concepts. A similar service might be performed today by looking

at the canonist's distinction between *ratio* and *rationabilis* as a way of deepening the concept of reasonableness.

Compilations

IC 63/125 (2023), 413-438: Joaquín Sedano: Crónica de Derecho Canónico de 2022. (Compilation)

In this review of the more significant canonical developments in 2022, S. mentions the writings, decisions, and discourses of the Roman Pontiff, including the *motu proprio Fidem servare* modifying the internal structure of the then Congregation for the Doctrine of the Faith (11 February 2022); the *motu proprio Competentias quasdam decernere* modifying some norms of the CIC/83 and the CCEO (11 February 2022); a pontifical concession to the Priestly Fraternity of St Peter to continue celebrating Mass, the sacraments and other sacred rites, as well as the Divine Office, according to the 1962 liturgical books (11 February 2022); a chirograph converting the pontifical foundation *Scholas Occurrentes* into a private association of the faithful of an international nature (19 March 2022); the Apostolic Constitution *Praedicate Evangelium* (19 March 2022); the *motu proprio Recognitum Librum VI* modifying canon 695 §1 on the expulsion of members of religious institutes (26 April 2022); the attribution to the pro-Prefect *pro tempore* of the second Section of the Dicastery for Evangelization of legal representation of that Section in respect of financial, administrative and other matters (1 August 2022); a rescript confirming that competence for the administration and management of financial activities and the liquidity of the Holy See and of the institutions linked to it pertains to the Institute for Works of Religion (IOR) (23 August 2022); an intervention in the Order of Malta, including a new Constitutional Charter and the corresponding Code (3 September 2022); the suppression of the Foundation *Populorum Progressio* and the constitution of the *Populorum Progressio* Fund (16 September 2022); the transfer of competence for the pastoral care of tourists to the Dicastery for Evangelization (30 September 2022); the canonical approval of the Bishops' Conference of Amazonia (CEAMA) (3 October 2022); the restructuring of *Caritas Internationalis* (21 November 2022); a *motu proprio* on the instrumental juridical persons of the Roman Curia, to ensure greater control over their financial activities (5 December 2022); and various decrees of erection and reorganization of ecclesiastical circumscriptions.

The review goes on to mention the more significant documents and activities of the Roman Curia in 2022, including the decision by the Secretariat of

State's Historical Archive to make publicly available documents from the pontificate of Pius XII relating to help given by the Pope to persecuted Jews; a declaration clarifying that the Synodal Way in Germany does not have the faculty to oblige bishops or faithful to adopt new forms of governance or new doctrinal or moral perspectives if these have not been agreed with the universal Church (21 July 2022); the publication by the Dicastery for the Doctrine of the Faith of Version 2.0 of the *Vademecum* on certain points of procedure in treating cases of sexual abuse of minors committed by clerics (5 June 2022); the former Congregation for Catholic Education's Instruction *The Identity of the Catholic School for a Culture of Dialogue* (25 January 2022); the Dicastery for Laity, Family and Life's *Catechumenal Pathways for Married Life*, aimed at establishing a catechumenate focusing on the sacrament of matrimony (15 June 2022); a rescript modifying canon 588 §2 and the particular law of institutes of consecrated life and societies of apostolic life, granting the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life the faculty to authorize the appointment of a non-cleric major superior (18 May 2022); a rescript requiring the written approval of the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life before a diocesan bishop can erect by decree a public association of the faithful with a view to its becoming an institute of consecrated life or a society of apostolic life (15 June 2022); a notification by the Apostolic Penitentiary confirming that in respect of the revised canon 1308, if a priest has received a certain number of Mass intentions which he cannot fulfil, he may through his own confessor approach the Apostolic Penitentiary, which will make appropriate provision (15 March 2022).

The following section of the review is dedicated to the diplomatic activity of the Holy See during 2022, including the opening of an Apostolic Nunciature in the United Arab Emirates; the Holy See's expression of regret at the expulsion of the nuncio in Nicaragua; Accords with Vietnam, the Democratic Republic of São Tomé and Príncipe, and Kazakhstan; the entry into force of the United Nations Framework Convention on Climate Change and the Paris Accords; and the renewal of the Accord with China.

Details are also provided of documentation and activity of the Spanish Episcopal Conference in 2022.

Ecclesiology

Comm 54 (2022), 107-111: Pope Francis: Discorso per l'Apertura del 93° Anno Giudiziario del Tribunale dello Stato della Città del Vaticano, 12 marzo 2022. (Address)

Pope Francis addresses the staff of the Tribunal of the Vatican City State. He draws out and applies to their context his remarks to the Roman Rota on the perspective of synodality. The serious and patient work of discernment is essential in order to reach the outcome of a just verdict, and thus achieve the very nature and purpose of the process, which must be the implementation of justice with respect to the persons involved, along with the restoration of social harmony which looks to the future and encourages a new start. To this end, the demand for justice calls for a studied evaluation of positions and competing interests, and requires remedial action. Moreover, in criminal trials, justice must always be combined with appeals for mercy, which in the final analysis call for conversion and forgiveness. Between these two poles there is a complementarity, and balance must be sought, with the awareness that, if it is true that mercy without justice leads to the dissolution of social order, it is also true that “mercy is the fullness of justice and the most radiant manifestation of God’s truth” (Post-Synodal Apostolic Exhortation *Amoris Laetitia*, 311). In this perspective, the exercise of equity, wisely defined as justice of the individual case, is key. While the legislative precept remains steadfast, at the moment of the application of the general law, it induces one to take into account the demands of the actual case, and of particular situations of fact that merit specific consideration. The exercise of equity does not constitute an exclusive prerogative of canon law, but undoubtedly finds particular recognition and appreciation in it, placing it in a close relationship with the precept of evangelical charity, the true principle that inspires all the actions of the Church. The Pope then refers to a number of recent changes in the law of the Vatican City State and their rationale.

Comm 54 (2022), 84-95: Pope Francis: Litterae Apostolicae Motu Proprio datae “*Competentias quasdam decernere*” quibus aliquae normae immutantur Codicis Iuris Canonici et Codicis Canonum Ecclesiarum Orientalium, 11 febbraio 2022. (Document)

This motu proprio is intended to accomplish a degree of decentralization of powers in different areas of Church life across both Codes. With regard to establishing interdiocesan seminaries, the formation of clergy, and also publishing catechisms, it is now for the episcopal conference to approve and

the Holy See to confirm. The Latin Code is brought into line with the Eastern Code on the right of certain organizations granted this faculty by the Holy See to incardinate. The document regulates the formation of associations of consecrated virgins. The powers of major superiors are extended in cases of exlaustration, dismissal or those wishing to leave during temporary profession. Finally the powers of diocesan bishops and major superiors with regard to foundation Masses and pious wills are extended. The text is given in Latin and Italian.

CLSN 203/23, 4-11: Gordon Read: Motu proprio *Competentias quasdam decernere*. (Article)

Brief commentary on the motu proprio of 11 February 2022 (see preceding entry).

FThC XI (2022), 111-126: Péter Erdő: L'Esperienza canonica per l'amministrazione di una diocesi. (Article)

See below, canon 381.

Ius Comm XI (2023), 9-13: Antonio M^a Rouco Varela: Consistorio Extraordinario. Roma, 29-30 agosto 2022. (Article)

The conciliar teaching on the *potestas sacra* – which in the language of the documents of the Second Vatican Council replaces the distinction between *potestas ordinis* and *potestas iurisdictionis/regiminis* – is particularly appropriate and obligatory in the interpretation and application of *Praedicate Evangelium*. Among the ecclesiological principles which Vatican II has taught in *Lumen gentium* (LG) for the understanding of the Mystery of the Church is that of the unity of the *potestas sacra*. This unity, demanded by the *ius divinum positivum* by virtue of its institution by the Lord Himself, is the keystone of what could be called the Divine Constitution of the Church. The holder of the *potestas sacra* for the whole Church is the Pope and the College of Bishops with him. The bishops are holders of this sacred power in their own, ordinary and immediate way, in and for their particular Churches. Priests participate in the *potestas sacra* by virtue of the degree of the sacrament of Holy Orders received, as necessary collaborators of the bishop, with whom they form a “single presbyterate”. The laity can and must cooperate with the Successors of the Apostles and their sacramentally necessary collaborators in

the exercise of the *potestas sacra*, the priests, but not replace them (cf. LG, 33).

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

In the introduction to the motu proprio *Competentias quasdam decernere* of 11 February 2022 Pope Francis spoke of a “healthy decentralization”. By means of this Apostolic Letter he modified 11 canons of the CIC/83 and 8 canons of the CCEO. R. considers the concept of decentralization as it was found prior to 2013 and then examines how it has been realized in the pontificate of Pope Francis. He presents a brief introduction to the motu proprio itself before commenting on several of the modifications that imply a decentralization: the replacing of the term “approve” with “confirm” in canons 237 §2; 242 §1; 775 §2; incardination in clerical public associations (canon 265); competence to establish associations of the *ordo virginum* (canon 604); an extension of the period of exclaustation before approaching the Holy See (canon 686 §1); the non-necessity of the confirmation by the diocesan bishop of an indult to leave a religious institute of diocesan right during temporary profession (canon 688 §2); alteration in the procedure to be followed in the dismissal of a member of a religious institute (canons 699 §2; 700); the reduction of the obligations of Masses (canon 1308); and the reduction of obligations attached to pious causes and foundations (canon 1310).

SC 57 (2023), 263-294: Robert Billing: *Cultivating Synodality in the Particular Church.* (Article)

Synodality is undoubtedly a significant focus in the ecclesiology of Pope Francis. Although difficult to define, this ecclesiological model has enormous potential and yet poses a significant challenge to all in the Church as a constitutive key to understanding ecclesial ministry and governance. As a fresh phase in the acceptance of the Second Vatican Council, synodality generates a personal and pastoral conversion of mentalities and structures to a new way of proceeding in the Church where pastors and faithful pray, meet, work together, take counsel together, and build up consensus. B. argues according to a trajectory that the best way to cultivate synodality is to utilize and bring to maturity the participative structures in the life of the particular Church. He offers some possibilities to develop these participative structures, involving the potential of refashioning certain aspects, including the

presbyteral council, in the light of the *ecclesiogenesis* that comes from the current synodalization of the Church.

Ecumenism and interreligious dialogue

Ang 100 (2023), 129-144: Gregory Gavin D’Costa: Can Catholic Natural Law theory help us in engagement with Non-Christian Religions? (Article)

D’C. identifies some challenges to the application of natural law to interreligious dialogue. The International Theological Commission’s document on this matter is used to focus on the issue as well as the questions posed by M. Ganeri. To suggest a way through these difficulties, D’C. focuses on the radically “different” tradition of Hinduism and the controversial understanding of *sati* (widow self-immolation) within Hinduism. It would appear that such an act is clearly against the natural law. However, D’C. demonstrates that even within a different world-view from Christianity there are still analogical connections to *sati*, showing how both the natural law and its Christological orientation actually illuminate and foster interreligious dialogue even in such a difficult case.

ELJ 25 (2023), 60-65: Russell Dewhurst: The 2022 Revision of *The Principles of Canon Law Common to the Churches of the Anglican Communion*. (Article)

At the 2008 Lambeth Conference, *The Principles of Canon Law Common to the Churches of the Anglican Communion* were launched. For the first time, detailed principles of Anglican canon law were made manifest, the fruit of earlier research by the legal academic Norman Doe. As early as 2002, the Primates of the Communion had recognized that “the unwritten law common to the Churches of the Communion and expressed as shared principles of canon law may be understood to constitute a fifth ‘instrument of unity’.” The *Principles* project proved to be a wellspring of legal scholarship and ecumenical activity both before and after the 2008 publication.

ELJ 25 (2023), 211-236: Paul Babie: All Roads Lead to New Rome: The Canonical Origins and Status of the Orthodox and Greek Catholic Churches of Ukraine. (Article)

B. provides a brief account of the historical origins and canonical status of the three modern Orthodox and Greek-Catholic Churches of Ukraine: the Orthodox Church of Ukraine, the Ukrainian Orthodox Church of the Moscow Patriarchate, and the Ukrainian Greek-Catholic Church. His article contains four parts. The first briefly recounts the origins of Byzantine Christianity and the fused form of State and Church governance that developed in Constantinople from the 4th to the 15th centuries. The second examines the Great Schism of 1054, which cleaved Eastern and Western Christianity, sending Eastern Orthodox Christianity down the path of territory- or nation-based Churches constituted by Eucharistic ecclesiology; this would ultimately give rise to the Ukrainian Orthodox Church of the Moscow Patriarchate in the Slavic lands that would become Ukraine. The third part considers two modern schisms, the Little Schism of 1596, which produced the Ukrainian Greek-Catholic Church, and the Final Schism of 2018-2019, which brought into existence the Orthodox Church of Ukraine. Drawing upon Eucharistic ecclesiology, the final part offers brief concluding reflections concerning the ongoing implications of these three schisms for Orthodox Christianity in Ukraine.

Human rights

SC 57 (2023), 5-22: Ivan Jurković: Religious Freedom: A “Litmus Test” for All Human Rights. (Conference presentation)

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

Law reform

IC 63/125 (2023), 143-180: Marc Teixidor: La posible y necesaria perentoriedad de los plazos de apelación contra una sentencia *pro vinculo*. (Article)

See below, canons 1679-1682.

Ius Comm XI (2023), 63-112: Juan Manuel Cabezas Cañavete: Regulación canónica de los dones carismáticos en los nuevos grupos eclesiales: unas sugerencias de actuación desde la Carta *Iuvenescit Ecclesia*. (Article)

See below, canons 321-326.

Ius Comm XI (2023), 115-138: Yeshica Marianne Umaña Calderón: La participación de la víctima de abuso sexual clerical en el proceso canónico. (Article)

See below, canon 1398*.

EIC 63 (2023), 295-320: Fernando Puig: Rinuncia del vescovo e rinuncia del papa. Analogie e differenze. Prospettive di *iure condendo*. (Article)

See below, canons 187-189.

Legal theory

Ang 100 (2023), 77-105: Loïc-Marie Le Bot: Loi biblique – Loi naturelle. Le droit canonique comme expression juridique d'une rencontre originale entre loi biblique et loi naturelle. (Article)

Canon law has its sources in both the revealed divine law and in the natural law inscribed in human nature by the Creator. It could also be said that canon law proceeds from both sources in its materiality, efficient causality, form, and finality. Canon law as the law of the Church is ultimately dependent on Revelation and the natural law that grounds every juridical system, that is, they give it its origin and its end and allow it to be. The natural and supernatural finalities are articulated together: the former ensures respect for justice while the latter ensures the communication of salvation. Their union gives the law of the Church its original character. A particularly convincing example of the encounter and complementarity of natural law and biblical law is found in the law of marriage and, more surprisingly, in that of the profession of evangelical counsels.

CLSN 203/23, 28-31: John Paul II: Address to participants in the 35th Conference of the Canon Law Society of Great Britain and Ireland. (Address)

Republished here is the address given by Pope St John Paul II to the Canon Law Society of Great Britain and Ireland at its 1992 annual conference, held in Rome. The Pope explains that, because the Church's social structure stands at the service of a deeper mystery of grace and communion, canon law – precisely as the law of the Church, *ius Ecclesiae* – must be acknowledged as unique in its means and in its ends.

Comm 54 (2022), 118-121: Pope Francis: Udienza ai Membri del Consiglio Superiore della Magistratura, 8 aprile 2022. (Address)

Pope Francis addresses the High Council of the Italian Judiciary. Its members have the responsibility of safeguarding the autonomy and independence of the magistrates. Legislation cannot substitute for having the right moral approach. The Pope invites them to reflect on the teaching of St Catherine of Siena, and to ask themselves for whom, how, and why they are doing justice. He suggests that the Scriptures do not offer us an abstract picture of justice but rather the just person, and he alludes to the example of Solomon.

IC 63/125 (2023), 369-379: Orazio Condorelli: *Ius commune, justicia y bien común: un legado para la tradición jurídica occidental.* (Conference presentation)

The *ius commune* (civil law and canon law) tradition encompasses the idea of a supra-legal law (*ius divinum, ius naturale*) which determines the validity of the law (*lex*) and engages human responsibility in its commitment to the common good. Nowadays, the distinction between *ius* and *lex* is frequently overlooked or explicitly rejected. So the recovery of an approach that has forged Western legal culture may contribute to the construction of the common good through political dialogue in democratic societies.

IE XXXV (2023), 83-108: Petar Popović: Le norme prese sul serio nel giusnaturalismo neoclassico: la necessità della legge positiva secondo John Finnis e il giusrealismo tomista. (Article)

P. shows how the possible neglect of the due understanding of the nature of positive law in the tradition of Thomistic natural law theory of law can be

overcome within this same tradition. He first presents John Finnis's examination of the importance of positive law. Finnis's argument has some success in highlighting the human need to take positive law seriously, but it also seems to be partially exaggerated from the standpoint of the aforementioned tradition when he comes to the conclusion that all law must be contained in positive law. Next, P. analyses the relevant texts of Aquinas which develop the idea about the human needs underlying the very being of positive law from the perspective of justice. Finally he analyses the basic elements for an examination of the *raison d'être* of positive law from the perspective of the contemporary study of classical juridical realism.

IE XXXV (2023), 109-134: Santiago Vigo Ferrera: Sul dovere delle istituzioni curiali – e altre istanze autoritative – di applicare il diritto con equità canonica. (Article)

The Apostolic Constitution *Praedicate Evangelium* introduces two references to the duty of curial institutions to apply law with canonical equity. V.F. explores the meaning of this provision, re-proposing the classical doctrine of equity, elaborated by legists and canonists and enriched by the reflections of St. Thomas Aquinas. The *aequum* is apprehended by the attentive gaze of a *conscientia a iure informata*. Equity prompts the legal practitioner to consider whatever can help him formulate a judgment adequate to the juridical reality.

Ius Comm XI (2023), 15-36: Nicolás Álvarez de las Asturias: La Sagrada Escritura, ¿alma del derecho canónico? (Article)

The relationship between canon law and Sacred Scripture is not obvious and has, in fact, been contested by some authors. However, the character of "sacred science" that corresponds to the Church's law seems to require its biblical foundation. Á. analyses some of the objections raised and attempts to give a positive answer to the question, resorting to both history and current developments in canon law.

Per 111 (2022), 621-647: Matteo Visioli: Teologia e diritto canonico: dalla crisi condivisa verso nuove prospettive di relazione. A vent'anni dal decreto *Novo Codice*. (Note)

On 2 September 2002 the Congregation for Catholic Education issued the Decree *Novo Codice*, by which the whole system for the academic study of canon law was revised and regulated. Among the new subjects to be taught in

the course of study was the theology of law. V. offers some considerations on how the situation has changed over the 20 years since the decree's promulgation. In his view, the real purpose of studying the theology of canon law is to bring about a greater awareness of the need for renewed dialogue between theology and canon law and an insight into new directions to be followed. The relationship between the two disciplines must not be seen as competition but must rest firmly on the relationship between believers. Thus, canon law must continually be challenged to respond to the new insights that emerge from investigation into Revelation in a way that is consonant with the demands of the Gospel.

Per 111 (2022), 649-669: Matthias Ambros: Lo studio del diritto canonico vent'anni dopo la promulgazione del decreto *Novo Codice*. (Note)

Writing to mark the 20th anniversary of the Decree *Novo Codice*, issued by the Congregation for Catholic Education in September 2002, A. considers the various documents which have sought to regulate the teaching and study of canon law: the Apostolic Constitutions *Deus scientiarum Dominus* (1931) and *Sapientia Christiana* (1979), the Decree *Novo Codice* itself, the Apostolic Constitution *Veritatis Gaudium* (2017), and the Instruction *Novis postulatis* (2018). His study shows that there is both continuity and a progressive development in the teaching and study of canon law. He refers to the change of the length of study for the licentiate, the study of the theology of law, and the need to develop a theory of law. The current norms underline the need to have a sufficient number of properly prepared teachers who are able to dedicate themselves to teaching canon law.

Per 112 (2023), 161-173: Filadelfio Alberto Iraci: Diritto Canonico e Teologia Morale. Evoluzione storica e prospettiva interdisciplinare in relazione con la *quaestio fori*. (Summary of thesis)

This is a summary of I.'s thesis published by the Pontifical Gregorian University in 2021. I. seeks to foster the dialogue that must exist between canon law and theology. His particular focus is on the relationship between canon law and moral theology, especially in connection with the distinction between the internal and the external forum.

QDE 36 (2023), 16-37: Carlo Redaelli: Il canonista: uomo di teologia o del diritto? Bilancio del dibattito postconciliare. (Article)

R. surveys the difficulties faced by canon law in the years immediately after Vatican II, and outlines the main currents of thought in the literature after the promulgation of the two Codes about the theological and juridical foundations of canon law, the relationship between “canonical science” and the theology of canon law, and the relationship between the study of canon law and that of ecclesiology. Returning to the question posed in the title, he argues that the task of the canonist is to integrate both theology and law in the service of the Church and the Gospel.

QDE 36 (2023), 38-46: Mauro Rivella: Il *munus* del canonista nella compagine ecclesiale. (Article)

R. begins by identifying as the common factor of all canonical work that it is connected with the Church, and then argues that this context must be the Church as it is today. He suggests that a number of ideas can be found in all the varied works of canon lawyers: a willingness to learn from history and adapt past solutions faithfully to present needs; the ability to give concrete form to new ideas with constant awareness of theology; an openness to dialogue with the world, while safeguarding what is proper to the Church; and the safeguarding of the rights of the faithful.

QDE 36 (2023), 47-58: Enrico Massignani: Il mestiere del canonista nella prassi. (Article)

M. surveys the wide variety of roles fulfilled in the Church by canon lawyers, taking the editorial team of QDE as an example. He suggests that the fact that so many are involved in different ministries explains why so much of canon law writing at the moment takes the form of articles rather than books. He suggests that the role of the canonist is to ensure that actions which take place in the Church are truly in accord with the mind of the Church: though scholarly studies may be restricted by this, the service given to the Church is an important one.

SC 57 (2023), 245-261: John Dadosky: The Relationship between Theology and Canon Law: Insights from Örsy and Lonergan. (Conference presentation)

The renowned canon lawyer, Ladislav Örsy, deeply examines the relationship between theology and canon law. He particularly finds the philosophy of Bernard Lonergan helpful in clarifying the relationship between the two disciplines. In addition, Örsy examines the functions of canon law from the perspective of Lonergan's eight functional tasks of theological method. Örsy claims that theology is primarily concerned with knowledge and canon law with decision/action. Each discipline is distinct but also complementary to the other. D. reviews the relationship between the two disciplines according to Örsy's insights and offers some comments from a Lonerganian and theological point of view.

Andrea Ganci: Teologia e spiritualità della comunione gerarchica nel Corpo di Cristo secondo il diritto canonico (chapter in Edoardo M. Palma (ed.): La vocazione universale della Chiesa. Gesù e gli uomini: una sola vita, un solo corpo, pp. 173-222)

G. explains how canon law needs theology in order to formulate concepts and principles which without a suitable theological foundation would be difficult to understand within the context of a legal order. Theology itself should be at the service of law and the other areas of learning in order to shine the correct light of Truth in accordance with the assistance of the Spirit of the Lord. Hence it is necessary that the *mens* of the Legislator should be permeated with the Holy Spirit, who alone is able to guide the Church throughout the ages to understand the entire Truth of the Lord. In the context of hierarchical communion the norms of canon law rely on theological developments in order to put them into words. (For bibliographical details see below, Books Received.)

Relations between Church and State

Comm 54 (2022), 289-293: Stato della Città del Vaticano: N. CDLXVII. Ordinanza del Presidente della Pontificia Commissione per lo Stato della

Città del Vaticano contenente ulteriori misure in materia di emergenza sanitaria, 5 gennaio 2022. (Document)

This ordinance extends for a further period the application of Covid-19 precautions within the Vatican City State.

Comm 54 (2022), 294-299: Stato della Città del Vaticano: N. CDLXVIII. Decreto del Presidente della Pontificia Commissione per lo Stato della Città del Vaticano in materia di emergenza sanitaria pubblica, 5 gennaio 2022. (Document)

This decree sets out the remit and structure of the Health Committee of the Vatican City with regard to health emergencies such as Covid, and the responsibilities of the Gendarmerie in enforcing the regulations.

Comm 54 (2022), 300-309: Stato della Città del Vaticano: N. DXII. Decreto del Presidente del Governatorato dello Stato della Città del Vaticano con il quale sono promulgate le Linee Guida del Servizio di Accompagnamento di cui alla Legge N. CCXCVII sulla protezione dei minori e delle persone vulnerabili del 26 marzo 2019, 21 maggio 2022. (Document)

These guidelines set out structures of support to be provided where there are suspicions of abuse of minors or vulnerable adults, and also advice on how to offer accompaniment and support.

EIC 63 (2023), 45-62: Vincenzo Pacillo: I loca sacra nel Codice di diritto canonico della Chiesa latina: alcune questioni ermeneutiche aperte. (Article)

The CIC/83 does not reject the idea that sacred places are characterized by special features that call for particular reverence on the part of those who use them or visit them. Several canons of the Code confirm this relationship of the sacred places with a reality that differs from the purely natural and human. This persistent theology of the hieratic aspect of sacred places – combined with the idea of the sacred place as a space for the accompanying and welcoming of the “living stones” that make up the community – defines the scope of their use, structured as they are according to their function regarding the exercise and promotion of worship, piety and religion. The same theology

imposes very precise codes of behaviour on those who use or visit sacred places, always requiring of them due reverence and respect.

EIC 63 (2023), 63-76: Pierluigi Consorti: I luoghi di culto fra diritto della Chiesa cattolica e diritto statale italiano. (Article)

Canon law and State law protect places of worship. C. examines the connection between the notions of “place of worship”, “building for worship”, and “worship space”, with specific reference to the canonical meaning of “sacred place”. He then looks at the problematic connection between the protection of religion and the protection of culture, arguing for a more evident protection of the spiritual rather than the material dimension.

EIC 63 (2023), 77-108: Alberto Roccella: I luoghi di culto come beni culturali. (Article)

R. describes the role of places of worship belonging to the ecclesiastical institutions of the Catholic Church in the Italian legislation on protection of cultural heritage, particularly in the light of the 1984 Accord revising the Concordat.

EIC 63 (2023), 161-184: Michele Madonna: Edifici e luoghi di culto nei Concordati successivi al Concilio Vaticano II. Brevi note ricostruttive. (Article)

M. examines the regulation of buildings and places of worship in the Concordats entered into by the Holy See since Vatican II. He looks at immunities and guarantees for these places, before studying the provisions favouring places of worship in the context of the right to religious freedom. Finally he studies places of worship in the context of cultural heritage.

EIC 63 (2023), 185-204: Paolo Vargiu: La protezione dei luoghi di culto nel diritto internazionale. (Article)

The right to freedom of religion or belief is explicitly recognized in various instruments of international law. The protection of places of worship and their integrity, however, remains difficult and heavily influenced by factual circumstances rather than general issues relating to their nature. During armed conflicts, places of worship are fundamentally protected by virtue of their historical and artistic significance rather than their religious connotation –

thus merely as an expression of the cultural heritage of the populations involved. In times of peace, however, places of worship do not seem to enjoy special protection, and simply fall under the broader protection of freedom of religion or belief. The lack of an organic regulation on the protection of places of worship makes the situation even more complex, since the multiple rules forming the legal regime of places of worship must be sought and assembled from various instruments of applicable law. It is also unclear whether places of worship are to be considered mere properties, places whose purpose is the carrying out of religious rituals, or religious symbols in their own right; this uncertainty makes it difficult to determine the applicable legal regime at the international level. V.'s article has a twofold objective: to provide a comprehensive overview of the rules of international law protecting places of worship, as well as to present a question to the international and ecclesiastical legal scholarships, with implications that are anything but merely theoretical, on the right to visibility of places of worship.

EIC 63 (2023), 205-233: Rossella Bottoni: La condizione giuridica dei luoghi di culto nella Repubblica di Turchia, con particolare attenzione alla questione di Santa Sofia. (Article)

B. examines the recent controversy over the reconversion of Hagia Sophia into a mosque in the context of the legal condition of mosques where Sunni Islam is practised, on the one side, and the places of worship of other religious denominations, on the other. She shows the paramount influence of the Turkish Republic's official ideology on their legal regulation, and concludes that the issue at stake is not the reinterpretation by the AKP (the largest party in the Turkish Grand National Assembly) of the Kemalist principle of secularism (*laiklik*), but rather the continuation of the authoritarian tradition inherited from previous regimes.

EIC 63 (2023), 235-261: Pierpaolo Dal Corso: Lo stato giuridico delle basiliche maggiori e minori. (Article)

See below, canons 1230-1234

FThC XI (2022), 127-147: Goran Jovicic: Mandatory reporting legislation and the seal of confession in light of the prevention of child abuse and religious freedom – Part II. (Article)

See below, canon 983.

IC 63/125 (2023), 181-224: María Olaya Godoy Vázquez: Proyección de la transparencia sobre las confesiones religiosas. (Article)

Transparency is one of the main challenges faced by religious groups, since they must explain their mission and the use of the resources required to carry out that mission, while being subject to rules and regulations that do not take their distinctive nature into account. The wide-ranging autonomy in organizational terms recognized under the law cannot be used as an argument for avoiding complying with legal obligations relating to transparency, although it may well be invoked to adapt or make compliance with certain specific requirements more flexible. The purpose of this study is to present transparency as a positive tool that enables religious denominations to explain their mission, spread their message, publicize the range of activities they undertake, and show how the financial dimension is a merely instrumental aspect of the exercise of their mission.

IC 63/125 (2023), 315-365: Rosa María Emilia Palavera: Plasmar el derecho mediante compliance. Otra forma de defender la *humanidad* del sistema penal. (Article)

P. takes her cue from the obligations that may arise for ecclesiastical institutions within the Italian system of administrative responsibility for criminal conduct. She highlights the need to develop a greater degree of awareness, on the part of those to whom the laws apply, of their own normative role and a capacity for more effective interaction, thus ensuring that cooperation between State law and private self-regulation does not result merely in the intrusion of criminal law systems and defensive/sanctioning approaches on the daily lives of those involved in the institution's activities.

IE XXXV (2023), 135-160: Jean-Pierre Schouppe: *Personnalité internationale du Saint-Siège et immunité de juridiction devant les juridictions belges et la Cour européenne des droits de l'homme.* (Article)

That the Holy See has international legal personality is nothing new, but what about the Vatican City State and the Catholic Church? For the first time, an international court, the European Court of Human Rights, has ruled on these questions and also on the question of whether the Holy See can be granted immunity from jurisdiction. The Strasbourg judgment *J.C. et al. v. Belgium* of 12 October 2021 will be the guideline for presenting these different aspects of international public law.

LJ 189 (2022), 126-141: Richard Deadman: Confession in the Anglican Church – Breaking the Seal? (Article)

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

SC 57 (2023), 129-144: Scott McCaig: Governance and Pastoral Care in the Military Ordinariate of Canada and Church-State Relations. (Conference presentation)

See below, canon 569.

Davide Dimodugno: Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale. (Book)

See below, canon 1222.

Religious freedom

J 79 (2023), 99-130: Thomas John Paprocki: The King’s Good Servant, but God’s First: Responses in Canon and Civil Law to Governmental Threats to the Church’s Freedom to Carry out Her Mission. (Article)

Legal and governmental threats to religious freedom are increasingly prevalent in the United States. In order to understand and combat this encroachment on the right of the Church to carry out her divine mission, it is essential to examine the basis of the right to religious liberty in natural law and theology as well as its expression in certain norms of canon law. The recent legal and judicial activity related to religious liberty in the United States must be explored and understood. Upon recognizing the current state of affairs, consideration should also be given to how injustices can be combated.

SC 57 (2023), 5-22: Ivan Jurković: Religious Freedom: A “Litmus Test” for All Human Rights. (Conference presentation)

J., Apostolic Nuncio to Canada, considers the topic of religious freedom in four parts: the public expression of religious faith and the threats to it in some parts of the world today; the social doctrine of the Church on freedom of

religion, especially as enunciated in the Vatican II Declaration on Religious Freedom *Dignitatis humanae*; religious freedom in international and regional treaties and in the Code of Canon Law; and the diplomacy of the Holy See in support of religious freedom.

Social issues

IM 34 (2023), nr 1, 149–165: Michał Poniatowski: Działalność na rzecz małżeństwa jako działalność pożytku publicznego (*Activity for marriage as an activity of public benefit*). (Article)

P. looks at the question of activities in the Polish context for the benefit of both secular and canonical marriage, listing those entities that may conduct this type of activity, and the requirements for classifying such activities as public benefit activities.

Teaching of canon law

IC 63/125 (2023), 281-313: Alberto de la Hera: Origen y fundamentos de la Escuela de Pedro Lombardía. (Article)

The heart of Pedro Lombardía's academic and scholarly life was the University of Navarra, where in the light of his learning from the Italian School of canon lawyers he established a school of his own, which in turn would receive widespread international renown. This article explores the origins of his school and its scholarly foundations, as well as the process by which it was established through the education and training of several generations of his disciples. The first generation of such followers is addressed here, focusing on the quality of Lombardía's teaching, through whom his thought and contributions to canon law spread throughout Spain and beyond.

HISTORICAL SUBJECTS

1st millennium

EIC 63 (2023), 5-44: Alberto Zini: Concetto, tipologia e uso dei luoghi sacri nel diritto romano. (Article)

Z. traces the definition and nature of sacred places in the Roman legal-religious system, the issue of their ownership, and finally the peculiarities of their use.

FThC XI (2022), 149-160: Szabolcs Anzelm Szuromi: Justice and mercy from the perspective of canon law. (Article)

See below, canons 1311-1399*.

FThC XI (2022), 181-201: Joaquín Sedano: La colaboración de los presbíteros con el obispo durante el primer milenio según el *Decreto de Graciano*. (Article)

S. focuses on the collaboration of priests and laity with the bishop in the tasks of pastoral government as reflected in the canonical tradition represented by Gratian's *Decretum*. Gratian arranged his sources not in a merely cumulative way, but according to the Scholastic method of seeking concordance among apparently discordant texts. From the study of these texts some conclusions can be drawn. The first is the clear capital function of the bishop in his diocese, a function balanced by the emphasis in various sources on the unity, harmony and communion that should exist among the different degrees of the ecclesiastical hierarchy. The second is the concern existing in the canonical tradition of the first millennium for the greatest possible participation of the People of God in some of the most solemn moments of ecclesial life, such as the process of electing a bishop, episcopal and presbyteral consecrations, and the celebration of synods or councils. The third is the relevance shown in the canonical sources of the proper interrelation of the bishop with his clerics, especially the priests, for the diocesan government.

IM 34 (2023), nr 1, 63-82: Andrzej Sacher: Coitus w rzymskim prawie małżeńskim (*Coitus in Roman marriage law*). (Article)

S. examines the legal value that Roman law attributed to sexual intercourse between spouses, looking at the legal requirements for Roman marriage with particular reference to that of age. He analyses the Roman legislation that imposed an obligation on citizens to marry and produce offspring, inter alia for the implementation of the demographic plans of the Roman State.

Ius 14, 1 (2023), 9-47: Paul Pallath: Primacy and Synodality According to the Common Tradition of the Church in the First Millennium. (Article)

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

PS LVIII 175 (2023), 23-52: Almudena Alba López: A Struggle for Consensus: Constantine's Intervention in the Christian Quarrels of His Time. (Article)

Ever since the Edict of Milan was issued in 313, the Emperor Constantine implemented a tolerance-based religious policy in which his intervention, both personally and by proxy, played an essential role. Tolerance would ultimately fail on account of the many religious conflicts and constant doctrinal disagreements among various Christian groups, requiring new solutions in order to rule over a more peaceful population. The will to reach a doctrinal consensus that would not undermine the emperor's powers in the management and arbitration of religious matters, as well as intervention by civil authority in fields that traditionally fell under ecclesiastical jurisdiction, would give rise to a confrontation with part of the Church which would resist the emperor's strategy to reach a consensus in religious matters.

Classical period

ELJ 25 (2023), 192-210: Norman Doe: Gerald of Wales (c. 1146–1223): A Canonist Rediscovered. (Article)

2023 marks the 800th anniversary of the death of Gerald of Wales. Scholarship to-date has focused on Gerald's extensive non-legal literature. His contribution to canon law has hitherto been neglected. However, Gerald was a canon lawyer of considerable stature. He was a student and teacher of canon law, he administered canon law and defended it against the encroachment of

the royal law, and he litigated in canon law to the highest level – the papal court in Rome.

FThC XI (2022), 149-160: Szabolcs Anzelm Szuromi: Justice and mercy from the perspective of canon law. (Article)

See below, canons 1311-1399*.

FThC XI (2022), 181-201: Joaquín Sedano: La colaboración de los presbíteros con el obispo durante el primer milenio según el *Decreto de Graciano*. (Article)

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

FThC XI (2022), 203-237: José Miguel Viejo-Ximénez: *Institutiones Sanctorum Patrum y Consideratio Theologica: Teología y derecho en la escuela de Paucapalea*. (Article)

V.-X. analyses the central statements of the school of *Paucapalea* on the relationship between theology and law. Early canonists considered the nature of their subject matter and their academic activity in the first part of their introductory lectures – *prelectiones* – on Gratian’s *Decretum*. The pioneers of the science of *decreta* and *canones* critically adopted the methods of medieval *iurisprudentes*, because they were aware of canon law’s sacramental dimension. For the canonists of the school of *Paucapalea*, the successive conditions of the human being, and the corresponding laws – natural, Mosaic, prophetic, evangelical, apostolic, and canonical – as well as the procedural institutions that make law effective, deserve a *consideratio theologica*, because they are part of both the *opus conditionis* and the *opus restaurationis*. They are, in short, the object or subject matter of a theological discipline. From their inaugural lectures it is not possible to deduce that, in the mid-12th century, the exegesis of the *Concordia discordantium canonum* was inspired by a *consideratio canonica*. Such an approach was to develop later, around the end of the 12th century, and was to give rise to a new jurisprudence, emancipated from theology.

IC 63/125 (2023), 225-279: José María Martín Humanes: *Solamente está sujeta al marido la que sin dote se recibe. La dote canónica y la mujer casada en la tradición legal hispánica.* (Article)

“Dowry” (*dote*) is a common word in popular use in the Hispanic world. Our forebears used it often, to denote the set of assets a woman brought with her to the marriage. However, the reality of this historical institution becomes more complex as one’s focus narrows and one enters the legal sphere. M.H. offers a technical reading of the issue based on the doctrinal corpus and legal resources from the late medieval and early modern eras (13th-18th centuries). His aim is to contribute to a general understanding of dowry in the framework of the Hispanic legal tradition, concentrating on the regulatory dimension of the phenomenon and on its interpretation and application in legal praxis. Nevertheless, the importance of local legislation in the territories governed by the Spanish monarchy, as well as of usage and custom, signal the extensive work still to be done in this regard.

PS LVIII 175 (2023), 55-83: Danilo R. Flores: *The Exercise of the Potestas Vicaria of the Roman Pontiff: Perfect and Harmonious Interaction of Fides, Ratio atque Ius.* (Article)

See below, canon 1142.

16th-19th centuries

EIC 63 (2023), 321-338: Stefano Testa Bappenheim: *Papa Sisto V, coraggioso attuatore delle riforme del Concilio di Trento riguardo ai Vescovi.* (Article)

Initially conceived as a devotional act, the visit *ad limina* became progressively compulsory, with a flurry of regulatory provisions until the time of Gregory IX. It was Sixtus V who reorganized this institution, giving it a general structural framework, as well as *ad hoc* regulatory provisions. The latter lasted for several centuries; the former still survives today.

IC 63/125 (2023), 225-279: José María Martín Humanes: *Solamente está sujeta al marido la que sin dote se recibe. La dote canónica y la mujer casada en la tradición legal hispánica.* (Article)

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

LJ 189 (2022), 126-141: Richard Deadman: Confession in the Anglican Church – Breaking the Seal? (Article)

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

PS LVIII 175 (2023), 55-83: Danilo R. Flores: The Exercise of the *Potestas Vicaria* of the Roman Pontiff: Perfect and Harmonious Interaction of *Fides, Ratio atque Ius*. (Article)

See below, canon 1142.

1917 Code

FThC XI (2022), 163-180: Nicolás Álvarez de las Asturias: Canonizar la colaboración presbiteral: el primer código de Derecho Canónico. (Article)

The CIC/17 initially came about as a new technique to transmit the traditional discipline. However, it was also an occasion to adapt the law to the circumstances of the life of the Church at the beginning of the 20th century. Á. analyses the codification of the institutions that enabled the clergy to help the bishop in the government of the diocese: synod, cathedral chapter, and consultors.

LJ 189 (2022), 142-156: John Poland: The Penal Consequences of the Violation of the Seal of Confession. (Article)

See below, canon 1386*.

PS LVIII 176 (2023), 295-322: Lester Mendonsa: Selected Pre-conciliar Juridical Elements of Lay Apostolate. (Article)

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

20th century

Ius Comm XI (2023), 37-62: María Victoria Hernández Rodríguez: “Cristianos consagrados al Señor y, al mismo tiempo, seculares”. Especificidad del carisma de los institutos seculares en el magisterio eclesialístico: De Pío XII a Francisco. (Conference presentation)

See below, canons 710-713.

QDE 36 (2023), 139-176: Roberto Interlandi: L’iter storico e redazionale di *Praedicate evangelium*. (Article)

See below, canon 360.

Second Vatican Council and revision of the CIC and CCEO

Comm 54 (2022), 310-337: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus”: III sessione, 19-23 febbraio 1968, Voti dei consultori. (Report)

This report sets out the *vota* of the Consultors on the revision of the canons concerning “privileges”: U. Beste (pp. 310-312); W. Bertrams (pp. 313-315); P. Tocanel (pp. 316-318); S. Álvarez-Menéndez (pp. 319-331); P. Andrieu-Guitrancourt (p. 332); W. O’Connell (pp. 333-334); J.-M. Moss Tapajós (pp. 335-337).

Comm 54 (2022), 338-369: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magistero Ecclesiastico”: II Sessione 17-21 febbraio 1975. (Report)

This session considered the proposal of the *Relator* concerning “*de clericis in genere*” (pp. 338-343) and a projected schema of canons covering canons 53-59 and 60-87 of *Cleri sanctitati* (pp. 344-351). This is followed by observations of the consultors (pp. 352-356) and the proposals of a minority group (pp. 357-362).

PS LVIII 176 (2023), 295-322: Lester Mendonsa: Selected Pre-conciliar Juridical Elements of Lay Apostolate. (Article)

Lay apostolate has gradually evolved since New Testament times. The zeal of baptized believers to spread the divine message of salvation in fidelity to the divine mandate and the ecclesial mission underwent many a challenge at every phase in Church history. M. seeks to review the development of lay involvement in the apostolate of the Church through the centuries and in the CIC/17. His intent is to identify and highlight the pastoral and juridical role of the laity in Church history until it came to be officially recognized at the Second Vatican Council.

CODE OF CANONS OF THE EASTERN CHURCHES

Historical

Ius 14, 1 (2023), 9-47: Paul Pallath: Primacy and Synodality According to the Common Tradition of the Church in the First Millennium. (Article)

After a brief account of the origin of the various types of synods and councils in the early Church, P. examines the Apostolic Canon 34, which is considered the basic principle of synodality, especially in the East. He then illustrates the affirmation of the synodal principle and the development of primatial authorities at various levels: Metropolitan, Patriarchal, and that of the Bishop of Rome, mainly based on the first seven ecumenical councils of the undivided Church. The last part of his article is dedicated to the relationship between the primacy and synodality, showing that a good functioning of both is necessary for unity and harmony in the Churches.

CCEO 42-322

Canonist 14/1 (2023), 57-93: Marie Kolbe Zamora: Synodal Structures within the Oriental Churches *sui iuris*: Stimulus for renewed approaches to Synodality in the Latin Church. (Article)

Z. proposes a threefold object: 1. to provide a schematic overview of the synodal structures (inasmuch as this is possible given the complexities) in the Oriental Catholic Churches; 2. to provide a description of five of the most significant structures, especially their provisions for inter-ecclesial dialogue and lay participation; 3. to suggest a number of points relative to specific synodal structures in the Latin Church that might be examined for possible adjustment by way of approach, attitude or even changes to the CIC/83. She hopes that this will help Latin Catholics to become alert to new possibilities for widening the Latin Church's consultation of all of Christ's faithful.

CCEO 140-145

ETJ 27 (2023), 36-74: Sunny Kokkaravalayil: Need of Dialogue between a *Sui Iuris* Church's Laws and its Disciplinary Heritage to Rediscover its Identity, with Special Reference to *Yogam* as a Case Study. (Article)

K. proposes that *sui iuris* Churches' common and particular laws, in order to become better Catholic laws, should receive more into their purview the healthy and useful ingredients of the disciplinary heritages of those Churches; such reception can lead to a rediscovery of their authentic identity. The ultimate aim of this rediscovery is to assist the Christian faithful in the realization of their Christian vocation. K. focuses his study from the point of view of *yogam* (meaning union, partaking, assembly, etc.), an ancient institution of the Church of St Thomas Christians in India, which involved a gathering of all categories of faithful for discussing and making decisions on Church-related matters.

CCEO 172

ETJ 27 (2023), 36-74: Sunny Kokkaravalayil: Need of Dialogue between a *Sui Iuris* Church's Laws and its Disciplinary Heritage to Rediscover its Identity, with Special Reference to *Yogam* as a Case Study. (Article)

See above, CCEO canons 140-145.

CCEO 235-242

ETJ 27 (2023), 36-74: Sunny Kokkaravalayil: Need of Dialogue between a *Sui Iuris* Church's Laws and its Disciplinary Heritage to Rediscover its Identity, with Special Reference to *Yogam* as a Case Study. (Article)

See above, CCEO canons 140-145.

CCEO 295

ETJ 27 (2023), 36-74: Sunny Kokkaravalayil: Need of Dialogue between a *Sui Iuris* Church's Laws and its Disciplinary Heritage to Rediscover its Identity, with Special Reference to *Yogam* as a Case Study. (Article)

See above, CCEO canons 140-145.

CCEO 311-321

IE XXXV (2023), 185-210: Federico Marti: L'esarcato per i fedeli orientali: prototipo della versatilità dei modelli di organizzazione ecclesiastica. Ipotesi applicative e natura della giurisdizione. (Article)

M. investigates the potential of the exarchate as a particular and typically Eastern model of ecclesiastical organization. Building on the origins of this institution which, despite what its name might lead one to believe, are rather recent, he analyses its development and current use by the Apostolic See.

CCEO 323-398

Comm 54 (2022), 338-369: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magistero Ecclesiastico”: II Sessione 17-21 febbraio 1975. (Report)

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

CCEO 432

Ius 14, 1 (2023), 133-153: Justin Vadakkayil: The Establishment of an Oriental Province of a Secular Institute of the Latin Church. (Article)

A member of a secular institute of the Latin Church from the Syro-Malabar Major Archiepiscopal Church has a Syro-Malabar patrimony, and to live accordingly, he needs to be incorporated into the Syro-Malabar Major Archiepiscopal Church both *de iure* and *de facto*. So, is a secular institute with members of another Church *sui iuris* obliged to have a province? What are the juridical effects of such an ascription? V. tries to answer these questions, and also attempts to explain how to establish an Oriental province of a secular institute of the Latin Church. He discusses the Vatican II Decree on Eastern Churches *Orientalium Ecclesiarum*; the canonical provisions of the CCEO for Latin religious institutes; and the juridical need of a province and how it is ascribed to a Church *sui iuris*.

CCEO 501

Canonist 14/1 (2023), 14-19: Pope Francis: Apostolic Letter issued *motu proprio* modifying the terms of recourse of a member dismissed from an institute of consecrated life; Rodger J. Austin: Annotation on the Motu

Proprio modifying Canon 700 CIC and Canon 501 §2 CCEO. (Document and comment)

See below, CIC canon 700.

CCEO 880-883

Ius 14, 1 (2023), 105-131: Marylit, CMC: The Obligatory Days of Feast and Penance in CCEO and the Right of a Particular Church *Sui Iuris* to Safeguard its Patrimony. (Article)

Feast days and days of penance that exist in the Church have theological, liturgical, and canonical aspects. Considering the laws on obligatory days in the Eastern Code, it needs to be kept in mind that there are common and particular aspects of observation practices in the Eastern Churches *sui iuris*. As a common law for all the Oriental Churches, the CCEO has recognized the patrimony of each Church *sui iuris*. It also establishes the norms on feast days and days of penance in the matter of common discipline for all the Eastern Churches. Sacred times of the Church, such as Sundays, feast days, and days of penance, are the common manifestations of faith in the Church. On these days the community of the faithful comes together to celebrate the mystery of salvation with the aim of foretasting the heavenly joy. Thus the common and particular norms for sacred times are essential for all Churches *sui iuris*.

CCEO 1059-1065

Ius 14, 1 (2023), 63-84: Benny Sebastian Tharakunnel: Administration of Justice According to *Praedicate Evangelium*. (Article)

See below, CIC canon 360.

CCEO 1357-1377

Ius 14, 1 (2023), 85-104: Alex Velacherry: Pastoral or Pre-Judicial Investigation: A Canonical Provision for the Lay Participation in the Synodal Church. (Article)

V. analyses the scope of walking together by the inclusion of lay persons in the pastoral and judicial ministries. In 2015 Pope Francis reformed the procedural law related to matrimonial nullity by mean of two *motu proprio*s, *Mitis Iudex Dominus Iesus* for the Latin Church and *Mitis et misericors Iesus* for the Oriental Churches. One of the provisions of the reformed laws was the

introduction of a pastoral or pre-judicial investigation for those who live in irregular marriage unions. In deserving cases, it may be taken as a pre-trial step to approach the tribunal for a declaration of nullity of marriage. According to the new norm, lay persons are also competent to be involved in this ministry, whereby they become part of the juridical proceedings indirectly. Unfortunately the scope of this provision has not yet been properly explored. V. sets out the possibility and different nuances of making room for lay experts in this task. He also presents an Indian model of the project.

CCEO 1367

J 79 (2023), 41-98: William L. Daniel: The New Proposition of a Cause of Matrimonial Nullity before the Local Appellate Tribunal (cf. *CIC* c. 1681; *CCEO* c. 1367). (Article)

See below, canon 1681.

CODE OF CANON LAW
BOOK I: GENERAL NORMS

8

RGDCDEE 62 (2023): Jorge Castro Trapote: El concepto de promulgación en el derecho canónico y calificación jurídica de los defectos promulgatorios. (Article)

C.T. aims, on the one hand, to identify the elements of promulgation of canonical norms (with special reference to universal laws), in order to establish criteria that would allow us to know when there is promulgation and when there is not; and on the other hand, to make a juridical classification, on the basis of the theory of the canonical norm, of those cases in which there is promulgation which nevertheless suffers from some defect. Among these latter, he analyses the case of norms which in effect are promulgated outside of canon 8, as is the case of the Apostolic Constitution *Praedicate Evangelium*.

22

J 79 (2023), 99-130: Thomas John Paprocki: The King’s Good Servant, but God’s First: Responses in Canon and Civil Law to Governmental Threats to the Church’s Freedom to Carry out Her Mission. (Article)

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

76-84

Comm 54 (2022), 310-337: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus”: III sessione, 19-23 febbraio 1968, Voti dei consultori. (Report)

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

98

J 79 (2023), 1-40: John P. Beal: Oops ... I Did It Again, or Britney Spears at the Marriage Tribunal: The Appointment of Guardians for Incompetent Parties in Marriage Nullity Cases. (Article)

See below, canons 1478-1479.

102

CLSN 203/23, 36-50: Casimir Zielinski: Adscription to a Personal Parish. (Article)

See below, canon 518.

107

CLSN 203/23, 36-50: Casimir Zielinski: Adscription to a Personal Parish. (Article)

See below, canon 518.

113

IE XXXV (2023), 135-160: Jean-Pierre Schoupe: Personnalité internationale du Saint-Siège et immunité de juridiction devant les juridictions belges et la Cour européenne des droits de l'homme. (Article)

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

129

Canonist 13/2 (2022), 176-194: Judith Hahn: *Potestas incerta*: The Ambiguity of the Ecclesiastical Law on Power with respect to Lay Leadership. (Article)

H. reconstructs the ambivalence of the law in relation to the exercise of power by lay people in the Church. First, she explores the connection between ordination and Church governance, as drawn by Vatican II. Second, she explicates the clergy-centred legal concept of power. Third, she examines how the law involves lay persons in ecclesiastical governance, and sketches the contradictory interpretations that have been derived from the obscurity of the regulations on lay governance. Lastly, she concludes with an explanation

for this striking ambiguity in the legal norms, which she sees as strategically motivated rather than simply the result of a conceptual oversight.

187-189

EIC 63 (2023), 295-320: Fernando Puig: Rinuncia del vescovo e rinuncia del papa. Analogie e differenze. Prospettive di *iure condendo*. (Article)

P. compares the unique situation of the possible resignation of the Pope from his primatial office with that of the more frequent resignations of diocesan bishops. Beyond the outward similarities and dissimilarities, a juridical analysis of the “cause” of the resignation offers a fertile field for reflection. It helps address other issues, such as the capacity of the office holder to resign, and the form of the resignation.

BOOK II, PART I: CHRIST'S FAITHFUL

204

CLSN 203/23, 92-125: Ilaria Zuanazzi: The character of baptism and confirmation: the foundations of the common priesthood of the faithful between law and spirituality. (Article)

See below, canon 849.

204

Per 112 (2023), 43-62: Emanuele Spedicato: La dignità del *christifidelis* nella dinamica costituzionale del Codice di diritto canonico. (Presentation)

In this presentation to a conference at the Pontifical Gregorian University in Rome concerning interdisciplinary perspectives on human dignity, S. considers the question of the dignity of the *christifidelis* (the individual Christian faithful) within the dynamic of the Code of Canon Law. After a presentation of the preparation and content of canons 204 and 208, he moves on to reflect on the faithful's equality of dignity and action, as well as their dignity in diversity, focusing particularly on the dignity of the embryo and foetus, of women, and of the elderly.

208

CLSN 203/23, 92-125: Ilaria Zuanazzi: The character of baptism and confirmation: the foundations of the common priesthood of the faithful between law and spirituality. (Article)

See below, canon 849.

208

Per 112 (2023), 43-62: Emanuele Spedicato: La dignità del *christifidelis* nella dinamica costituzionale del Codice di diritto canonico. (Presentation)

See above, canon 204.

212

AnC 18 (2022) 2, 5-37: Rafał Kamiński: Hierarchiczna zależność a bezprawne działanie przełożonego. „Sygnalista” w Kościele (*Hierarchical dependence and unlawful actions of a superior. “Whistleblower” in the Church*). (Article)

See below, canon 1371*.

213-214

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See below, canons 837-838.

213-216

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

215

SC 57 (2023), 99-128: Philip Gerard Milligan: Freedom of Association, Ecclesial Communion, and the Discernment of Charisms. (Conference presentation)

See below, canons 298-329.

220

AnC 19 (2023) 1, 5-37: Maciej Andrzejewski: Ochrona danych osobowych w sprawach o stwierdzenie nieważności małżeństwa w świetle wybranych zasad procesu (cz. 1) (*Protection of personal data in marriage nullity cases in the light of selected procedural rules: part 1*). (Article)

A. addresses the issue of the scope of protection of the personal data of those involved in marriage nullity processes in Poland.

220

Canonist 13/2 (2022), 195-216: Elizabeth Ong – Michael-Andreas Nobel: Enhancing Trust in the Church: Protection of Privacy and Personal Information through Good Governance. (Article)

Modern technologies are often used in the Church to collect and use personal information. IT services can indeed assist the Church in fulfilling her responsibilities effectively, but they also require transparency on her part so that people are confident in the Church's operational efforts. This article outlines various aspects regarding good governance in the protection of privacy and personal information which enhances trust and empowers the People of God.

220

SC 57 (2023), 51-80: Michael-Andreas Nobel: Canon 220 and Data Protection: Applicability and Regulatory Matter of the Church? An Approach of the German Bishops' Conference. (Article)

In 2018 the General Data Protection Regulation of the European Union became effective for all member States of the EU. The same year, the German Bishops' Conference issued a revised Church Data Protection Act, outlining in detail the procedures to be observed when personal data of data subjects are processed. Violations may affect the privacy of the data subject, who can bring the matter to administrative review by a corporate data protection officer who works in close collaboration with the diocesan data protection commissioner and other data protection supervisory authorities. Some canonists have raised the question of whether data breaches, by disclosing personal information in the context of data processing, constitute a violation of a natural law, namely, the right to privacy and good reputation (canon 220). A 2016 opinion of the then Pontifical Council for Legislative Texts views the regulation of canon 220 as a "principle of general character responding to the natural law and to the imperative that prohibits detraction and defamation", which is not necessarily always the case in the context of data protection and the proper processing of data. The German Bishops' Conference interpretation (2016 and 2021) seems favourable to the view that the regulation of canon 220 is applicable in the context of data processing.

220

SC 57 (2023), 81-98: Clyde Muropa: Personnel Files, Confidentiality, and the Right to Privacy. (Conference presentation)

M. explores the concepts of confidentiality and the right to privacy in contemporary moral and legal thought. The management of Church personnel files presents the challenge of observing and maintaining confidentiality and privacy. In most cases, the information contained in personnel files of the clergy, members of religious institutes, and others holding ecclesiastical offices, is confidential, which should safeguard the reputation of all persons involved. From a juridical viewpoint, the Church's innate duty to respect the dignity of the person, as well as the natural right of privacy and good name, forms the foundation of M.'s study. Certain practices in the Church entail the collection, use, or retention of confidential information about individuals for internal purposes, the administration of justice, and the management of archives and documents in the diocesan curia. In the final analysis, the Church has the responsibility both to protect the privacy of all the faithful and to transmit the Gospel message transparently.

220

SC 57 (2023), 145-170: Michael J. Mazza: Protecting the Right to Reputation. (Article)

The right to reputation, afforded explicit protection under canon 220 of the CIC/83, has suffered much in recent years in ecclesial circles. This is due not only to the seeming ubiquity of the internet and social media, but also to the intentional and profound change in the way Church leaders have employed mass media in the face of accusations against clerics. A proper understanding of the juridical goods at stake depends in part on seeing the important role which *bona fama* has played in a wide variety of times, places, cultures, and juridical frameworks.

221

AnC 19 (2023) 1, 65-69: Kinga Karsten: Czy duchowny diecezjalny może pozwać prowincjała i prowincję przed sąd diecezjalny? (Can a secular cleric sue a provincial and a province in diocesan tribunal?) (Article)

K. presents a case study on canonical procedural law. To the question of whether a secular cleric may sue a provincial and a province in a diocesan tribunal, she answers in the affirmative.

221

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

221

SC 57 (2023), 171-228: Joaquín Llobell†: Due Process and the "Administrativization" of the Canonical Penal Procedure. (Article)

The study treats the following issues: the threefold power of governance proper to diocesan bishops and the Pope (legislative, judicial, and executive); problems proposed and possible solutions; common and distinctive elements of a just administrative and judicial procedure; moral certitude as the prerequisite for every punitive decision; the right to a double degree of jurisdiction in cases concerning the common good; the impartiality of the deciding authority with respect to the parties and the authors of the challenged decisions; equality between public and private parties; the right to know and to contradict the evidence; the "judicialization" of administrative power and the "administrativization" of judicial power; the complexity of the equitable use of the supreme power of the Pope; the right of a pontifical entity to call to itself a case in first instance (judicial or administrative) *ad casum*, and the legislative centralization of such a competence in favour of the Roman Dicasteries, so that the diocesan bishop and his tribunal are competent only when they receive such competence *ad casum*; the new college internal to the "Feria IV" of the Congregation [Dicastery] for the Doctrine of the Faith.

222

SC 57 (2023), 229-244: Anthony Ekpo: Ecclesiastical Goods at the Service of Ecclesial Communion. (Article)

See below, canons 1254-1310.

228

Vid 86 8/22, 440-457: Merlin Rengith Ambrose: Lay Ministry of Catechist In Light of the Apostolic Letter *Antiquum Ministerium*. (Article)

Following the publication of the *Directory for Catechesis*, Pope Francis wrote a new Apostolic Letter in the form of a motu proprio establishing the ministry of the catechist. Here A. summarizes the document's salient features, emphasizing the lay faithful's role in the catechist's ministry. The institution of this ministry, together with the lay ministries of lector and acolyte, will make it possible to have a better prepared laity in the transmission of the faith. The catechist collaborates with the local bishop and priests in the teaching of the faith to the local community; this can be especially beneficial in places where priests and religious are scarce.

237

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento*. (Article)

See above, General Subjects (*Ecclesiology*).

242

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento*. (Article)

See above, General Subjects (*Ecclesiology*).

265

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento*. (Article)

See above, General Subjects (*Ecclesiology*).

273

AnC 19 (2023) 1, 71-90: Piotr Majer: Status duchownego. Czy ksiądz jest pracownikiem biskupa? (*Status of the clergy. Is a priest an employee of the bishop?*) (Article)

M. analyses the provisions of canon law regarding the relationship of the bishop to his clergy, and whether this constitutes an employment relationship under Polish law.

277

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See below, canon 1341*.

298-329

SC 57 (2023), 99-128: Philip Gerard Milligan: Freedom of Association, Ecclesial Communion, and the Discernment of Charisms. (Conference presentation)

Associations of the faithful, with the canonical characteristics proper to them, allow the baptized in the Church to express ecclesial communion and deepen their understanding of it, through the apostolate and the life of holiness that these associations propose. The mechanisms of ecclesial vigilance provided in law allow Pastors an authentic companionship of the members of these associations. The criteria set out in *Christifideles laici* and *Iuvenescit Ecclesia* help Pastors in a pondered discernment of an association's ecclesiality. The pontifical Magisterium and canonical doctrine have developed broadly shared criteria for identifying the canonical characteristics of New Ecclesial Movements. Among the Dicasteries of the Roman Curia, particular vigilance and companionship of associations and movements is exercised by the Dicastery for Laity, Family and Life, so that gifts given by the Holy Spirit for the good of the whole Church might be duly acknowledged and encouraged.

321-326

Ius Comm XI (2023), 63-112: Juan Manuel Cabezas Cañavete: Regulación canónica de los dones carismáticos en los nuevos grupos

eclesiales: unas sugerencias de actuación desde la Carta *Iuvenescit Ecclesia*. (Article)

C. offers a canonical study of the Letter *Iuvenescit Ecclesia*, which governs the new ecclesial groups. The document establishes a series of theological principles regarding these new realities in the Church and places them in Catholic ecclesiology, focusing on the theology concerning the essential structure of the Church as developed in the Second Vatican Council. Especially important are the criteria for discerning when the charismatic gifts do truly come from the Holy Spirit. Regarding canon law, the Letter also provides some simple but clear and convincing lines of regulation or institutionalization of the new charisms. Based on these, C. proposes further canonical developments.

326

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See below, canon 1341*.

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

331

SC 57 (2023), 171-228: Joaquín Llobell†: Due Process and the “Administrativization” of the Canonical Penal Procedure. (Article)

See above, canon 221.

332

EIC 63 (2023), 295-320: Fernando Puig: Rinuncia del vescovo e rinuncia del papa. Analogie e differenze. Prospettive di *iure condendo*. (Article)

See above, canons 187-189.

360

AnC 18 (2022) 2, 57-71: Tomasz Rozkrut: Centralne instytucje wymiaru sprawiedliwości Kościoła według konstytucji apostolskiej papieża Franciszka „*Praedicate Evangelium*” (*The Church’s central justice institutions in Pope Francis’s Apostolic Constitution “Praedicate Evangelium”*). (Article)

The preamble of *Praedicate Evangelium* refers to the evangelizing spirit with which all the Dicasteries of the Roman Curia, including those administering justice – the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signature, and the Tribunal of the Roman Rota – are to be imbued. The Apostolic Constitution includes theological, formal, and juridical clarifications that improve the working of the Curial institutions and direct them in their task of providing assistance “to the successor of St. Peter in the exercise of his supreme pastoral office for the benefit and service of the universal Church and the particular Churches.”

360

Comm 54 (2022), 9-81: Pope Francis: Costituzione Apostolica sulla Curia Romana e il suo servizio all Chiesa nel mondo “*Praedicate Evangelium*”, 19 marzo 2022. (Document)

As with *Pastor Bonus*, the Preamble sets out the overall intention of Pope Francis and his vision for the role of the Roman Curia in the life of the Church. Everything that follows must be understood in this light even when the text is unchanged from previous legislation. The primary focus is on evangelization, followed by the theology of communion and its practical expression. Whereas *Pastor Bonus* set out guiding principles in a narrative manner, *Praedicate Evangelium* prefers an enumerated summary in eleven points: 1. service to the mission of the Pope; 2. co-responsibility in *communio*; 3. service to the mission of the bishops; 4. support for the particular Churches and their episcopal conferences and for the hierarchical structures of the Eastern Churches; 5. the vicarious nature of the Roman Curia; 6. spirituality; 7. personal integrity and professionalism; 8. cooperation between Dicasteries; 9. interdicasterial and intradicasterial meetings; 10. expression of catholicity; 11. reduction of Dicasteries. The first five points reflect principles set out in earlier documents and in those of Vatican II. However, points 6-10 focus much more on the way in which the officials of the Curia carry out their tasks, both individually and collectively. They must not lose sight of the Church as mystery, and so individual and collective prayer is important for each institution. There is an emphasis on professionalism, training, and professional growth on the part of all personnel including bishops. There must be a spirit of cooperation both among and within Dicasteries. The personnel chosen must express the universality/catholicity of the Church. (The lack of capitalization in catholicity is deliberate: it is wider than simply adherence to the Catholic Faith.) The final point mentions the need for rationalization where a number of institutions with similar or complementary roles have arisen.

360

CLSN 203/23, 12-27: Gordon Read: *Praedicate Evangelium*: The Roman Curia and its service to the Church in the World. (Article)

Brief commentary on the Apostolic Constitution of 19 March 2022 reforming the Roman Curia (see preceding entry).

360

Comm 54 (2022), 82-83: Pope Francis: Lettera apostolica in forma di Motu Proprio “*Fidem servare*” con la quale viene modificata la struttura interna della Congregazione per la Dottrina della Fede, 11 febbraio 2022. (Document)

The internal structure of the Congregation [now Dicastery] for the Doctrine of the Faith is reorganized to reflect its revised emphasis. The Congregation for the Doctrine of the Faith consists of two Sections, Doctrinal and Disciplinary, each coordinated by a Secretary who assists the Prefect in the specific area of his competence, with the collaboration of the Under-Secretary and the respective Heads of Office. The Doctrinal Section, through the Doctrinal Office, deals with matters pertaining to the promotion and protection of the doctrine of faith and morals. It also encourages studies aimed at increasing the understanding and transmission of the faith in the service of evangelization, so that its light may be a criterion for understanding the meaning of existence, especially in the face of the questions posed by the progress of the sciences and the development of society. With regard to faith and morals, the Section is to arrange for the examination of documents to be published by other Dicasteries of the Roman Curia, as well as writings and opinions which appear problematic for the correct faith, encouraging dialogue with their authors and proposing suitable remedies, in accordance with the norms of the *Agendi ratio in doctrinarum examine*. It is also entrusted with the task of studying questions relating to the Personal Ordinariates established by the Apostolic Constitution *Anglicanorum Coetibus*. To the Doctrinal Section belongs the Matrimonial Office, which has been set up to examine, both in law and in fact, matters concerning the *privilegium fidei*. The Disciplinary Section, through the Disciplinary Office, deals with offences reserved to the Congregation and dealt with by it through the jurisdiction of the Supreme Apostolic Tribunal established there. Its task is to prepare and elaborate the procedures provided for by canonical norms so that the Congregation, in its various instances (Prefect, Secretary, Promoter of Justice, Congress, Ordinary Session, College for the examination of appeals in matters of *delicta graviora*), may promote a correct administration of justice. The Congregation maintains a current Archive for the safekeeping and consultation of documents, which also manages the Historical Archives of the former Congregations of the Holy Office and of the Index.

360

Comm 54 (2022), 129-131: Segretaria di Stato: *Rescriptum ex Audientia Ss.mi* del Santo Padre Francesco circa l’Inserimento dell’Art. 10 bis nel *Regolamento Generale della Curia Romana* circa il contratto a chiamata, 1 marzo 2022. (Document)

This regulation provides for the possibility of temporary employment contracts provided they do not exceed 670 days in a five-year period.

360

Comm 54 (2022), 132-133: Segretaria di Stato: *Rescriptum ex Audientia Ss.mi* del Santo Padre Francesco circa l’Inserimento dell’Art. 10 bis nel *Testo Unico delle Provvidenze a favore della Famiglia* circa il permesso di paternità, 1 marzo 2022. (Document)

This regulation makes provision for paternity leave for employees of the Roman Curia.

360

IC 63/125 (2023), 9-45: Eduardo Baura: El ejercicio de la potestad de la Curia Romana a la luz de la *Praedicate Evangelium* y el derecho de los fieles al buen gobierno. (Article)

B. studies how the new organization of the Roman Curia established by the Apostolic Constitution *Praedicate Evangelium* influences the way in which the central government of the Church is exercised. He reflects on the subject from a juridical point of view and, to this end, first of all takes into consideration the existence and scope of the fundamental right of the faithful to good governance. He then identifies the principles of reform that may influence good governance. Finally, he examines the distribution of the functions of government (legislative, judicial, and administrative) within the Roman Curia and analyses their exercise, taking into account at all times the fundamental right to good governance.

360

IC 63/125 (2023), 47-97: Massimo del Pozzo: La Curia romana y el principio de subsidiariedad. (Article)

Del P. explores the principle of subsidiarity in the light of the provisions set out in *Praedicate Evangelium*, taking his cue from the lively canonical debate on the subject and the immediate premises of the current legislation. The content and scope of the principle evince difficult compatibility with the canonical order and the need to defer to other categories (co-responsibility and decentralization). The reform of the Roman Curia has undoubtedly promoted organizational decentralization and co-responsibility in particular Churches and episcopal conferences. What emerges above all is a commitment on the part of the Curia to coordinate, promote, and integrate the work of bishops and episcopal conferences. The norms regarding decentralization, however, require some hermeneutical clarification or refinement and appropriate technical-procedural support. A more in-depth ecclesiological-canonical understanding of some of the basic notions used (such as communion, mission, collegiality, synodality, and de-centralization) might favour the development of the system, so as to guarantee rights as well as the rationale and functionality of the Curia's work.

360

IC 63/125 (2023), 99-140: Mirian M. Cortés Diéguez: Composición de la Curia romana, participación de fieles laicos e idoneidad para el servicio. (Article)

The new Apostolic Constitution on the Roman Curia aims to ground the reform undertaken by Pope Francis since the beginning of his pontificate, setting out a series of transversal principles and criteria whose fundamental axes are mission and service, affecting all those who serve in the Curia and requiring a renewal of the organization as a whole. At the same time, it lays the foundations for greater participation by lay faithful, including those in positions of government and responsibility, as well as for the development of a style of work based on mutual support and cooperation. C.D. explores the composition of Curial institutions and aspects relating to their constituent parts, such as professionalism and other qualities necessary for suitability. Finally, she provides a list of the offices of pontifical appointment entrusted to lay faithful.

360

IE XXXV (2023), 109-134: Santiago Vigo Ferrera: Sul dovere delle istituzioni curiali – e altre istanze autoritative – di applicare il diritto con equità canonica. (Article)

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

360

IE XXXV (2023), 211-243: Supremo Tribunale della Segnatura Apostolica: Prot. n. 39967/07 CA, *Competentiae*, 16 gennaio 2009 (decreto); Prot. n. 48837/14 CA, *Competentiae*, 5 marzo 2014 (risposta al dubbio) [*il testo e la traduzione*], con commento di Ilaria Zuanazzi, *La competenza della Segnatura Apostolica a trattare le questioni relative alle attribuzioni delle istituzioni curiali: conferme e innovazioni nella costituzione apostolica Praedicate Evangelium*. (Documents and comment)

See below, canon 1445.

360

Ius 14, 1 (2023), 49-62: Sajan George Thengumpally: Apostolic Constitution *Praedicate Evangelium* – A New Vision on Church Administration. (Article)

The Apostolic Constitution *Praedicate Evangelium* promulgated by Pope Francis on 19 March 2022 replaced *Pastor Bonus* of Pope John Paul II and reformed the Roman Curia. The new document embodies Pope Francis's unique vision of the Church administration. It invites the Officials of the Roman Curia to arrive at a more missionary, more pastoral, and more spiritual way of functioning than a mere bureaucratic way of working. The document came out while the Bishops' Synod on the new theme of "synodality" was going on. Listening and walking together feature prominently in this Apostolic Constitution. T. elucidates the basic visions that guided the reform, and summarizes the major changes in the functioning of the Roman Curia.

360

Ius 14, 1 (2023), 63-84: Benny Sebastian Tharakunnel: Administration of Justice According to *Praedicate Evangelium*. (Article)

Based on the reform of the Roman Curia made by Pope Francis through the Apostolic Constitution *Praedicate Evangelium*, T. analyses the role, structure, and function of the Dicastery for the Doctrine of the Faith and the three institutions of justice: the Apostolic Penitentiary, the Supreme Tribunal of the Apostolic Signatura, and the Tribunal of the Roman Rota. He also discusses the role they play in the administration of justice in the Church. He analyses the changes brought about to these four organs of the Curia, the reasons behind the reform, and their far-reaching positive impact on the life of the Church.

360

QDE 36 (2023), 139-176: Roberto Interlandi: L'iter storico e redazionale di *Praedicate evangelium*. (Article)

I. begins with the context of the three major reforms of the Roman Curia in the 20th century. He goes on to look at the beginning of the work on *Praedicate Evangelium*, its roots in the criteria for the reform of the Roman Curia offered by Pope Francis, and the history of the preparation of the text through its three drafts. These are placed alongside the changes in the Curia made by Pope Francis during these years of preparation: I. suggests that the most important are in the areas of financial regulation, safeguarding and communication, together with a general aim of simplifying the structure of the Curia. He concludes with some analogies with and differences from the previous Curial reforms: he notes that reform of the Curia has been a consistent papal priority, but that the present reform has relied much less on those who have deep working knowledge of the Curia, has taken longer to bring about, and has featured much more Curial change during the process.

360

QDE 36 (2023), 177-201: Matteo Visiolo: *Praedicate evangelium*: aspetti ecclesiologicali della Curia Romana dalla prospettiva del diritto ecclesiale. (Article)

V. begins with a consideration of the importance of evangelization in *Praedicate Evangelium*, seeing this stress both overall and in details. He also points out the reciprocal connection between communion and mission which

Praedicate Evangelium asserts, and looks at the position it gives to synodality. He examines the relationships between the Curia and the College of Bishops, looking at the college as a whole, individual bishops, and bishops' conferences. The position of lay people in the Curia is considered, with particular reference to vicarious participation in the power of governance. V.'s assessment is that the note of continuity in the Apostolic Constitution is underlined by the fact that the Curia remains at the service of the Roman Pontiff's universal ministry; the stress on mission is a change which can be located within this. In conclusion he suggests that the work of the Curia is moving from one that is defined by competences to one that is based on projects and tasks, and he looks at the changes in the text of *Praedicate Evangelium* which occurred between its announcement and the publication of the text in *L'Osservatore Romano*.

360

QDE 36 (2023), 202-224: Gianluca Marchetti: La riforma della Curia Romana e la curia diocesana. (Article)

M. compares the principles that underpin *Praedicate Evangelium* with those of the recent reform of the Curia of the Vicariate of Rome, and despite the different context sees a fundamental similarity of outlook between these. He surveys the principal themes of the reform of the Vicariate to evidence this. From this he suggests possibilities for reform in other diocesan curias given that the basic principles for a well run curia are the same: the curia exists to serve the ministry of the bishop, while at the same time promoting participation, ecclesial communion, and subsidiarity. M. concludes by asking whether a lay person could be appointed as vicar general, on the basis of the apparent openness of *Praedicate Evangelium* to lay people acting as heads of Dicasteries in the Roman Curia. He supports the rule in canon 478 requiring the vicar general to be a priest, since the vicar general's participation in the pastoral office of the bishop is of a different order from that of a Dicastery head.

360

RGDCDEE 62 (2023): Jorge Castro Trapote: El concepto de promulgación en el derecho canónico y calificación jurídica de los defectos promulgatorios. (Article)

See above, canon 8.

368-572

SC 57 (2023), 23-49: Roch Pagé: Églises particulières. Questions choisies. (Conference presentation)

With over 200 canons (368-572), the section of the Code on particular Churches is the longest in Book II on the People of God. P. examines certain questions, some raised by practitioners (chancellors or pastors), others examined by P. in his 30 years of teaching this part of the Code in the summer canon law program at the Catholic University in Washington. He examines the following issues: the Church in the Code, the vacancy of the diocesan see, the acts of the curia, the vicar general and the episcopal vicar, the presbyteral council, and the pastoral teams of canon 517.

374

Canonist 14/1 (2023), 139-164: Godi Lawrence Anthicadu: Restructuration of Parishes: Canonical Considerations. (Article)

A. studies the canonical notion of parish (parish organization; the parish priest; the “certain community of Christ’s faithful”); the preparatory phase of the process of the restructuring of parishes (shortage of priests and consequences for the organization of the local Church; necessary consultation as a canonical requirement in the process of restructuring of parishes; concern for souls); and the canonical process for restructuring (reconfiguration of parish structures; selecting the parish church of the new parish and its title; disposition of parish goods and records).

381

FThC XI (2022), 111-126: Péter Erdő: L’Esperienza canonica per l’amministrazione di una diocesi. (Article)

When we speak about the administration of a diocese, we should keep in mind what the Code describes in canon 375. In this context administration is to be understood in a broad sense as referring to the entire activity of government. More strictly, it indicates that part of the function of government which is neither legislative nor judicial. It needs to be stressed, however, that the teaching and priestly functions are also inseparable from the juridical aspect, because the Church itself is both visible and invisible, a grace-rich reality and society, which by its very nature is a sacrament of salvation. In almost every field of law we see the Church living in an epochal change. On the one hand there are efforts to make the canonical system more and more sophisticated

and respectful of the particular rights of the individual faithful. However, this makes the whole system very complicated, and requires considerable expertise and qualified people for its application. On the other hand, we see the Church in society in many parts of the world losing much of its public significance. In countries where Catholicism is not yet a long-established religion, it perhaps does not have and may never have the economic and social strength that would be required for the full functioning of the entire canonical system.

381

SC 57 (2023), 171-228: Joaquín Llobell†: Due Process and the “Administrativization” of the Canonical Penal Procedure. (Article)

See above, canon 221.

399-400

EIC 63 (2023), 321-338: Stefano Testa Bappenheim: Papa Sisto V, coraggioso attuatore delle riforme del Concilio di Trento riguardo ai Vescovi. (Article)

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

401

EIC 63 (2023), 295-320: Fernando Puig: Rinuncia del vescovo e rinuncia del papa. Analogie e differenze. Prospettive di *iure condendo*. (Article)

See above, canons 187-189.

439-468

Canonist 14/1 (2023), 57-93: Marie Kolbe Zamora: Synodal Structures within the Oriental Churches *sui iuris*: Stimulus for renewed approaches to Synodality in the Latin Church. (Article)

See above, CCEO canons 42-322.

460-468

SC 57 (2023), 263-294: Robert Billing: Cultivating Synodality in the Particular Church. (Article)

See above, General Subjects (*Ecclesiology*).

469

QDE 36 (2023), 202-224: Gianluca Marchetti: La riforma della Curia Romana e la curia diocesana. (Article)

See above, canon 360.

478

QDE 36 (2023), 202-224: Gianluca Marchetti: La riforma della Curia Romana e la curia diocesana. (Article)

See above, canon 360.

482-491

SC 57 (2023), 81-98: Clyde Muropa: Personnel Files, Confidentiality, and the Right to Privacy. (Conference presentation)

See above, canon 220.

483

Per 112 (2023), 87-100: Marco Billeri: Il notaio nelle cause di dispensa dagli oneri derivanti dalla sacra ordinazione deve essere sacerdote? (Reply)

The procedure in the Latin Church for the dispensation from the obligations arising out of sacred ordination demands the presence of a notary. Must the notary be a priest? In seeking to answer the question, B. first of all examines the relevant juridical sources for the procedure ranging from canons 290-293 on the loss of the clerical state, to the evolution of the norms for handling actual cases after the Second Vatican Council, to the more general law concerning the role of the notary. He concludes that, in accordance with the law, it is clear that the notary in these cases must be a priest. Moreover, the diocesan bishop does not have the competence to dispense from this

requirement under canon 87 §1; rather, a request must be presented to the Supreme Tribunal of the Apostolic Signatura which will grant the dispensation if there is a just and reasonable cause (canon 90 §1).

492-502

SC 57 (2023), 263-294: Robert Billing: Cultivating Synodality in the Particular Church. (Article)

See above, General Subjects (*Ecclesiology*).

511-514

Canonist 14/1 (2023), 57-93: Marie Kolbe Zamora: Synodal Structures within the Oriental Churches *sui iuris*: Stimulus for renewed approaches to Synodality in the Latin Church. (Article)

See above, CCEO canons 42-322.

511-515

SC 57 (2023), 263-294: Robert Billing: Cultivating Synodality in the Particular Church. (Article)

See above, General Subjects (*Ecclesiology*).

515

Canonist 14/1 (2023), 139-164: Godi Lawrence Anthicadu: Restructuration of Parishes: Canonical Considerations. (Article)

See above, canon 374.

515

CLSN 203/23, 36-50: Casimir Zielinski: Adscription to a Personal Parish. (Article)

See below, canon 518.

515-552

IE XXXV (2023), 31-54: Armand Paul Bosso: Une codification déontologique du ministère du cure? (Article)

The “unusual” approach of the proposal of a deontology in the accompaniment of the pastoral ministry of the parish priest is to a large extent based on the non-professional nature of the ecclesiastical office. Fortunately, a perception of discipline as a style or way of life, resulting from the integration of ethics specific to a certain area of life, serves as a basis for its application to ecclesial ministries in general, and thereby to that of the parish priest. The question deserves to be explored further in a Church that is plagued by the increasingly perceptible weakness of its pastors. Thinking of a deontology for parish priests is certainly not equivalent to a secularization of the ministry, nor to a desire for uniformity. Nor is its possible codification in the context of the particular Churches the promotion of an ill-intended legalism. It is only a matter of giving prevalence to an ethic which encompasses the good deployment of the pastoral ministry of the parish priest, so that it may be objectively appreciated in the dynamics of the Church’s missionary action.

518

CLSN 203/23, 36-50: Casimir Zielinski: Adscription to a Personal Parish. (Article)

Z. explores the personal parish and the manner of belonging to it. He does so by defining and explaining what a parish is, discussing its territorial nature as well as the general principle of territoriality in the Church. He outlines and explains the institution of domicile, which the CIC/83 offers in order to determine membership of a diocese or parish. He then discusses the institution of personal parishes, their types and examples, and the concrete methods of adscription to them.

536-537

SC 57 (2023), 263-294: Robert Billing: Cultivating Synodality in the Particular Church. (Article)

See above, General Subjects (*Ecclesiology*).

569

SC 57 (2023), 129-144: Scott McCaig: Governance and Pastoral Care in the Military Ordinariate of Canada and Church-State Relations.
(Conference presentation)

McC. examines the present challenges to the exercise of pastoral governance and care in the Military Ordinariate of Canada within the context of contemporary Church-State relations. The Military Ordinariate of Canada, on account of social changes, prevailing ideological pressures that challenge the nature and meaning of the freedom of religious conscience, as well as significant institutional changes to the Royal Canadian Chaplains Service, is having to adapt and redefine the parameters of its mission within the Canadian Armed Forces. This has far-reaching canonical and pastoral consequences that may eventually call into question the viability of the Ordinariate, because of the constraints on its governing authority and mission. This case study provides important civil and canonical lessons for both existing and potential ecclesiastical relations with government agencies.

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

573-574

Ius Comm XI (2023), 37-62: María Victoria Hernández Rodríguez: “Cristianos consagrados al Señor y, al mismo tiempo, seculares”. Especificidad del carisma de los institutos seculares en el magisterio eclesiástico: De Pío XII a Francisco. (Conference presentation)

See below, canons 710-713.

578-586

CLSN 202/22, 19-29 and CLSN 203/23, 51-91: Bonnie MacLellan: Chapters and Assemblies: Governance Options for Canadian Religious Institutes. (Article)

See below, canons 617-640.

586

Per 112 (2023), 101-160: Iurisprudentia: Supremum Signaturae Apostolicae Tribunal: Decisioni nella causa prot. nn. 47546/13 CA e 54519/19 CA; Johannes Fürnkranz: Diözesanbischof und Apostolischer Stuhl als Obere von Ordensinstituten diözesan Rechts. (Documents and comment)

These three decrees issued by the Supreme Tribunal of the Apostolic Signatura concern the relationship between the diocesan bishop, the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (CICLSAL), and the internal governance of a diocesan-right religious institute. The first two decrees concern a recourse by the superior general of an institute against a decree of the diocesan bishop dismissing her from office after he had completed a canonical visitation. The first step in the procedure was for CICLSAL to appoint as apostolic visitor the emeritus bishop of the same diocese. On receipt of his report, CICLSAL rescinded the bishop's decree of dismissal. The bishop then interposed a recourse before the Signatura against the decision of CICLSAL. The senior officials of the tribunal (the *Congresso*), in the first decree, decided that the recourse should not be considered by the judges; the bishop persisted, and in the second decree

issued on 14 July 2014 five judges upheld the decree of the *Congresso*. Four years later, following a further apostolic visitation of the same institute, CICLSAL appointed the apostolic visitator as a commissary to govern the institute until the next general chapter. This time, the superior general, vicar general and secretary general interposed a recourse against CICLSAL. When the matter was referred to the Signatura, the Prefect and Secretary noted that the difficulties revealed in the first and second apostolic visitations had not been resolved and upheld the action of CICLSAL in appointing the commissary. In his comment on the decrees, F. notes that they demonstrate the limits of the authority of a diocesan bishop in the internal governance structures of a religious institute – even one of diocesan right. He goes on to observe that the authority of CICLSAL over all religious institutes is cumulative with that of the diocesan bishop in this case, but also goes way beyond it, especially in relation to hierarchical recourse and the fulfilment of the duties given to the Congregation by *Pastor Bonus*, arts. 107-108 [now replaced by the provisions of *Praedicate Evangelium*, arts. 123-124].

595

Per 112 (2023), 101-160: Iurisprudentia: Supremum Signaturae Apostolicae Tribunal: Decisioni nella causa prot. nn. 47546/13 CA e 54519/19 CA; Johannes Fürnkranz: Diözesanbischof und Apostolischer Stuhl als Obere von Ordensinstituten diözesan Rechts. (Documents and comment)

See above, canon 586.

604

IE XXXV (2023), 305-320: Luigi Sabbarese: Nel segno di un salutare decentramento. Note in margine al m.p. *Competentias quasdam decernere circa il diritto della vita consacrata.* (Comment)

See below, canons 699-670.

604

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

See above, General Subjects (*Ecclesiology*).

617-640

CLSN 202/22, 19-29 and CLSN 203/23, 51-91: Bonnie MacLellan: Chapters and Assemblies: Governance Options for Canadian Religious Institutes. (Article)

In a two-part article, MacL. addresses the rationale for requesting permission from the appropriate ecclesiastical authority (diocesan bishop or Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life) to allow congregations to hold assemblies instead of chapters. She notes that such a request may be only a symptom of some of the significant issues Canadian religious institutes are currently grappling with, including dwindling membership and few, if any, viable personnel options for congregational leadership. She asks whether there are any other ways of collectively discerning God's call to newness. In the second part of the article she considers criteria to assess congregational viability, including alternative organizational structures considered in the CIC/83 and reconfiguration options that could be considered *ad experimentum*. She includes a risk/benefit analysis of each option, prepared in collaboration with Fr Francis Morrissey†.

620

QDE 36 (2023), 104-128: Luigi Sabbarese: Responsabilità e competenze dei superiori maggiori degli istituti di vita consacrata e società di vita apostolica nella tutela dei minori e nel perseguimento degli abusi sessuali commessi da chierici e/o religiosi. (Article)

S. begins by sketching all the various aspects of sexual abuse that confront a religious institute, and goes on from there to discuss the development of protocols to safeguard minors. He then looks at the canonical figure of the major superior, and examines when such a superior is also an ordinary. He then traces first the preliminary enquiry and then the norms issued by the Dicastery for the Doctrine of the Faith, in each case outlining the steps which must be taken by the superior. He examines in outline the judicial and administrative processes, and the dismissal of a religious who is not a cleric and the possibility of immediate expulsion from the religious house. He looks at some possibilities for pastoral care of the offender by the superior. He concludes by reviewing other powers and responsibilities of the superior in both the penal and procedural fields.

686

IE XXXV (2023), 305-320: Luigi Sabbarese: Nel segno di un salutare decentramento. Note in margine al m.p. *Competentias quasdam decernere* circa il diritto della vita consacrata. (Comment)

See below, canons 699-670.

686

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

See above, General Subjects (*Ecclesiology*).

688

IE XXXV (2023), 305-320: Luigi Sabbarese: Nel segno di un salutare decentramento. Note in margine al m.p. *Competentias quasdam decernere* circa il diritto della vita consacrata. (Comment)

See below, canons 699-670.

688

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

See above, General Subjects (*Ecclesiology*).

695

Comm 54 (2022), 96-97: Pope Francis: *Litterae Apostolicae Motu Proprio datae “Recognitum Librum VI” quibus can. 695 §1, Codicis Iuris Canonici immutatur, 26 aprile 2022.* (Document)

This motu proprio amends the disciplinary provisions of canon 695 §1 as revised by the promulgation of the new Book VI to grant the major superior the possibility of dealing with transgressions in other ways than the mandatory dismissal indicated in canons 1395, 1397, and 1398, provided they are not those listed in canons 1395 §2-3 and 1398 §1. The text is given in Latin and Italian.

695

QDE 36 (2023), 104-128: Luigi Sabbarese: Responsabilità e competenze dei superiori maggiori degli istituti di vita consacrata e società di vita apostolica nella tutela dei minori e nel perseguimento degli abusi sessuali commessi da chierici e/o religiosi. (Article)

See above, canon 620.

695-701

CLSN 202/22, 51-77: George Woodall: Penal law, penal procedures and procedures relating to penal law. (Article)

See below, canon 1398*.

696

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See below, canon 1341*.

699-700

IE XXXV (2023), 305-320: Luigi Sabbarese: Nel segno di un salutare decentramento. Note in margine al m.p. *Competentias quasdam decernere* circa il diritto della vita consacrata. (Comment)

After setting the motu proprio *Competentias quasdam decernere* in the context of the beneficial decentralization that has characterized a number of previous pontifical interventions, S. comments on the canons on institutes of consecrated life that are affected by the motu proprio: canon 604 (recognition and erection of associations of the *ordo virginum* at diocesan level), canon 686 (granting of an indult of exclaustation for up to five years), canon 688 (indult of departure for someone with temporary profession), canon 699 (dismissal from a monastery *sui iuris*) and canon 700 (immediate effect of the decree of dismissal without the need for confirmation from the superior authority).

699-700

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

See above, General Subjects (*Ecclesiology*).

700

AnC 18 (2022) 2, 39-56: Przemysław Michowicz: *Osservazioni critiche sulla novella del can. 700 del Codice diritto canonico del 1983 secondo il Motu proprio “Competentias quasdam decernere” del Sommo Pontefice Francesco.* (Article)

M. examines the changes to canon 700 introduced by the motu proprio *Competentias quasdam decernere*, highlighting some critical observations that call into question the recent legislative intervention.

700

Canonist 14/1 (2023), 14-19: Pope Francis: *Apostolic Letter issued motu proprio* modifying the terms of recourse of a member dismissed from an institute of consecrated life; Rodger J. Austin: *Annotation on the Motu Proprio modifying Canon 700 CIC and Canon 501 §2 CCEO.* (Document and comment)

A. comments on the significance of the motu proprio *Expedit ut iura* (3 April 2023) in relation to a decree of dismissal of a professed member of a religious institute. The decree of dismissal now comes into effect at the same time as it is notified to the religious, and must indicate the right which the religious possesses to make recourse to the competent authority within 30 days from receiving notification.

703

Canonist 14/1 (2023), 118-138: Brendan Daly: *Scandal in the 1983 Code of Canon Law.* (Article)

See below, canon 1341*.

703

QDE 36 (2023), 104-128: Luigi Sabbarese: Responsabilità e competenze dei superiori maggiori degli istituti di vita consacrata e società di vita apostolica nella tutela dei minori e nel perseguimento degli abusi sessuali commessi da chierici e/o religiosi. (Article)

See above, canon 620.

710-713

Ius Comm XI (2023), 37-62: María Victoria Hernández Rodríguez: “Cristianos consagrados al Señor y, al mismo tiempo, seculares”. Especificidad del carisma de los institutos seculares en el magisterio eclesial: De Pío XII a Francisco. (Conference presentation)

It might seem that consecration and secularity are two words that are difficult to reconcile, that there is a tension not always resolved between the concepts of consecration and secularity, religious life and consecrated life, secularity and the lay state. Consecration is not an alternative to secularity. The relationship between consecration and secularity is complex but it is not an antithetical one. H.R. considers that the expression “secular consecration” would be more appropriate. This expression rests on three elements: consecration–secularity–apostleship, all taken together. We cannot limit ourselves to or insist on one or other element. Juridically, the definition is complete only when all the elements converge harmoniously to identify the secular institute as such. These three elements are those which characterize and define the essence of secular institutes. We find them in the pre-conciliar, conciliar, and post-conciliar pontifical Magisterium. “Christians consecrated to the Lord” also include members of religious institutes. Therefore, what characterizes the member of a secular institute is that he or she is in the world, in the midst of the structures that make it up, with the aim of ordering them according to the Gospel – a mission that does not correspond by vocation to the religious.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

747

J 79 (2023), 99-130: Thomas John Paprocki: The King’s Good Servant, but God’s First: Responses in Canon and Civil Law to Governmental Threats to the Church’s Freedom to Carry out Her Mission. (Article)

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

748

SC 57 (2023), 5-22: Ivan Jurković: Religious Freedom: A “Litmus Test” for All Human Rights. (Conference presentation)

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

775

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam: un motu proprio per il decentramento.* (Article)

See above, General Subjects (*Ecclesiology*).

793

Comm 54 (2022), 197-232: Dicastero per la Cultura e l’Educazione: Istruzione “L’identità della Scuola Cattolica per una cultura del dialogo”, 29 marzo 2022. (Document)

This Instruction, the result of reflections and consultations at the various institutional levels, is intended as a contribution that the Congregation for Catholic Education [now Dicastery for Culture and Education] offers to all who work in the field of school education, from episcopal conferences, the synod of bishops or the council of hierarchs, to ordinaries, superiors of institutes of consecrated life and societies of apostolic life, as well as to movements, associations of the faithful and other organisms and individuals that exercise pastoral care for education. As general criteria intended for the whole Church to safeguard ecclesial unity and communion, they will have to be further adapted to the different contexts of the local Churches scattered throughout the world following the principle of subsidiarity and the synodal

path, according to the different institutional competences. The Congregation hopes that this contribution will be welcomed as an opportunity to reflect on and deepen our understanding of this important topic which concerns the very essence and *raison d'être* of the Church's historical presence in the field of education and schooling, in obedience to her mission to proclaim the Gospel by teaching all nations (cf. Mt 28:19-20). The first part of the Instruction frames the discourse of the presence of the Church in the world of schools in the general context of her evangelizing mission: the Church as mother and teacher in her historical development, with the different emphases that have enriched her work in time and space up to the present day. The second chapter deals with the various actors working in the world of schools with different roles, assigned and organized according to canonical norms in a Church rich in multiple charisms given to her by the Holy Spirit, but also in line with her hierarchical nature. The final chapter is dedicated to some critical issues that may arise in integrating all the different aspects of school education into the concrete life of the Church as experienced by the Congregation in dealing with the problems brought to its attention by the particular Churches.

794

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

800

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

837-838

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

F. considers the right to the Eucharist as being the Church's fundamental aspect, and examines the rights of the faithful to participate in the Eucharistic sacrifice and the right to receive Communion. His article is divided into the following sections: 1. The Eucharist is the foundation of the Church, the foundation of the ecclesial community and its hierarchical structure. 2. The Eucharist is the greatest good the Church possesses. 3. The fundamental nucleus of canon law is the Eucharist's dimensions of justice, and that of the visible community on which it is based. The right and duty to participate in the Eucharistic sacrifice. 4. The fundamental juridical dimensions of the sacraments are things of precedence and are more fundamental than formal rules. 5. The law in relation to the Eucharist has a positive sense. The Eucharist is the centre of every Christian community. 6. Where to place limits and prohibitions? Denying Communion and limiting the ancient liturgical usage. 7. The law in the various dimensions of the Eucharist. 8. Without the Eucharist and the proper sharing thereof, there is no Church. There may be ecclesial elements, but not the true Church. 9. The promotion, defence and distribution of the Eucharistic good does not depend on the actions of the hierarchy, but it depends on all the faithful.

838

AnC 19 (2023) 1, 91-114: Dawid Pietras: Dyscyplina sprawowania liturgii z 1962 roku według motu proprio „Traditionis custodes” papieża Franciszka oraz „Responsa ad dubia” Kongregacji Kultu Bożego i Dyscypliny Sakramentów (cz. 1) (*The discipline of celebrating the liturgy of 1962 according to the motu proprio of Pope Francis Traditionis custodes and Responsa ad dubia of the Congregation for Divine Worship and the Discipline of the Sacraments: part 1*). (Article)

By the motu proprio *Traditionis custodes* of 16 July 2021, Pope Francis reformed the discipline regarding the celebration of the liturgy according to the books of 1962, hitherto referred to as the Extraordinary Form of the

Roman Rite. The document is a general decree of the Roman Pontiff as supreme legislator. The papal decree has been authentically interpreted by the *Responsa ad dubia* of the Congregation for Divine Worship and the Discipline of the Sacraments of 4 December 2021. The purpose of these documents was, as Pope Francis stated, to unify the liturgy in the Latin Church and to facilitate the process of ecclesial unity.

838

IM 34 (2023), nr 1, 97-127: Dawid Pietras: The ecclesiastical discipline of the celebration of marriage according to the books of the Roman Rite of 1962 after the Second Vatican Council in 1965-2007. (Article)

The Fathers of the Second Vatican Council, via the constitution *Sacrosanctum Concilium*, postulated a reform of the marriage ceremony. As a result, the marriage rites contained in the *Rituale Romanum* of 1952 were abolished by the promulgation of the *Ordo celebrandi matrimonium* in 1969. Until 1988, apart from the Society of Saint Pius X, marriage was generally not celebrated according to the earlier Ritual. After the institution of the Pontifical Commission *Ecclesia Dei* in 1988, permissions were issued for the celebration of marriage according to the Roman Ritual. Individual permissions were granted by the Dicasteries of the Roman Curia, and especially by the aforementioned Commission. Some communities were also established which were equipped with the special right to celebrate the sacrament of marriage according to the *Rituale Romanum* of 1952. Diocesan bishops also issued *ad casum* permissions and erected personal parishes and other communities. This legal status lasted until Pope Benedict XVI's *motu proprio Summorum Pontificum* entered into force in 2007. Then, a universal law was introduced which permitted the celebration of marriages according to the earlier Ritual under specified conditions.

840-841

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

844

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

846

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

BOOK IV, PART I, TITLE I: BAPTISM

849

CLSN 203/23, 92-125: Ilaria Zuanazzi: The character of baptism and confirmation: the foundations of the common priesthood of the faithful between law and spirituality. (Article)

Baptism and confirmation are considered to be the sacraments that lay the foundation of the life of the *christifidelis*. An analysis of how the Church's legislation manages to translate the ontological-sacramental effects of these means of grace into legal terms, in relation to both the identity of the faithful and the structure of the ecclesial community, can be useful also for the purpose of reflecting on the relationship between juridical and spiritual, natural and supernatural, visible and invisible, external and internal, human and divine, in the Church's law. With this in mind, Z. follows a specifically juridical approach by examining the relevance and consequences the sacraments have on the common priesthood of the faithful from the viewpoint of canon law.

**BOOK IV, PART I, TITLE II:
THE SACRAMENT OF CONFIRMATION**

879

CLSN 203/23, 92-125: Ilaria Zuanazzi: The character of baptism and confirmation: the foundations of the common priesthood of the faithful between law and spirituality. (Article)

See above, canon 849.

889

AnC 18 (2022) 2, 95-116: Bartosz Trojanowski: Możliwość udzielenia sakramentu bierzmowania osobom z niepełnosprawnością intelektualną (*The possibility of administering the sacrament of confirmation to persons with intellectual disabilities*). (Article)

T. presents theological and juridical arguments to show that faithful with mental disabilities can receive confirmation. People who may never be able to use reason sufficiently to be considered independent should not for that reason be deprived of the gifts of the Church's spiritual treasury. This theological and juridical reflection is an attempt to engage with sceptics, and at the same encourage parents and pastors to look for ways of providing the best pastoral care for those with disabilities, in order that they may fruitfully receive this sacrament.

889

Per 111 (2022), 587-619: Michele Munno: Reciprocità tra fede e sacramento della confermazione: considerazioni sul documento della Commissione Teologica Internazionale. (Article)

In 2020, the International Theological Commission published a document entitled *The Reciprocity between Faith and Sacraments in the Sacramental Economy*. M. takes the document as the starting point for a reflection on the reciprocity of faith and the sacrament of confirmation. For him, such a reflection cannot be made in isolation; the three sacraments of Christian initiation are strictly connected.

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

915

AnC 19 (2023) 1, 39-63: Wiesław Bar: „Jawni grzesznicy”. Czy zasadne jest ich publiczne piętnowanie? (*Manifest sinners. Is their public stigma justified?*) (Article)

B. analyses the terms “manifest sinner” and “stigmatize” in a historical context, and summarizes the Church’s discipline as regards manifest sinners. He looks at the situation of “non-practising Christians” – a topic rarely present in the teaching on manifest sinners – before analysing the question of refusal of Holy Communion (canon 915) and of a Catholic funeral (canon 1184 §1, 3°). He also examines other restrictions and sanctions that may apply to manifest sinners (candidates for godparents: canon 874 §1, 3°; anointing of the sick: canon 1007). The application of the canons should take into account the Catholic principles of judging the morality of human acts. In the 18th century Pope Benedict XIV advised that each person should be treated individually and calmly, and that the manifest sinner should be instructed that that accepting the Body of Christ in sin would not save him from the judgment of Christ but would rather burden him.

915-916

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

919-920

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

928

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

955

QDE 36 (2023), 225-233: G. Paolo Montini: Il registro delle Messe del sacerdote (can. 955 §4). (Comment)

M analyses the personal register of Mass offerings each priest is obliged to maintain, distinguishing this from the other registers for Mass offerings. He grounds the rule on the need to ensure the fulfilment of obligations accepted, to avoid any abuses, and to enable situations where the personal fulfilment of the obligation has become impossible. He ends with comments on how the register should be completed.

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

980

IE XXXV (2023), 55-82: Massimo del Pozzo: Il ricorso all'assoluzione *sub condicione* nel sacramento della riconciliazione. (Article)

Absolution *sub condicione* is based on overcoming possible doubts in view of the salvific need for forgiveness. In the light of the modern theological-canonical examination of absolution and the configuration of the hypothesis of its conditioning in the current sacramental economy, del P. analyses the juridical *ratio* of condition in the sacrament of Penance. The logic of the possibility of a conditional absolution corresponds to the interpenetration between the dignity of the sacrament, the spiritual needs of the penitent, and the responsibility of the minister. Faced with a serious and grave set of circumstances, doubt regarding the capacity or disposition of the faithful is resolved on the basis of a prevalent ecclesial interest in the administration of the sacrament. This hypothesis does not, however, imply the cessation of ministerial responsibility or moral certitude; thus, the reservation of this disposition must be understood in a rather restrictive way, provided that it does not coincide with doubts regarding capacity. The residual force of this case invites us to an enduring recognition of and respect for the sacredness and objectivity of the sacramental relationship.

983

Comm 54 (2022), 112-117: Pope Francis: Udienza ai partecipanti al 32° Corso sul foro interno promosso dalla Penitenzieria Apostolica, 26 marzo 2022. (Address)

Pope Francis addresses participants in the annual course for confessors promoted by the Apostolic Penitentiary. He encourages them to reread and meditate on the *Note on the Internal Forum and the Inviolability of the Sacramental Seal*, published by the Apostolic Penitentiary in 2019. In a recent interview he said that “forgiveness is a human right”. We all have the right to be forgiven. To be forgiven means to be loved for what we are, despite our limitations and our sins. And forgiveness is a “right” in the sense that God, in the Paschal Mystery of Christ, has given it in a total and irreversible way to every person willing to accept it with a humble and repentant heart. By generously dispensing God’s forgiveness, confessors cooperate in the healing

of people and of the world; they cooperate in the realization of that love and peace for which every human heart yearns so intensely; with forgiveness they contribute to a spiritual “ecology” of the world. The Pope offers some points for reflection and for reviewing life, based on three key words: welcoming, listening, and accompaniment: three essential dimensions of the confessor’s ministry, three faces of love, to which we must add the joy that always accompanies it. He urges them not to be curious and probe unnecessarily. He concludes by warning of the dangers of eating away at the seal by suggesting that matters raised which are not sins may be discussed outside.

983

FThC XI (2022), 127-147: Goran Jovicic: Mandatory reporting legislation and the seal of confession in light of the prevention of child abuse and religious freedom – Part II. (Article)

Lately, with the adoption of mandatory reporting laws in some US States (North Carolina, Oklahoma, Rhode Island, and Texas), “any person” is considered to be a mandatory reporter; in others the clergy are listed explicitly as mandatory reporters, whereas in still others – for example, in Washington State – clergy are not listed and the clergy-penitent privilege is affirmed within the reporting laws. Despite the existence of mandatory reporting laws in the United States, the clergy-penitent privilege seems to be more protected there than in other common law countries. As observed in the first part of this article (see *Canon Law Abstracts*, no. 129, p. 77), the clergy-penitent privilege appears to be under greater threat in common law countries such as the UK, Ireland, Australia, and New Zealand, than in those governed by European civil law. The recent discoveries of abuse in those countries understandably caused outrage, since the cover-up was perpetrated mainly to protect the reputation of the Church rather than to protect the victims, but it should not lead to another injustice: the violation of religious freedom and abuse of the sacrament of confession.

983

LJ 189 (2022), 126-141: Richard Deadman: Confession in the Anglican Church – Breaking the Seal? (Article)

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

983

LJ 189 (2022), 142-156: John Poland: The Penal Consequences of the Violation of the Seal of Confession. (Article)

See below, canon 1386*.

983-984

AnC 18 (2022) 2, 73-94: Lucjan Świto – Małgorzata Tomkiewicz: Czy, kiedy i jak można żądać od duszpasterza ujawnienia informacji uzyskanych przy pełnieniu posługi? (*Can, when, and how may a priest be required to disclose information obtained while performing his ministry?*) (Article)

The article deals with the issue of pastoral secrecy in canon law and Polish law. The fundamental question is whether and to what extent, apart from the secrecy of confession, information obtained while performing other religious services can be disclosed, and what may be the consequences of unauthorized disclosure. Can a priest who is, for example, the spiritual director of a person suspected of committing a crime, be questioned as a witness in such a case, and can the law enforcement authorities, in order to obtain possible evidence of a crime, conduct a search, e.g. in a church or curia, and retain documents found there? Can information obtained as a result of secret surveillance (telephone tapping) of a clergyman and a person asking for spiritual advice be used in the process? Based on the analysis of applicable legal regulations, the article presents certain proposals *de lege ferenda*.

983-984

CLSN 203/23, 153-164: Gordon Read: The Seal of Confession. (Article)

R. explores the origin and understanding of the seal of confession in the Church's sacramental practice and canon law. For most of the first millennium there was no clear distinction between the sacramental forgiveness of sins and the external discipline of excommunication. By the 13th century the discipline had developed into its current form. The Fourth Lateran Council regulated this and in its canon 21, *Omnis utriusque sexus*, set out the level of confidentiality to be observed. Failure to observe confidentiality leads to excommunication of the priest hearing the confession. The primary rationale is that he hears the confession as "God's ears" and has no "human" knowledge of what has been said. There is also a more general argument for confidentiality so that the penitent can speak freely. R. then

explores the questions of the obligation of those overhearing a confession, whether use can be made of information gained in the course of confession, and whether the penitent can permit the confessor to disclose what has been said. (See also *Canon Law Abstracts*, no. 129, p. 77.)

BOOK IV, PART I, TITLE VI: ORDERS

1008-1009

J 79 (2023), 131-165: Marc B. Caron: The Changing Liturgical Role of the Deacon: From Vatican II to the Present and Beyond. (Article)

The current liturgical role of the deacon was shaped by the provisions in *Lumen gentium* (1965) and *Sacrum diaconatus ordinem* (1967). The publication of the *Catechism of the Catholic Church* (Latin typical edition 1997) and of the 1983 Code of Canon Law, along with subsequent revisions to both, and the papal Magisterium of Popes John Paul II, Benedict XVI, and Francis, have further clarified the Church's teaching on the nature of the diaconate within the one sacrament of holy orders. Thanks to these developments, the Church is now in a better position to judge whether all the duties assigned to deacons as an exercise of the sanctifying office are appropriate to this rank of the ordained.

1008-1009

NRT 145 (2023), 66-82: Étienne Grieu: Les diacres: rappel au commencement de l'évangile. (Article)

Drawing on a constant of the Church of antiquity which always emphasizes the strong bond between the bishop and his deacons, G. sees the deacon as the one who is in charge of bringing the Communion confectioned at the Sunday Eucharist to those who have not been able to receive it. This perspective makes it possible to interpret the diaconate as a ministry of (re)commencement of the preaching of the Gospel, which specifies such ministry in relation to the episcopate – and to the presbyteral ministry – which are more on the side of the fulfilment of the evangelical preaching, when the gathering of all in Christ, in his Passover, is celebrated.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Canonist 14/1 (2023), 3-13: Pope Francis: Address to the Officials of the Roman Rota for the Inauguration of the Judicial Year 27 January 2023; Peter Blayney: Commentary on Pope Francis's Address. (Address and comment)

Pope Francis speaks of some essential theological and sacramental fundamentals of the Church's teaching on marriage. He also addresses some of the "messiness" that arises in family and marital life. He uses the term "Gospel of the family" several times, comparing the Church to a "big family" where she promotes the "Gospel in the family"; the "Gospel of the Family" is like the plan of God that male and female become one body according to what many have called the "marriage manual" in the first chapters of Genesis; when couples are in crisis, the Church actively promotes to them the "Gospel of the family"; and marriage is a path to holiness "lived out in the daily routine of life: this is an essential aspect of the Gospel of the family".

1055

IM 34 (2023), nr 1, 5-43: Wojciech Góralski: Wzajemne powiązanie między wiarą i małżeństwem w świetle dokumentu Międzynarodowej Komisji Teologicznej Reciprocità tra fede e sacramenti nell'economia sacramentale z 3 marca 2020 roku (*The mutual relationship between faith and marriage in the light of the document of the International Theological Commission "The Reciprocity between Faith and Sacraments in the Sacramental Economy" of 3 March 2020*). (Article)

Bearing in mind the tendency to separate faith from sacramental life, the Pontifical Theological Commission, on 3 March 2020, issued a document entitled *The Reciprocity between Faith and Sacraments in the Sacramental Economy*. Its purpose is to provide general guidelines that may be useful for pastors. The fourth chapter of the document is devoted to the problem of the faith-sacrament relationship in Christian marriage. This chapter covers three points: 1. the sacrament of matrimony; 2. a doubtful point: the sacramental quality of a marriage to a "baptized non-believer"; 3. intention and establishment of a marriage bond in the event of lack of faith. G. presents and comments on this chapter.

1055

Per 111 (2022), 559-585: Davide Salvatori: *Bonum coniugum*: ¿fin del matrimonio o elemento esencial del matrimonio, o fin y elemento esencial del matrimonio? Reflexiones sobre algunas aporías lógico-sistemáticas de la jurisprudencia rotal y propuesta de lectura unitaria de la *quaestio*. (Presentation)

In this presentation given at the Canon Law Faculty of the San Damaso Ecclesiastical University, Madrid, on 20 May 2019, S., a prelate auditor of the Roman Rota, considers the *bonum coniugum* of canon 1055 §1 and its significance within the jurisprudence of matrimonial nullity cases. At the outset, he poses the question: is the *bonum coniugum* an end of marriage or is it an essential element of marriage or both? He goes on to consider how the concept was understood by the Commission for the Revision of the Code of Canon Law in the process of preparing the 1983 Code, before examining how it is understood in contemporary jurisprudence at the Roman Rota and how it has been presented in recent papal Magisterium. He concludes that the *bonum coniugum* can now be considered both as an end and as an essential element of marriage; he sees this as something similar to the development of the understanding of the *bonum prolis*.

1061

IM 34 (2023), nr 1, 45–62: Ginter Dzierżon: Znaczenie zwrotu „humano modo” w kan. 1061 § 1 KPK/83 (*Meaning of the phrase “humano modo” in can. 1061 § 1 CIC/83*). (Article)

D. examines the phrase *humano modo* in canon 1061 §1. He is of the opinion that the meaning of this phrase cannot be understood without taking into account a broader context, related, on the one hand, to the evolving perception of the matrimonial act in canon law and, on the other, to the assumptions of the theory of the juridical act. He shows that the consummation of marriage has the character of a bilateral juridical act. In his opinion, the phrase *humano modo* is closely connected to a personalist vision of the matrimonial act as a human act (*actus humanus*). He expresses the view that the application of the assumptions of the theory of the juridical act to its defects (violence, fear, malice) became a stimulus for deeper reflection on the doctrine on the issue of conjugal living in the canonical order.

1095

Per 111 (2022), 559-585: Davide Salvatori: *Bonum coniugum*: ¿fin del matrimonio o elemento esencial del matrimonio, o fin y elemento esencial del matrimonio? Reflexiones sobre algunas aporías lógico-sistemáticas de la jurisprudencia rotal y propuesta de lectura unitaria de la *quaestio*. (Presentation)

See above, canon 1055.

1096

IE XXXV (2023), 161-184: Francesco Cattozzella: L'errore di diritto sul *bonum coniugum*. Collocazione sistematica e potenziale rilievo invalidante nel sistema matrimoniale canonico. (Article)

In canons 1096 and 1099 there is no reference to the *bonum coniugum*; therefore, it seems that error about this good of marriage cannot have any invalidating effect. C. aims to rethink this issue in the light of natural law, from a doctrinal and jurisprudential perspective. His conclusion is that the *ordinatio ad bonum coniugum*, as an essential element of marriage, like the *ordinatio ad bonum prolis*, is part of the minimum knowledge required to marry.

1099

IE XXXV (2023), 161-184: Francesco Cattozzella: L'errore di diritto sul *bonum coniugum*. Collocazione sistematica e potenziale rilievo invalidante nel sistema matrimoniale canonico. (Article)

See above, canon 1096.

1099

IM 34 (2023), nr 1, 5-43: Wojciech Góralski: Wzajemne powiązanie między wiarą i małżeństwem w świetle dokumentu Międzynarodowej Komisji Teologicznej Reciprocità tra fede e sacramenti nell'economia sacramentale z 3 marca 2020 roku (*The mutual relationship between faith and marriage in the light of the document of the International Theological Commission "The Reciprocity between Faith and Sacraments in the Sacramental Economy" of 3 March 2020*). (Article)

See above, canon 1055.

1099

IM 34 (2023), nr 1, 83-96: Grzegorz Leszczyński: Błąd co do wierności małżeńskiej w kontekście jej wykluczenia (*Error about marriage fidelity in the context of its exclusion*). (Article)

Just as an error can determine the will not to accept marriage in accordance with the teaching of the Church, causing a defect in the consent, so too can marital fidelity be excluded directly by a positive act of the will. The phenomenon of error is part of the phenomenon of simulation, since in both cases there is a discrepancy between the will and its external form of expression. This does not mean, however, that error determining the will is indistinguishable from simulation. In the case of a simulation, there is a positive exclusion of the good of fidelity; in the case of error, this exclusion is unconscious, i.e. without the participation of a positive act of will of the person. In this case, the positive act of the will would be directed against a reality that one does not know.

1101

IM 34 (2023), nr 1, 5-43: Wojciech Góralski: Wzajemne powiązanie między wiarą i małżeństwem w świetle dokumentu Międzynarodowej Komisji Teologicznej *Reciprocità tra fede e sacramenti nell'economia sacramentale* z 3 marca 2020 roku (*The mutual relationship between faith and marriage in the light of the document of the International Theological Commission "The Reciprocity between Faith and Sacraments in the Sacramental Economy" of 3 March 2020*). (Article)

See above, canon 1055.

1101

Per 111 (2022), 559-585: Davide Salvatori: *Bonum coniugum: ¿fin del matrimonio o elemento esencial del matrimonio, o fin y elemento esencial del matrimonio? Reflexiones sobre algunas aporías lógico-sistemáticas de la jurisprudencia rotal y propuesta de lectura unitaria de la *quaestio. (Presentation)**

See above, canon 1055.

1108

IM 34 (2023), nr 1, 97-127: Dawid Pietras: The ecclesiastical discipline of the celebration of marriage according to the books of the Roman Rite of 1962 after the Second Vatican Council in 1965-2007. (Article)

See above, canon 838.

1116

CLSN 202/22, 6-18: Sebastian M. Jones: The Canons and the Pastoral Care of Travellers in Time of Pandemic. (Article)

The Covid lockdown constituted a crisis for Travellers on account of the indeterminate closure of civil registry offices, which created what for them were “grave and urgent” circumstances, owing to their expectations – conforming to Church doctrine – in the area of sexual intimacy and marriage. J. points out that the conditions for the extraordinary form of marriage in canon 1116 existed during the period of lockdown, since it could be prudently foreseen that the impossibility of approaching a competent person (a parish priest or his delegate) would continue for at least a month.

1132

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See below, canon 1341*.

1142

PS LVIII 175 (2023), 55-83: Danilo R. Flores: The Exercise of the *Potestas Vicaria* of the Roman Pontiff: Perfect and Harmonious Interaction of *Fides, Ratio atque Ius*. (Article)

The juridical consequences of the canonical procedure for the dispensation from the natural and divine positive laws are directed to the dissolution of the natural and supernatural bond validly contracted either in marriage or in the religious profession. A supernatural power may dissolve both the natural and supernatural bonds through the exercise of the *potestas vicaria* of the Roman Pontiff, who exercises it not as the Supreme Head of the Universal Catholic Church but in virtue of his prerogative as the *Vicarius Christi* on earth. The correct exercise of the divine power is based on theology and grounded in

canonical science. Its right understanding and interpretation are harmonious employment of the metaphysical principles applied in theological and canonical sciences. F. traces the theological foundation of the *potestas vicaria* in Sacred Scripture and Sacred Tradition constantly interpreted and enriched by the Church's living Magisterium. The exercise of the *potestas divina et vicaria* is based on the canonical provisions and praxis starting from the seventh century. The vicarious power exercised by the Church in the name of God is also referred to as *potestas instrumentalis*. A clearer understanding of the philosophy of this instrumental causality applied in theology and canon law implies a great deal of comprehension of some notion of causality proper to metaphysics. The employment of the ontological principles in both the theological and canonical tradition and doctrine assures the conclusion that it is not *mere humana sed potestas divina*. F. concludes that the exercise of the *potestas vicaria* of the Roman Pontiff in the dissolution of a matrimonial bond is a perfect and harmonious interaction of *fides, ratio atque ius*.

1142-1150

Per 111 (2022), 671-698: Johannes Fürnkranz: Scioglimento del matrimonio non-sacramentale inconsumato. (Reply)

F. responds to a consultation concerning a person who comes to a diocesan curia seeking the dissolution of his/her marriage which seemingly is valid but has not been consummated and which is non-sacramental. Which canonical route is preferable: dissolution for non-consummation, or dissolution *in favorem fidei*? F. begins by distinguishing the concept of a declaration of nullity from that of dissolution of the bond; he then goes on to indicate the sources of the law regulating dissolution for non-consummation and *in favorem fidei*. The bulk of the response is taken up with a consideration of eight criteria to be taken into account by the party seeking the dissolution. These range from a criterion based on the existence of just causes and the plan for a further marriage to the question of costs and civil recognition. In conclusion, he notes that there is no single answer to every such set of circumstances. The criteria outlined in the response should help a person to make the decision about which route to follow.

1153

SC 57 (2023), 295-323: Roman Rota: Decree *coram* Jaeger, 18 July 2019 (USA). Pre-judicial question: nullity, or non-existence, of the judgement. (Sentence)

The “doubts” determined by the first instance tribunal in this case were formulated as follows: 1. Whether the petitioner has been maliciously abandoned by the respondent; 2. Whether the petitioner gave the respondent legitimate reason to depart by causing grave danger in the common conjugal life through moral cruelty; 3. Whether the petitioner gave the respondent legitimate reason to depart by causing grave danger in the common conjugal life through physical cruelty; and 4. Whether the respondent has legitimately obstructed the petitioner’s right to educate his children. The tribunal replied negatively to the first and fourth doubts and affirmatively to the second and third, concluding that ecclesiastical separation was to be granted to the parties (which was the precise opposite of what the petitioner had sought in approaching the bishop in the first place). The petitioner appealed to the Rota, which as a pre-judicial question determined that none of the doubts were in themselves the object of a trial, and that the decision establishing the separation responded to no doubt joined. The case was therefore to be sent back to first instance.

1161-1165

IE XXXV (2023), 245-272: Tribunale Apostolico della Rota Romana: *Tyrnavien*. – Nullità del matrimonio – Invalida sanazione – Esclusione del *bonum sacramenti* – Sentenza definitiva in terza istanza – 3 marzo 2016 – Philippus Heredia Esteban, *Ponente*, con commento di Inés Lloréns, *Sanazione invalida: nullità del matrimonio a causa di un difetto del consenso oppure per difetto della forma canonica?* (Sentence and comment)

The retroactive validation of an invalid marriage in canon 1161 requires that there should be naturally sufficient consent at the time of the wedding (or later if not given at the beginning: canon 1162). These provisions correspond to the consensual principle of marriage, since only consent is the efficient cause of the conjugal union, and it cannot be supplied by any human power (canon 1057). Therefore, even though retroactive validation is a grace granted by the ecclesiastical authority, and can be given even though one or both parties are unaware of it (canon 1164), it cannot take place if there is no valid consent. Canon 1057 §2 defines consent as “an act of will by which a man and a

woman by an irrevocable covenant mutually give and accept one another for the purpose of establishing a marriage”. Canon 1056 recalls that the essential properties of marriage are unity and indissolubility, which in Christian marriage acquire a distinctive firmness by reason of the sacrament. Hence if the spouses, at the moment of the celebration, positively reject any of the essential elements of this union, the marriage would not come into being, since the object of the will would not be truly matrimonial, that is, there would be no true consent. In the same way, if two Catholics contract marriage civilly, and later receive a retroactive validation, if it is later demonstrated that there was a defect of consent at the moment of the civil wedding, the validation granted would be invalid and the marriage would remain null.

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

1174

J 79 (2023), 167-209: Cyril J. Law, Jr.: *Actio Ecclesiae: The Participation of the Lay Christian Faithful in the Liturgy of the Hours (c. 1174 §2)*. (Article)

Canon 1174 §2 of the CIC/83 states that the Christian faithful are earnestly invited to participate in the celebration of the liturgy of the hours according to circumstances. L. addresses the following questions: How does this canon relate to liturgical law? What are the sources and history behind this short canon? What is expected of the faithful in the celebration of the liturgy of the hours as envisioned by the renewed rite following the Second Vatican Council? He also discusses the ecclesiological aspects of the liturgy of the hours, and practicalities concerning participation. With the use of canonical measures, the Church fulfils her duty of sanctifying the People of God, who pray without ceasing.

1184

AnC 19 (2023) 1, 39-63: Wiesław Bar: „Jawni grzesznicy”. Czy zasadne jest ich publiczne piętnowanie? (*Manifest sinners. Is their public stigma justified?*) (Article)

See above, canon 915.

1184

Canonist 14/1 (2023), 118-138: Brendan Daly: *Scandal in the 1983 Code of Canon Law*. (Article)

See below, canon 1341*.

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

1205

EIC 63 (2023), 5-44: Alberto Zini: Concetto, tipologia e uso dei luoghi sacri nel diritto romano. (Article)

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

1205

EIC 63 (2023), 63-76: Pierluigi Consorti: I luoghi di culto fra diritto della Chiesa cattolica e diritto statale italiano. (Article)

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

1205

EIC 63 (2023), 77-108: Alberto Roccella: I luoghi di culto come beni culturali. (Article)

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

1205-1243

EIC 63 (2023), 45-62: Vincenzo Pacillo: I loca sacra nel Codice di diritto canonico della Chiesa latina: alcune questioni ermeneutiche aperte. (Article)

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

1222

EIC 63 (2023), 109-160: Alberto Tomer: La “riconversione” dei luoghi di culto in Italia: prospettive ecclesiali per un “uso profano non indecoroso”. (Article)

When a church or sacred place can no longer be used for divine worship, the bishop may allow it to be used “for a secular but not unbecoming purpose”. This provision is often regarded as offering little guidance in practice as to possible secular uses, but T. argues that it is possible to shed more light on

the matter through a proper dialogue between the dispositions of the Code and the many ecclesial documents which address the topic directly or indirectly.

1222

Davide Dimodugno: Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale. (Book)

D. deals with the issues of the management and reuse of places of worship and, specifically, of Catholic churches as cultural assets of religious interest in Italy. Having reconstructed the complex discipline for allowing a church to be used for “a secular but not unbecoming purpose” under canon 1222 §2 and the “dismissal” – transfer of ownership – of churches, his exposition continues with an examination of concrete cases of reuse which occurred in the Archdiocese of Turin between 1978 and 2019. Once disused buildings of worship have been classified as “common goods”, the new models of governance – inclusive, sustainable, and capable of transforming these overabundant properties into a resource for the social, economic, and cultural development of the territorial communities concerned – will take the form of collaboration pacts, participatory foundations, and trusts. (For bibliographical details, including online accessibility, see below, Books Received.)

1230-1234

EIC 63 (2023), 235-261: Pierpaolo Dal Corso: Lo stato giuridico delle basiliche maggiori e minori. (Article)

Basilicas enjoy their own discipline both in canon law and in Italian ecclesiastical law. A church can be considered a basilica – major or minor – by immemorial custom or by conferral of the title by the ecclesiastical authority. A careful analysis of the current legislation, which also considers the legislative evolution that has taken place on the matter, allows us to understand the *ratio* that led the Legislator to establish specific provisions for this type of sacred place, which represent further occasions of grace whereby the faithful may receive the necessary spiritual help, for the benefit of the *salus animarum*.

1247

CLSN 203/23, 126-152: José A. Fuentes: The Sacramental Presence of Christ in the Eucharist, the centre of every community. Juridical

profiles: the rights and duties of Ordained Ministers and the other faithful. (Article)

See above, canons 837-838.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

SC 57 (2023), 229-244: Anthony Ekpo: Ecclesiastical Goods at the Service of Ecclesial Communion. (Article)

Communion and mission are the two defining characteristics of the Church and the essence of its mystery and ministry in the world. Over the years, however, in their commentaries on Book V of the current Code, authors seem to have placed more emphasis on mission while relegating communion to the background. E. argues that the Church's temporal goods are also destined for the maintenance of communion alongside mission.

1277

Canonist 14/1 (2023), 165: Australian Catholic Bishops Conference: Complementary Legislation for Australia Pertaining to Acts of Extraordinary Administration and Alienation. (Document)

The Australian Catholic Bishops Conference sets limits for acts of extraordinary administration at A\$ 1.80 per capita or A\$ 359,658 (annual repayment), and A\$ 0.72 per capita or A\$ 143,863 (sum forgone), as from June 2023.

1286

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

1290

J 79 (2023), 99-130: Thomas John Paprocki: The King's Good Servant, but God's First: Responses in Canon and Civil Law to Governmental Threats to the Church's Freedom to Carry out Her Mission. (Article)

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

1292

Canonist 14/1 (2023), 165: Australian Catholic Bishops Conference: Complementary Legislation for Australia Pertaining to Acts of Extraordinary Administration and Alienation. (Document)

The Australian Catholic Bishops Conference sets the approved amounts for alienation of temporal goods of the Church at A\$ 7,193,161 (maximum sum) and A\$ 35,966 (minimum sum), as from June 2023.

1308

IE XXXV (2023), 291-304: Jesús Miñambres: Modifica delle competenze nella legislazione sul rispetto delle volontà dei fedeli. (Article)

The motu proprio *Competentias quasdam decernere* of 11 February 2022 modified certain canons of the CIC/83 and the CCEO. Among the new norms are two articles which concern the modification of two canons dealing with the possibility of the ecclesiastical authority changing the pious intentions of the faithful. M. presents the main changes of the new law, which attribute greater powers to the bishops.

1308

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam*: un motu proprio per il decentramento. (Article)

See above, General Subjects (*Ecclesiology*).

1308

IE XXXV (2023), 291-304: Jesús Miñambres: Modifica delle competenze nella legislazione sul rispetto delle volontà dei fedeli. (Article)

See above, canon 1308.

1310

Per 111 (2022), 527-558: Ulrich Rhode: *Competentias quasdam*: un motu proprio per il decentramento. (Article)

See above, General Subjects (*Ecclesiology*).

BOOK VI: SANCTIONS IN THE CHURCH

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

1311-1399*

FThC XI (2022), 149-160: Szabolcs Anzelm Szuromi: Justice and mercy from the perspective of canon law. (Article)

Justice (from a human perspective), summarizing the Church's position in different epochs and in different contexts, yet forming a united overall view, is the right action which is in accordance with the order established by God. A patristic understanding of justice and mercy is synthesized in the works of St Thomas Aquinas. The Angelic Doctor's statement, based on the thought of St Gregory the Great, that in just punishments justice and mercy are expressed together by the person's realization through suffering of his cleansing from minor sins and approach to God, detached from the temporal attachments of this world, is particularly significant. After baptism, the repentant believer is cleansed from sins committed post-baptism by the valid reception of the sacrament of absolution. This simplified brief definition summarizes the most essential elements of the canonical prescriptions which have been crystallized in ecclesiastical sources since the early Christian epoch. Reconciliation through confession, thanks to the gift of God's grace and compassion through the ministry of the Church, gives a person the capacity to abstain from sin, to be more attentive to the fulfilment of penance, and to heal those wounds which sin has caused in the soul and bad inclinations. With regard to the concept of the canonical penal law, the current Code of Canon Law still explicitly and emphatically considers the prosecution and the imposition of punishment as a last resort, because of the primarily curative nature of ecclesiastical sanctions.

1328*

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See below, canon 1341*.

1341*

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

D. examines scandal in the Bible; scandal as a sin and as a crime; scandal given by a person in authority; scandal in the CIC/17 and the CIC/83; scandal and private associations and religious institutes; scandal impacting on marriages and funerals; procedures to be followed before a medicinal penalty is imposed; the obligatory penal process and penalty to repair scandal; the reduction, suspension, or removal of penalties for scandal; the remission of reserved penalties involving scandal; upholding clerical continence and celibacy and avoiding scandal; scandal arising from particular crimes; scandal from the failure of Church leaders to act; and the jurisprudence of the Signatura. Perpetrators of crimes cause enormous harm to victims. The resulting scandals from the crimes also cause great harm to the whole Church. With modern media, each report of abuse crimes around the world impacts on the faithful in every country. People cannot understand why the Church leadership has failed to deal with perpetrators appropriately, with catastrophic results for individual victims and the whole Church. The failures of bishops and superiors of religious institutes to act appropriately has undermined the credibility of the Church and resulted in many people ceasing to practise the faith. Both clergy and laity feel shame and isolation from the cover-ups by Church leaders that have resulted in a lack of confidence in the institutional Church. The Church leaders have not been transparent and have lost credibility. As Jesus taught, only the truth will set us free to be of service to the Church. Any attitude that covers up the truth is our enemy. Because of the incalculable harm of sexual abuse and other crimes, there must be appropriate penalties to restore justice and repair the scandal that has resulted.

1347*

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See above, canon 1341*.

1348/1348*

IC 63/125 (2023), 381-409: Supremo Tribunal de la Signatura Apostolica: Sentencia sobre el ejercicio del ministerio sacerdotal, de 26 de enero de

2019; Rafael Rodríguez-Ocaña: Limitaciones al ejercicio del ministerio tras sentencia absolutoria. (Sentence and comment)

See below, canon 1445.

1362*

CLSN 202/22, 51-77: George Woodall: Penal law, penal procedures and procedures relating to penal law. (Article)

See below, canon 1398*.

1362*

QDE 36 (2023), 78-103: Davide Salvatori: I delicta reservata al Dicastero per la dottrina della fede e le proprie fonti. (Article)

S. begins by examining how the list of reserved offences came into its present state. He then looks at the sources of the various offences in turn in the older pontifical legislation and in more recent law. He offers a particularly detailed consideration of the notion of a vulnerable adult (or person who habitually has an imperfect use of reason).

1364*

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See above, canon 1341*.

1371*

AnC 18 (2022) 2, 5-37: Rafał Kamiński: Hierarchiczna zależność a bezprawne działanie przełożonego. „Sygnalista” w Kościele (*Hierarchical dependence and unlawful actions of a superior. “Whistleblower” in the Church.*) (Article)

After explaining the meaning of the figure of the “whistleblower” under civil law, K. attempts to adapt this concept to canon law. He analyses the relevant provisions of the Code of Canon Law, paying particular attention to recent changes.

1371*

Canonist 13/2 (2022), 228-242: Brendan Daly: Mandatory Reporting of Abuse within the Catholic Church. (Article)

The mandatory reporting of sexual abuse by clerics and religious, introduced in 2019 by Pope Francis by means of the motu proprio *Vos estis lux mundi*, has been taken into account with the changes in Book VI of the CIC/83. D. looks at several implications of this requirement, including the manner of dealing with anonymous complaints; religious leaders failing to act; the new canon 1398* on sexual abuse; vulnerable people; abuse of authority; what is meant by a life of prayer and penance; paying for lawyers; and some proposals for particular law.

1371*

Canonist 14/1 (2023), 20-34: Pope Francis: Apostolic Letter *Vos Estis Lux Mundi (Aggiornata)* issued *Motu Proprio*; Rodger J. Austin: Notes on the revised *Motu Proprio Vos Estis Lux Mundi*. (Article)

A. indicates the differences between the original motu proprio *Vos estis lux mundi* of 7 May 2019 and the amended text of 25 March 2023.

1371*

Canonist 14/1 (2023), 35-56: George S. Mukaka: “Where there is no accuser there is no accused”. A comparative study of *VELM* art. 3 §2 and canon 1935 of the 1917 Code. (Article)

M. deals with the issue of “reporting” as articulated in art. 3 §2 of *Vos estis lux mundi*, comparing its thrust to that of canon 1935 of the CIC/17, for which there was no equivalent in the CIC/83 until the revision of Book VI and specifically the introduction of canon 1371 §6 with the Apostolic Constitution *Pascite gregem Dei* of 23 May 2021.

1378*

AnC 18 (2022) 2, 5-37: Rafał Kamiński: Hierarchiczna zależność a bezprawne działanie przełożonego. „Sygnalista” w Kościele (*Hierarchical dependence and unlawful actions of a superior. “Whistleblower” in the Church*). (Article)

See above, canon 1371*.

1378*

Canonist 13/2 (2022), 228-242: Brendan Daly: Mandatory Reporting of Abuse within the Catholic Church. (Article)

See above, canon 1371*.

1379*

IE XXXV (2023), 273-290: Antonio S. Sánchez-Gil: La reviviscenza del delitto di deliberata amministrazione di un sacramento a colui al quale è proibito riceverli. (Article)

Among the delicts against the sacraments in the new Book VI of the Code is the deliberate administration of a sacrament to someone prohibited from receiving it (canon 1379 §4). This conduct was punished in the CIC/17 but not in the CIC/83. The considerable disparity of opinions regarding the scope of this provision seems to be due not so much to the formulation of the penal norm as to the way in which the prohibitions from receiving the sacraments are formulated in the current law. This disparity makes it particularly appropriate that the evaluation of this delict take into account canonical tradition, bearing in mind canon 6 §2 in relation to canons that repeat the former law. To this end S.G. offers an overview of how the delict was interpreted in the period between the two codifications.

1386*

LJ 189 (2022), 142-156: John Poland: The Penal Consequences of the Violation of the Seal of Confession. (Article)

P. examines the various elements involved in the offence, or delict, of the violation of the seal of confession. He looks at issues relating to the subjects of the delict as well as the object of the offence, the imputability involved, and the penalties which are incurred. Some of the questions and issues raised are intended to be speculative in nature, and P.'s commentary draws on matters raised by commentators on the delict in the CIC/17, and the law of the *Corpus Iuris Canonici*. For this reason, the analysis is historically based, with references provided for future research.

1394-1395*

Canonist 14/1 (2023), 118-138: Brendan Daly: Scandal in the 1983 Code of Canon Law. (Article)

See above, canon 1341*.

1395*

CLSN 202/22, 51-77: George Woodall: Penal law, penal procedures and procedures relating to penal law. (Article)

See below, canon 1398*.

1395

Ius Comm XI (2023), 141-209: Romanae Rotae Tribunal: Sentencia coram Arellano, 7 julio 2021. Penal; Juan Manuel Cabezas Cañavate: Comentario. (Sentence and comment)

The Rota examined at second instance a case in which the first instance tribunal had found a priest guilty of concubinage with one woman and of an external delict involving scandal with another woman; it had cleared him of the delict of disobedience to the lawful exercise of authority of his diocesan bishop. The penalty imposed on the priest was that of dismissal from the clerical state, although the penalty was suspended under canon 1353 while the appeal was being heard. The Rotal sentence analyses the various delicts in canon 1395: specifically concubinage (in its material and formal elements) and the delict of continuing in “some other external sin against the sixth commandment of the Decalogue which causes scandal” (examining its “public” and “scandalous” aspects, and the need for it to be “continuing”). In his comment on the sentence C. praises the clarity of its exposition of the relevant elements of law, doctrine, and preceding Rotal jurisprudence.

1397*

CLSN 202/22, 78-91: Valerie Fleming: Abortion: canon 1397 §2, its relevance for Catholics today in the light of civil legislation and United Nations’ guidelines. (Article)

In the light of a civil case involving two Scottish midwives which ultimately denied them the right of conscientious objection in relation to the treatment of women undergoing abortions, F. compares the way in which abortion is

treated, on the one hand, in the 1967 Abortion Act and in a document issued by the World Health Organization in March 2022, and on the other, in the CIC/83, examining their meaning for canonists as well as for practising Catholic health professionals.

1398*

Canonist 14/1 (2023), 94-117: Giorgio Giovanelli: *Delicta Graviora: Legislative Evolution from 2001 to the present day.* (Lecture)

G. sets out the historical background to the abuse crisis; the Church's response, especially the *motu proprio Sacramentorum Sanctitatis Tutela* (SST) of 2001; the substantive and procedural rules of SST and subsequent amendments during the pontificate of Benedict XVI; and the proliferation of interventions under Pope Francis, culminating in *Vos estis lux mundi*.

1398*

Canonist 13/2 (2022), 228-242: Brendan Daly: *Mandatory Reporting of Abuse within the Catholic Church.* (Article)

See above, canon 1371*.

1398*

Canonist 13/2 (2022), 243-263: Rocío Figueroa – David Tombs: *Spiritual Abuse: A Case Study of the Servants of God's Plan.* (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. (See also *Canon Law Abstracts*, no. 130, p. 104.)

1398*

CLSN 202/22, 51-77: George Woodall: Penal law, penal procedures and procedures relating to penal law. (Article)

W. examines certain aspects of the reform of Book VI, addressing the interrelationship between substantive and procedural law, in order also to indicate some questions and anomalies that remain. He looks at the prescription of canonical crimes; “grooming” as a canonical crime; the meaning of “public” in canon 1395 §2*; the procedures for dismissal of a religious under canons 695-701; penal procedures and consecrated persons vis-à-vis dioceses; and the role of the diocesan bishop and the distinction of powers. He observes that the principles of attending sympathetically to complainants and victims of abuse should not set aside or dilute the principle of *in dubio pro reo* in penal or potentially penal proceedings.

1398*

Comm 54 (2022), 161-193: Dicastero per la Dottrina della Fede: *Vademecum* su alcuni punti di procedura nel trattamento dei casi di abuso sessuale di minori commessi da chierici, 5 giugno 2022. (Document)

In response to numerous questions about the procedures to be followed in those penal cases for which it is competent, the Dicastery for the Doctrine of the Faith has prepared this *Vademecum*, intended primarily for Ordinaries and other personnel needing to apply the canonical norms governing cases of the sexual abuse of minors by clerics. It is meant to serve as a handbook for those charged with ascertaining the truth in such criminal cases, leading them step by step from the *notitia criminis* to the definitive conclusion of the case. While not issuing new norms or altering current canonical legislation, this manual seeks to clarify the various stages of the procedures involved. Its use is to be encouraged, since a standardized praxis will contribute to a better administration of justice. Reference is made above all to the two Codes presently in force (CIC/83 and CCEO); the *Norms Regarding Delicts Reserved to the Congregation for the Doctrine of the Faith in the revised version* of 11 October 2021, issued along with the *motu proprio Sacramentorum sanctitatis tutela*, taking into account the revisions introduced by the *Rescripta ex Audientia* of 3 and 6 December 2019; the *motu proprio Vos estis lux mundi*; and, not least, the praxis of the Dicastery for the Doctrine of the Faith, which has in recent years become increasingly clear and consolidated.

A choice was made not to include in this *Vademecum* guidelines for carrying out the judicial penal process in the first grade of judgment, since it was felt that the procedure set forth in the present Codes is sufficiently clear and detailed. The document is prefaced by the following notes: The revised Book VI of the CIC entered into force on 8 December 2021 following the promulgation of the Apostolic Constitution *Pascite gregem Dei* of 23 May 2021. Nevertheless, regard should be had, in addition to the non-retroactivity of penal law, to that which is indicated in canon 1313: “§1 If a law is changed after an offence has been committed, the law more favourable to the offender is to be applied. §2. If a later law removes a law, or at least a penalty, the penalty immediately lapses.” Therefore, it is necessary to consider the former version of Book VI for delicts committed before 8 December 2021 and to verify its correct application. On 8 December 2021, the *Norms Regarding Delicts Reserved to the Congregation for the Doctrine of the Faith*, emended through the *Rescriptum ex Audientia* of 11 October 2021 and published on 7 December 2021, came into effect. The indications provided in this *Vademecum* refer to those *Norms*.

1398*

EIC 63 (2023), 263-294: Luciano Eusebi: Magistero sulla pena e pena canonica: due variabili indipendenti? (Article)

Taking the reform of Book VI of the Code as his starting point, E. dwells on the challenges arising from the *delicta reservata* in the area of child abuse. He sets the necessary need for the protection of victims against the need for guarantees in favour of the offender with a view to a penal system that is not exclusively oriented towards retributive ends, but is based on restorative justice models. He carries out a critical analysis of the recent reforms and sets out future perspectives on prevention.

1398*

Ius Comm XI (2023), 115-138: Yeshica Marianne Umaña Calderón: La participación de la víctima de abuso sexual clerical en el proceso canónico. (Article)

U.C. explores the extent to which the rules governing the canonical penal process are adequate for cases in which the crime has caused harm within the personal sphere of the individual. She first deals with the current position of the alleged victim as a witness in the canonical penal process and the problems that such a position entails. Subsequently she looks at the rights of

the alleged victim in the preliminary investigation, in accordance with the *Vademecum* on certain points of procedure (Dicastery for the Doctrine of the Faith, 5 June 2022: see above), briefly mentioning the possibility of receiving compensation by way of damages. In addition she explores the importance of the use of appropriate terminology to refer to victims or alleged victims in penal proceedings. She concludes with some proposals that would allow victims of sexual abuse in the Church a real restoration of justice, considering the particularities of canon law and the rights of the accused that also need to be recognized.

1398*

Per 112 (2023), 63-85: Marcelo Gidi: Il can. 1398 perché è un reato? Analisi alla luce della teoria penale del bene giuridico. (Article)

With the Apostolic Constitution *Pascite gregem Dei*, Pope Francis reordered and restructured Book VI of the 1983 Code. One of the principal modifications was a major change to an offence that had been part of canon 1395 §2, namely, offences against the Sixth Commandment perpetrated by a cleric against a minor. The major alteration was the canon's relocation: this offence is no longer located under the title of "Offences against special obligations" but under a new title of "Offences against human life, dignity, and liberty". In this presentation to a conference at the Pontifical Gregorian University in Rome concerning interdisciplinary perspectives on human dignity in March 2022, G. asks the question: why is canon 1398 a crime? He then goes on to analyse the matter in the light of the criminal theory of legal values. In this perspective, the behaviours identified in canon 1398 are not simply breaches of a certain sexual conduct but rather an assault on the dignity of the minor involved.

BOOK VII: PROCESSES

1427

AnC 19 (2023) 1, 65-69: Kinga Karsten: Czy duchowny diecezjalny może pozwać prowincjała i prowincję przed sąd diecezjalny? (*Can a secular cleric sue a provincial and a province in diocesan tribunal?*) (Article)

See above, canon 221.

1442-1445

AnC 18 (2022) 2, 57-71: Tomasz Rozkrut: Centralne instytucje wymiaru sprawiedliwości Kościoła według konstytucji apostołkiej papieża Franciszka „*Praedicate Evangelium*” (*The Church’s central justice institutions in Pope Francis’s Apostolic Constitution “Praedicate Evangelium”*). (Article)

See above, canon 360.

1443-1445

Ius 14, 1 (2023), 63-84: Benny Sebastian Tharakunnel: Administration of Justice According to *Praedicate Evangelium*. (Article)

See above, canon 360.

1445

IC 63/125 (2023), 381-409: Supremo Tribunal de la Signatura Apostolica: Sentencia sobre el ejercicio del ministerio sacerdotal, de 26 de enero de 2019; Rafael Rodríguez-Ocaña: Limitaciones al ejercicio del ministerio tras sentencia absolutoria. (Sentence and comment)

The Apostolic Signatura declared that there had been a violation *in decernendo* on the part of the then Congregation for Clergy in confirming a decree of a bishop which imposed severe limitations on the exercise of the ministry of a priest who, previously, had been absolved by the Congregation for the Doctrine of the Faith from the delict of abuse, for lack of proof. Relying on a mistaken interpretation of canon 1348 (probably based on the situation as it applied under the previous Code: cf. CIC/17, canon 1869 §4),

the bishop took the view that the absolution the priest had received related to the accusation rather than to the delict itself, for which there was insufficient evidence. The absolution was therefore relative and did not become adjudged matter: hence it was open to the bishop, in his view, to impose prohibitions on the exercise of the priest's ministry. Such a view however is no longer sustainable, and the person absolved cannot be made to suffer the consequences of a guilty verdict, since he enjoys the presumption of innocence.

1445

IE XXXV (2023), 211-243: Supremo Tribunale della Segnatura Apostolica: Prot. n. 39967/07 CA, *Competentiae*, 16 gennaio 2009 (decreto); Prot. n. 48837/14 CA, *Competentiae*, 5 marzo 2014 (risposta al dubbio) [il testo e la traduzione], con commento di Ilaria Zuanazzi, *La competenza della Segnatura Apostolica a trattare le questioni relative alle attribuzioni delle istituzioni curiali: conferme e innovazioni nella costituzione apostolica Praedicate Evangelium*. (Documents and comment)

The Apostolic Signatura (prior to the promulgation of *Praedicate Evangelium*) was called upon to decide: 1. the question of competence, as between the Congregation for the Doctrine of the Faith and the Congregation for Clergy, for a hierarchical recourse made by a priest who had been dismissed from the clerical state; the recourse was specifically in relation to the priest's sustenance under canons 281 §§1-2 and 384, and the Signatura concluded that the Congregation for Clergy was competent to deal with it; and 2. a doubt over the competence of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life to deal with a recourse from a cleric who had been placed under certain restrictions in relation to minors; the Signatura decreed that the Congregation was competent to deal with the matter. In her comment, Z. examines the provisions of *Praedicate Evangelium* relating to the Signatura's involvement in questions of the competence of Dicasteries (PE, III, art. 22), and the function of the Signatura in relation to conflicts of competence between Dicasteries and in relation to doubts concerning the competences of curial institutions.

1478-1479

J 79 (2023), 1-40: John P. Beal: Oops ... I Did It Again, or Britney Spears at the Marriage Tribunal: The Appointment of Guardians for Incompetent Parties in Marriage Nullity Cases. (Article)

Since at least Roman times, jurists have been concerned that the fairness of judicial proceedings can be undermined when one of the parties to the process is mentally impaired. As a result, the law has made provision for the recognition or appointment of guardians to act on behalf and protect the rights of the impaired in processes. After a brief overview of the American law governing guardians or conservators, B. examines how the problem of mentally impaired parties is dealt with in canon law: the recognition or appointment of guardians, the circumstances when guardians are required, the procedure for the appointment of guardians, and the role of guardians in the process itself. He concludes by examining some problematic practices of marriage tribunals: the appointment of guardians *ad cautelam*, the routine appointment of guardians in all or most cases, the appointment of guardians for respondents judged “dangerous”, and the appointment of guardians for respondents judged “disruptive”.

1509

J 79 (2023), 211-274: Tribunal of the Roman Rota: 1. Decree *coram Erlebach, Liccanen., Nullitatis matrimonii; Praeiud.: Querelae nullitatis et Novae causae propositionis*, B. 92/2019, July 18, 2019; 2. Decree *coram Caberletti, Chicagien., Nullitatis matrimonii; Prael.: Nullitatis sententiae et An app. mere dilat. habenda sit, necne*, B. 21/2020, February 18, 2020; Mario Ferrante: Notification of Judicial Acts and the *Ius defensionis*: A Commentary on Two Rotal Decrees. (Decrees and comment)

The two decrees of the Roman Rota commented on here by F. deal with an issue of objective relevance for the canonical process of matrimonial nullity: the relationship between the correct notification of procedural acts (*acta iudicialia*) and the right of defence (*ius defensionis*). The *ius defensionis* is a “dynamic” right that must be effectively protected by guaranteeing – to each of the parties and at every moment of the process – the concrete and not only theoretical possibility of acting and resisting in the tribunal. F. examines the methods of notifying judicial acts in canon law and proof of notification (canon 1509), and the relationship between the proper notification of the judicial acts, the right of defence, and derived nullity (where the invalidity of one act may reverberate on another, when the invalid act constitutes the

unique and inescapable prerequisite of the subsequent act). F. concludes with some reflections on the scope for flexibility in the strict regime of notifications in certain circumstances, and on the distinction between notification “begun”, “attempted”, and “completed”. The analysis of the two decrees shows how respect for the right of defence *in concreto* – that is, in the dynamic phase of the trial – is closely connected to a proper system of notifications implemented by the tribunal and is essential for the correct administration of canonical justice.

1513-1514

SC 57 (2023), 295-323: Roman Rota: Decree *coram* Jaeger, 18 July 2019 (USA). Pre-judicial question: nullity, or non-existence, of the judgement. (Sentence)

See above, canon 1153.

1524

Per 112 (2023), 1-42: G. Paolo Montini: La rinuncia all’appello del difensore del vincolo nel nuovo processo di nullità matrimoniale (can. 1636 §2). (Presentation)

See below, canon 1636.

1558-1571

Ius Comm XI (2023), 115-138: Yeshica Marianne Umaña Calderón: La participación de la víctima de abuso sexual clerical en el proceso canónico. (Article)

See above, canon 1398*.

1608

SC 57 (2023), 171-228: Joaquín Llobell†: Due Process and the “Administrativization” of the Canonical Penal Procedure. (Article)

See above, canon 221.

1611

SC 57 (2023), 295-323: Roman Rota: Decree *coram* Jaeger, 18 July 2019 (USA). Pre-judicial question: nullity, or non-existence, of the judgement. (Sentence)

See above, canon 1153.

1636

Per 112 (2023), 1-42: G. Paolo Montini: La rinuncia all'appello del difensore del vincolo nel nuovo processo di nullità matrimoniale (can. 1636 §2). (Presentation)

The most significant modification to the law introduced by *Mitis Iudex Dominus Iesus* was the abolition of the necessity of a double conforming sentence in cases of matrimonial nullity. Since that time, the responsibility of the defender of the bond in the process has been greatly increased in terms of the institutional defence of the bond of marriage. In this presentation to the 55th Colloquium of the Canon Law Faculty of the Pontifical Gregorian University in 2021, M. discusses the role of the defender of the bond at first and second instance in relation to the decision to renounce the appeal (at first instance) or to renounce the instance (at second instance). He highlights some scenarios in which there is a high risk of injustice and even illegality if the defender of the bond does not act appropriately. At the end, he offers some suggested solutions to obviate the difficulties highlighted and ensure the correct observance of the procedures.

1644

J 79 (2023), 41-98: William L. Daniel: The New Proposition of a Cause of Matrimonial Nullity before the Local Appellate Tribunal (cf. *CIC* c. 1681; *CCEO* c. 1367). (Article)

See below, canon 1681.

1671

Comm 54 (2022), 102-106: Pope Francis: Udienza al Tribunale della Rota Romana in occasione dell'inaugurazione dell'Anno Giudiziario, 27 gennaio 2022. (Address)

During this year dedicated to the family as an expression of the joy of love, there is the opportunity to reflect on synodality in matrimonial nullity proceedings. Although synodal work is not strictly procedural in nature, it should be placed in dialogue with judicial activity, in order to foster a more general rethinking of the importance that the experience of the canonical process has for the lives of the faithful who have experienced a marriage failure and, at the same time, for the harmony of relationships within the ecclesial community. The same objective of the shared seeking of the truth must characterize every phase of the judicial process. Synodality in processes implies a *constant* exercise of listening. Another aspect of the synodality of the processes is discernment. The outcome of this journey is the sentence, the fruit of attentive discernment that leads to an authoritative word of truth on the personal experience, thus highlighting the paths that can open from there. The sentence must therefore be comprehensible to the persons involved: only in this way will it become a moment of special significance in their human and Christian journey.

1671-1691

Canonist 13/2 (2022), 122-175: Michael-Andreas Nobel: Preliminary Inquiry in Marriage Nullity Procedures. (Article)

Looking at the topic of the preliminary inquiry in marriage cases, N. examines the development of canonical procedural law, the formal judicial and the summary (administrative) processes, the *commissarius* in Austria in the mid-19th century, the preliminary inquiry prior to the CIC/17 (the Third Plenary Council of Baltimore 1884; the *Regulae Servandae* of the Apostolic Tribunal of the Roman Rota, 1910) and in the CIC/17 itself, the Instruction *Provida Mater* of 1936, and the preliminary inquiry in current legislation (the CIC/83 as amended by the motu proprio *Mitis Iudex* of 2015, and the Instruction *Dignitas Connubii* of 2005), with a view to clarifying what is a preliminary inquiry specifically in the context of marriage procedures, who conducts it, when it is conducted, and what is sought with its application.

1671-1691

Ius 14, 1 (2023), 85-104: Alex Velacherry: Pastoral or Pre-Judicial Investigation: A Canonical Provision for the Lay Participation in the Synodal Church. (Article)

See above, CCEO canons 1357-1377.

1679-1682

IC 63/125 (2023), 143-180: Marc Teixidor: La posible y necesaria perentoriedad de los plazos de apelación contra una sentencia *pro vinculo*. (Article)

Since the reform of marriage nullity causes came into effect in 2015, the consensus has been that the peremptory nature of the time limits for introducing and pursuing an appeal applies only to *pro nullitate* judgments, not to *pro vinculo* judgments that may be subject to later appeal. From an exegetical, historical, and dogmatic point of view, there are good reasons to hold that *pro vinculo* judgments also benefit from the peremptory nature of time limits for appeals. The peremptory status of such *pro vinculo* judgments is possible *de iure condito*, and both necessary and desirable *de iure condendo*.

1681

J 79 (2023), 41-98: William L. Daniel: The New Proposition of a Cause of Matrimonial Nullity before the Local Appellate Tribunal (cf. *CIC* c. 1681; *CCEO* c. 1367). (Article)

Included within the competence of the local appellate tribunal is its ability and duty to receive the new proposition of a cause already decided at the first instance tribunal without the interposition of an appeal. Although the general norms on trials present this remedy of law as one available against a double conforming sentence in causes concerning the status of persons, the specific norms on the marriage nullity process provide for it even against a single sentence. Against an executive affirmative sentence issued in first instance, the legitimate party may request a new examination of the cause before either the local appellate tribunal or the Roman Rota, provided that he or she present new and grave proofs or arguments that probably demand a contrary decision. Against an unappealed negative sentence after expiration of the time limits for appealing, the cause may be simply presented before the local appellate tribunal or the Roman Rota with a motivated request for its reformation, or

correction, without needing to indicate any new and grave proofs or arguments.

1683-1687

IE XXXV (2023), 9-30: Daniel Moreira Miguel: *I rerum personarumque adiuncta e i requisiti materiali d'ammissione nel processus matrimonialis brevior coram episcopo (can. 1683, 2°)*. (Article)

M. analyses the admission requirements for the briefer process according to can. 1683 2°: the manifest nullity and the absence of the need for a more accurate inquiry or investigation. He shows how the circumstances of things and persons are of particular relevance for the judicial vicar's evaluation, and how the circumstances refer not only to the evaluation concerning the evidence of nullity, but also to the brevity of the instruction.

1683-1687

IM 34 (2023), nr 1, 129-148: Jerzy Adameczyk: *Rola biskupa diecezjalnego w procesie skróconym o nieważność małżeństwa (The role of the diocesan bishop in the abbreviated process for nullity of marriage)*. (Article)

A. outlines the role of the diocesan bishop in the abbreviated process for nullity of marriage. The bishop is the only judge here and cannot delegate this authority to anyone. The first part of the article presents the reasons for the application of the abbreviated process. The second part presents the formal elements necessary to initiate the abbreviated process, while the third part is devoted to the issues of the diocesan bishop as the only judge in the process.

1698

PS LVIII 175 (2023), 55-83: Danilo R. Flores: *The Exercise of the Potestas Vicaria of the Roman Pontiff: Perfect and Harmonious Interaction of Fides, Ratio atque Ius*. (Article)

See above, canon 1142.

1717

QDE 36 (2023), 104-128: Luigi Sabbarese: *Responsabilità e competenze dei superiori maggiori degli istituti di vita consacrata e società di vita*

apostolica nella tutela dei minori e nel perseguimento degli abusi sessuali commessi da chierici e/o religiosi. (Article)

See above, canon 620.

1717-1718

Ius Comm XI (2023), 115-138: Yeshica Marianne Umaña Calderón: La participación de la víctima de abuso sexual clerical en el proceso canónico. (Article)

See above, canon 1398*.

1717-1719

Canonist 13/2 (2022), 217-227: Giorgio Giovanelli: The *Investigatio Praevia* and the Role of the Ordinary for Criminal Procedures. (Article)

G. looks at the issue of pre-trial activity in the canonical penal sphere. He starts from a legislative perspective, highlighting its main features, and, by comparison with civil legislation, its critical points. He points out the importance of pre-trial activities which will have a bearing on subsequent decisions in the case, including the final one. He also seeks to identify how the persons involved in the case, first and foremost the person accused, are or are not afforded the necessary guarantees of protection from the very outset.

1717-1728

SC 57 (2023), 171-228: Joaquín Llobell†: Due Process and the “Administrativization” of the Canonical Penal Procedure. (Article)

See above, canon 221.

1717-1731

CLSN 202/22, 51-77: George Woodall: Penal law, penal procedures and procedures relating to penal law. (Article)

See above, canon 1398*.

1740-1741

IE XXXV (2023), 31-54: Armand Paul Bosso: Une codification déontologique du ministère du cure? (Article)

See above, canons 515-552.

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Anuario de Derecho Canónico
- Apollinaris
- Bogoslovni vestnik
- The Canonist
- Claretianum
- Communicationes
- Ephemerides Iuris Canonici, new series
- Ephrem's Theological Journal
- Estudio Agustiniiano
- Estudios Eclesiásticos
- Folia Theologica et Canonica
- Forum Canonicum
- Forum Iuridicum
- Indian Theological Studies
- Immaculate Conception School of Theology Journal
- Irish Theological Quarterly
- Ius Canonicum
- Ius Communiois
- Ius Ecclesiae
- Ius Matrimoniale
- Iustitia: Dharmaram Journal of Canon Law
- Journal of Sacred Scriptures
- The Jurist
- Laurentianum
- Law and Justice
- Louvain Studies
- Periodica
- Philippiniana Sacra
- Quaderni di Diritto Ecclesiale
- Quærens
- Revista Mexicana de Derecho Canónico
- Revue de Droit Canonique
- Revue Théologique de Louvain
- Salesianum
- Studia Canonica
- Teología y Vida
- Vida Religiosa
- Vidyajyoti

ABBREVIATIONS, PERIODICALS, AND ABSTRACTORS FOR THIS ISSUE

AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
Ang	Angelicum, Rome – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
CLSN	Canon Law Society Newsletter, London – Editor.
Comm	Communicationes, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
ETJ	Ephrem’s Theological Journal, Satna, India – Abstracts supplied by publisher.
FThC	Folia Theologica et Canonica, Budapest – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
IM	Ius Matrimoniale, Uniwersytet Kardynała Stefana Wyszyńskiego, Warsaw – Abstracts supplied by publisher.
Ius	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
J	The Jurist, Washington – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.

PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
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.
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., ISBN 978-643-91509-2 (reviewed by Vinay Kumar Ekka in *Vid 87 5/23*, 395-398)
- Orazio CONDORELLI – Rafael DOMINGO (eds.): *Law and the Christian Tradition in Italy: The Legacy of the Great Jurists*, Routledge, London and New York, 2021, xiii + 468pp., ISBN 978-0-367-85710-3 (reviewed by Robert Ombres in *ELJ 25 [2023]*, 98-100)
- D. L. D'AVRAY: *Papal Jurisprudence, 385-1234. Social Origins and Medieval Reception of Canon Law*, Cambridge University Press, 2022, xi + 320pp., ISBN 978-1-108-47300-7 (reviewed by Nicolás Álvarez de las Asturias in *IC 63/125 [2023]*, 459-463)
- Rafael DOMINGO – John WITTE JR (eds.): *Christianity and Global Law*, Routledge, Oxford, 2020, xiii + 429pp. ISBN 978-0-367-85816-2 (reviewed by Christopher Grout in *ELJ 25 [2023]*, 262-266)
- John D. FARIS – Jobe ABBASS (eds.): *A Practical Commentary on the Code of Canons of the Eastern Churches*, 2 vols, Wilson and Lafleur (Gratianus series), Montreal, 2019, 3209pp., ISBN 978-2-924974-03-2 (reviewed by Pius Collins in *CLSN 203/23*, 167-168)
- Massimo FAGGIOLI (introduction): *The Apostolic Constitution "Preach the Gospel" (Praedicate Evangelium)*, Liturgical Press, Collegeville, MN, 2022, liv + 116pp., ISBN 978-0-8146-6853-5 (reviewed by John A. Renken in *SC 57 [2023]*, 329-330)
- Judith HAHN: *Church Law in Modernity: Toward a Theory of Canon Law Between Nature and Culture*, Cambridge University Press, Cambridge, 2019, 270pp., ISBN 978-1-108-48325-4 (reviewed by John Hadley in *CLSN 202/22*, 92-95)

- R.H. HELMHOLZ: *The Profession of Ecclesiastical Lawyers: An Historical Introduction*, Cambridge University Press, New York, 2019, 248., ISBN 978-1108499064 (reviewed by Patricia Dugan in CLSN 202/22, 95-96)
- Rafael LUCIANI (foreword by Peter Hünnermann; tr. Joseph Owens): *Synodality: A New Way of Proceeding in the Church*, Paulist Press, Mahwah, NJ, 2022, xvi + 188pp., ISBN 978-0-8091-5611-5 (reviewed by John A. Renken in SC 57 [2023], 337-338)
- Michael J. MAZZA: *The Right of a Cleric to Bona Fama*, PUSC, Rome, 2022, 399pp., ISBN 978-0-991325-42-9 (reviewed by Brian T. Austin in SC 57 [2023], 341-342)
- Michael NOBEL: *The Use of Means of Social Communication in the Context of Procedural Law. Questions and Suggestions on the Advantages of Using the Internet at Local Tribunals for Marriage Cases in the Canadian Context*, Gratianus Series, Wilson & Lafleur, Montreal, 2021, 255pp., ISBN 978-2-924974-07-00 (reviewed by Valerie Fleming in CLSN 202/22, 97-98)
- Michael NOBEL: *Pastor Bonus – Praedicate Evangelium: Synopsis*, Kindle Direct Publishing, Ottawa, 2022, 307pp., ISBN 979-8839498983; and *Pastor Bonus – Praedicate Evangelium: Commentary*, Kindle Direct Publishing, Ottawa, 2022, 302pp., ISBN 979-8842920068 (reviewed by John A. Renken in SC 57 [2023], 346-347)
- Walter OXLEY – Ulrich RHODE (eds.): *A Treasure to be Shared: Understanding Anglicanorum coetibus*, The Catholic University of America Press, Washington DC, 2022, xi + 182 pp. ISBN 978-0-8132-3516-5 (reviewed by W. Becket Soule in ELJ 25 [2023], 106-108)
- Biju Varghese PERUMAYAN: *The Oriental Code (CCEO) and the Newly Revised Penal Law of the Latin Code (CIC) – A Review*, Dharmaram Canonical Studies 30, Dharmaram Publications, Dharmaram College, Bengaluru, 2023, vi + 97pp. (reviewed by Benny Sebastian Tharakunnel and Jeswin Arackamyail in Ius 14, 1 [2023], 159-161)
- David FERNÁNDEZ PUYANA – Carmen PARRA RODRÍGUEZ – Santiago RIPOL CARULLA – Yanlin YU – Otto SEGURA (eds.): *Multilateralism, Human Rights and Diplomacy: A Global Perspective*, University for

Books Reviewed

Peace, Geneva, 2022, 722pp. (reviewed by Fernando Chica Arellano in *IE XXXV* [2023], 330-333)

- Réginald-Marie RIVOIRE (tr. William Parker): *Does “Traditionis custodes” Pass the Juridical Rationality Test?*, *Os Justi Studies in Catholic Tradition* 2, Os Justi Press, Lincoln NE, 2022, vii + 97pp., ISBN 9798362804633 (reviewed by Vincent Woo in *J* 79 [2023], 276-277)
- Alfons Maria STICKLER (tr. Brian Ferme): *The Case for Clerical Celibacy: Its Historical Development and Theological Foundations*, Ignatius Press, San Francisco, 2019, 93pp., ISBN 978-1-62164-354-8 (reviewed by David Howell in *CLSN* 202/22, 98-100)
- Anders WINROTH – John C. WEI (eds.): *The Cambridge History of Medieval Canon Law*, Cambridge University Press, Cambridge, 2022, xx + 617pp., ISBN 978-1-107-02504-2 (reviewed by Pius Collins in *CLSN* 203/23, 168-169; also by Andrew Lewis in *ELJ* 25 [2023], 266-268)

BOOKS RECEIVED

- Davide DIMODUGNO: *Gli edifici di culto come beni culturali in Italia. Nuovi scenari per la gestione e il riuso delle chiese cattoliche tra diritto canonico e diritto statale*, Università degli Studi di Torino, Turin, 2023, 414pp., ISBN 978-88-7590-260-5 [see above, canon 1222]

The text of the above publication is also available online at:
<https://www.collane.unito.it/oa/items/show/145>

An English translation of the introduction is available at:
<https://canopyforum.org>
[follow the links Read/Literature Highlights/October 10, 2023]

- Edoardo M. PALMA (ed.): *La vocazione universale della Chiesa. Gesù e gli uomini: una sola vita, un solo corpo*, Cittadella Editrice, 2023, 255pp., ISBN 9-78830-818668 [see above, General Subjects (*Legal theory*)]