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

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GENERAL SUBJECTS

Comparative law

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

De concordia inter Codices (16 September 2016) modifies 10 canons of the CIC/83. It introduces into the CIC/83 the provisions of canon 833 of the CCEO and seeks to harmonize the provisions of both Codes. The harmonization of laws is intended to counter the process of Latinization. The persecution of Eastern-rite Christians in Syria and Lebanon and their extensive emigration led the Holy See in 1860 to set up the Congregation for Eastern Christians and to hold meetings of Eastern Patriarchs in 1894. This led to the Apostolic Letter *Orientalium dignitas*, which set down the fundamental principles to be observed. These were developed further in the Vatican II Decree *Orientalium Ecclesiarum* (1964). The Ecumenical Directory (1993) and the Instruction for the Application of Liturgical Norms of the CCEO (1996) offer further clarifications. The most recent document of the Congregation for the Eastern Churches, *Pontificia praecepta de clero uxorato* (2014), allows the Eastern discipline concerning married clergy to be followed in Latin-rite territories. P. points out an anomaly: at marriages of Eastern-rite Christians and Orthodox Christians in the presence of an Orthodox minister, intercommunion is not permitted.

AnCrac 52 (2020), 237-246: Piotr KroczeK: The Rights and Duties of Catholic Parish and Evangelical-Augsburg Parish: Ecumenical Perspective. (Article)

See below, canon 515.

Ap XCH (2020), 229-265: Paolo Gherri: Amministrazione e gestione dei beni temporali della Chiesa: apporti teoretici per una concettualizzazione canonistica. (Article)

See below, canon 1279.

ELJ 26 (2024), 20-40: Nicholas Mostyn: Voidable Marriages. (Article)

M. critiques the decision of the Court of Appeal in *Re SA (Declaration of Non-Recognition of Marriage)* [2023] EWCA Civ 1003, which he argues is conceptually challenging, based on a misreading of the statutory language, and directly contrary to long-established and powerful authorities. Unless corrected by the Supreme Court, the Court of Appeal seems to have annihilated centuries of canonical, theological as well as common law jurisprudence concerning the status of voidable marriages.

ELJ 26 (2024), 181-194: Renae Barker: When a doctrine is not a doctrine: understating the intersection of civil and canon law and the ‘doctrine’ of marriage in the Anglican Church of Australia. (Article)

B. explores the interpretation and application of the term “doctrine” within the Anglican Church of Australia and its implications in Australian civil law, particularly anti-discrimination legislation.

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

In the context of the ecclesiastical process for declaring the nullity of a marriage contracted by a Catholic party with a Muslim, K. compares selected provisions of the CIC/83 and Islamic law that apply to the formation of marriage, its nature and legal consequences, the rights of the husband and wife, the legal status of a married woman, and the upbringing of offspring. An analysis of the laws of the Latin Church and Islam reveals that the two legal systems, in regulating the vast majority of issues related to marriage and the family, are not only divergent but completely incompatible, contradictory, and irreconcilable.

REDC 79 (2022), 161-219: Pedro Martín Rodríguez: Estudio comparado del tratamiento de la presunción de inocencia en el derecho civil español y canónico. (Article)

M.R. compares the presumption of innocence in Spanish law and canon law.

Compilations

IC 64/127 (2023), 351-382: Joaquín Sedano: Crónica de Derecho Canónico de 2023. (Compilation)

In this review of the more significant canonical developments in 2023, S. mentions the writings, decisions, and discourses of the Roman Pontiff, including his Address to the Roman Rota (27 January 2023) on the need to rediscover the significance and value of the matrimonial union between a man and a woman on which the family is based; the approval of the new statutes of the Institute for Works of Religion (IOR) (30 January 2023); the *motu proprio Il diritto nativo* establishing that all goods of the various institutions that make up the Holy See are public ecclesiastical goods (20 February 2023); the *motu proprio Vocare peccatores* reforming some penal canons of the CCEO (20 March 2023); the *motu proprio Expedit ut iura* modifying the time limits within which a religious expelled from an institute of consecrated life may place a recourse (2 April 2023); the *motu proprio Iam pridem* depriving some members of the patriarchal and major archiepiscopal Churches of a deliberative vote when they have turned 80 years of age (16 April 2023); the renewal of the Council of Cardinals (7 March 2023); a decree on the full legal representation of the Second Section of the Dicastery for Evangelization (17 March 2023); the definitive version of the Apostolic Letter *Vos estis lux mundi* (25 March 2023); a *rescriptum ex audientia Sanctissimi* establishing that in the case of *sede vacante* the ordinary administration and controlling function of the Office of the Auditor General continues (24 April 2023); a *motu proprio* modifying canons 295 and 296 of the CIC/83 on personal prelatures (8 August 2023); norms for the exarchate for Ukrainian Catholics of Byzantine rite in Italy (28 August 2023); a *rescriptum ex audientia Sanctissimi* establishing that the Pope's signature at the foot of any document that comes within the competence of the doctrinal section of the Dicastery for the Doctrine of the Faith (even if it antedates the rescript) expresses his approval and authorization, in the event of that document being published (21 October 2023); a message to the *Consociatio Iuris Canonici Promovendo* on its 50th anniversary (1 December 2023); and various decrees of erection and reorganization of ecclesiastical circumscriptions. The review mentions other significant documents and activities of the Roman Curia in 2023, including a letter of the Secretariat of State to the President of the German Bishops' Conference stating that no bishop can be obliged to take part in the Synodal Commission and that no one has the right to set up a Synodal Council at national, diocesan, or parish level (16 January 2023); responses from the Dicastery for the Doctrine of the Faith on: 1. the possible participation of homosexual and transsexual persons in the sacraments of baptism and

marriage (31 October 2023); 2. freemasonry, confirming that those who consciously and formally join masonic lodges are in a state of grave sin and cannot receive Holy Communion (13 November 2023); 3. the conservation of ashes (9 December 2023); and 4. Eucharistic Communion for single mothers (13 December 2023); the same Dicastery's Declaration *Fiducia supplicans* on the pastoral meaning of blessings (18 December 2023); two communications from the Dicastery for Divine Worship and the Discipline of the Sacraments to the German bishops stating that: 1. dispensations from *Traditionis custodes* may be granted only by the Apostolic See and not by the diocesan bishop (20 February 2023), and 2. lay persons may not be allowed to preach homilies or confer baptisms (29 March 2023); the publication of the Constitution of the Commission of New Martyrs by the Dicastery for the Causes of Saints (5 July 2023); agreements between the Pontifical Commission for the Protection of Minors and the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (21 April 2023) and the Dicastery for Clergy (26 May 2023); the launch of the Family Global Compact by the Dicastery for Laity, Family and Life and the Pontifical Academy of Social Sciences (30 May 2023); a private response of the Dicastery for Legislative Texts on the correct interpretation of the canons on sacred objects with reference to a reliquary (16 January 2023); and the announcement by the Vatican Press Office of novelties concerning the XVI Ordinary General Assembly of the Synod of Bishops, notably that – as distinct from what is provided in canon 346 §1 – the Synod ceases to be exclusively episcopal.

The following section of the review is dedicated to the diplomatic activity of the Holy See during 2023, including diplomatic relations with Oman; the suspension of relations with Nicaragua; relations with China; and accords with Vietnam and Kazakhstan.

Details are also provided of documentation and activity of the Spanish Episcopal Conference in 2023.

RDC 73/2 (2023), 221-360: « Pouvoir sacré » et séparation des pouvoirs dans l'Église. (Compilation)

This issue of RDC contains the proceedings of a seminar held at the Catholic University of Lille on 9 May 2023 on sacred power and the separation of powers in the Church. It contains contributions from **Benoît-Dominique de La Soujeole** on sacred power and sacramental power in the Church; **Martin Pinet** on a historical approach to the separation of powers in the Church, from the order-jurisdiction bipartition to the *tria munera*; **Gabriel Planchez** on the relationship between the sacramentality of the Church and the *tria munera*;

Jean-Marie Donegani on the Church and democracy; **Jean-François Chiron** on Vatican II and the unified presidency of the three ecclesial functions; **Brigitte Cholvy** on an evangelical critique of the notion of the sacred; **Thibault Joubert** on canonical perspectives on the separation of powers in the Church; and some final reflections from **Gérard Le Stang**.

SC 58 (2024), 7-430: Reframing the Understanding of Participation in Mission and Leadership in a Synodal Church – A Research Project of the Peter and Paul Seminar. (Compilation)

See below, General Subjects (*Ecclesiology*).

Merlin Rengith Ambrose (ed.): Aggiornamento in Canon Law. Theory and Praxis. (Book)

This book contains the proceedings of a conference organized by the Conference of Catholic Bishops of India on the development of canon law and responses to evolving contexts, needs, and circumstances. The book contains contributions from **Juan Ignacio Arrieta** on the role of the Dicastery for Legislative Texts in the season of reform; **Elias Frank** on the preliminary investigation (canons 1717-1719); **Varuvel G. Dhas** on the praxis of the Dicastery for the Doctrine of the Faith after the preliminary investigation in cases of *graviora delicta* involving the abuse of minors; **John Anthony Renken** on financial malfeasance in the revised Book VI; **Alex Vadakumthala** on the Church's synodal mission and the emerging revision in canonical legislations; **Jesu Pudumai Doss** on canonical issues concerning the rapport between bishops and religious; **Sebastian Payyappilly** on various emerging canonical issues (LGBTQA+ and the institution of marriage; persons in irregular marriages and the reception of sacraments; women and holy orders); and **Merlin Rengith Ambrose** on recent amendments in canon law (lay ministry of lector and acolyte; shift from *approbatio* to *confirmatio*; incardination; personal prelatures; erection of institutes of diocesan right; non-cleric heading a clerical institute; order of consecrated virgins; visitation; administration and alienation in monastery *sui iuris*; leave of absence from monastery of nuns; entry into and dispensation from monastery of nuns; exclaustation; exclaustation from monastery of nuns; departure from temporary profession; *ipso facto* dismissal from religious institute; mandatory dismissal; monastery *sui iuris* and the role of the bishop in the decision on dismissal; confirmation of the decree of dismissal; extension of days for the recourse; reduction of Mass obligations; alterations to pious will other than

Mass obligations; penal sanctions in the Church). (For bibliographical details see below, Books Received.)

Ecclesiology

Ius Comm XII (2024), 57-68: Nicolás Álvarez de las Asturias: ¿Traduttore, traditore? La recepción de la doctrina conciliar en el CIC’83 y su especificidad. (Article)

The reception of the ecclesiological doctrine of the Second Vatican Council in the CIC/83 was the result of the work, carried out in a specific historical context, in which various concrete options were taken. Á. highlights some of them, with the double intention of better understanding the final result and of being able to evaluate it critically in relation to the present moment.

Ius Comm XII (2024), 69-76: Gabriel Richi Alberti: Respuesta a la ponencia del Prof. Dr. D. Nicolás Álvarez de las Asturias “¿Traduttore, traditore? La recepción de la doctrina conciliar en el CIC’83 y su especificidad”. (Article)

R.A. points out three common research cores for theology and canon law: the reception by the People of God of the teaching and discipline of the Church; the necessary and always ongoing reform of the Church itself, but understood in a missionary way; and the category of Christian faithful, as the basis of canon law as a whole.

Ius Comm XII (2024), 117-132: Juan Manuel Cabezas Cañavate: Fecundidad carismática y discernimiento eclesial: lo que ofrece el Código. (Article)

C.C. sets out the main features of the CIC/83 on the associative phenomenon and on consecrated life, as well as focusing on the main milestones of the canonical history in the post-1983 legislation, always characterized by the recognition of the rights of the faithful and the application of the principle of subsidiarity, despite a movement in recent years towards greater centralization.

Iustitia 15, 1 (2024), 9-36: Paul Pallath: Petrine Ministry, Collegiality and Synodality in the Light of the Communion Ecclesiology of the Second Vatican Council. (Article)

The Second Vatican Council re-established the ecclesiology of communion and today it has become the official ecclesiology of the Catholic Church. In accordance with this ecclesiology the Catholic Church is a communion of particular Churches (dioceses or eparchies) and individual Churches (such as patriarchal or major archiepiscopal Churches). The ecclesiology of communion has its repercussions on collegiality, synodality, and primacy. Through episcopal consecration, a bishop becomes the head of a diocese or eparchy, the bishop of an individual Church and also of the universal Church, as he is a member of the episcopal college. He thus exercises the office of bishop at three levels of the ecclesial communion: the particular Church, the individual Church, and the universal Church. The Bishop of Rome, successor of St Peter, exercises the Petrine ministry in the universal Church as a service to the communion.

SC 58 (2024), 7-430: Reframing the Understanding of Participation in Mission and Leadership in a Synodal Church – A Research Project of the Peter and Paul Seminar. (Compilation)

This issue of SC consists of the proceedings of the 2024 Peter and Paul Seminar on *Participation in Mission and Leadership in a Synodal Church*. It contains a foreword by **Cardinal Oswald Gracias**, an introduction from the co-moderators **Myriam Wijlens** and **Rafael Luciani**, and contributions from **Eugene Duffy** on the *sensus fidelium* on ecclesial leadership; **Myriam Wijlens** on lay persons in leadership and governance in a synodal Church; **Susan K. Wood** on *christifideles* within a baptismal ecclesiology; **Rafael Luciani** on reconfiguring the identities and relationships of the ecclesial subjects in a Church as People of God; **Jos Moons** on broadening the baptismal foundation of a synodal Church; **Kristin Colberg** on the contributions of Vatican I to a theology of lay leadership; **Peter de Mey** on the evolution of the theology of the laity in the work of Yves Congar, Karl Rahner, Hans Küng, and Edward Schillebeeckx; **Catherine E. Clifford** on power and the exercise of authority in service to the People of God; **Sylvain Brison** on going beyond the vocabulary of *potestas* for a more ministerial terminology; **Serena Noceti** on ministry and *potestas* in the horizon of pluri-ministeriality; **Chad Glendinning** on the instituted ministries of lector, acolyte, and catechist and the co-responsibility of the laity in Church governance; **Andrea Ponzzone** on *missio, communio, participatio*: toward a

new hermeneutics for canon law; **John D. Faris** on the enhancement of Eastern Catholic lay ministry; **Astrid Kaptijn** on terminology concerning Christian faithful, clergy, and lay people in the Eastern and Latin Churches; and **Vimal Tirimanna** on a code of ethics for Church officials. There are some concluding reflections from **Gilles Routhier**.

Ecumenism and interreligious dialogue

Iustitia 15, 1 (2024), 107-224: Dicastery for Promoting Christian Unity: The Bishop of Rome. Primacy and Synodality in the Ecumenical Dialogues and in the Responses to the Encyclical *Ut unum sint*. (Document)

This 2024 “study document” offers a synthesis of recent ecumenical developments on the theme of the Petrine ministry, reflecting the insights but also the limitations of the dialogue documents themselves. In addition, it concludes with a brief proposal of the 2021 Plenary Assembly of the Dicastery for Promoting Christian Unity, entitled *Towards an Exercise of Primacy in the 21st Century*, which identifies the most significant suggestions put forward by the various responses and dialogues for a renewed exercise of the ministry of unity of the Bishop of Rome.

VJTR 88 5/24, 374-391: Aloysius Enemali: Marriage Between A Baptised Catholic And A Baptised Non-Catholic. Implications for Ecumenism. (Article)

See below, canons 1124-1129.

Human rights

IC 64/127 (2024), 265-292: Santiago Cañamares Arribas: Objeción de conciencia al aborto e igualdad laboral de los profesionales sanitarios. (Article)

C.A. deals with the protection of equality and non-discrimination of healthcare professionals who refuse to perform abortions for reasons of conscience. He also discusses to what extent ethos-based healthcare entities can discriminate against their employees on religious or ideological grounds and subject them to duties of loyalty towards their ethos.

Law reform

Ap XCIII (2020), 267-277: Patrick Valdrini: Le associazioni lodate e raccomandate nel CIC del 1983. Una proposta *de iure condendo*. (Article)

See below, canon 299.

Per 112 (2023), 513-545: Ulrich Rhode: La rotación de los párrocos. (Presentation)

See below, canon 153.

Legal theory

Canonist 15/1 (2024), 13-26: Juan Ignacio Arrieta: The Role of Law in the Church: What is its relevance today? (Presentation)

In this address to the 2023 Annual Convention of the Canon Law Society of America, A. reflects on the role played by the Code of Canon Law in the life of the Church, as the central axis of her normative system, and on the role of canon law and the canonist in the life of the Church today.

Comm 55 (2023), 112-115: Pope Francis: Discorso per l'inaugurazione del 94° Anno Giudiziario del Tribunale dello Stato della Città del Vaticano, 25 febbraio 2023. (Address)

Addressing those involved in the administration of justice in the Vatican City State, and representatives of the entities of justice of the Italian State, Pope Francis regrets that hopes of a bounce-back after the Covid pandemic had been set back by the conflict in Ukraine. We must continue to aspire to peace and justice. There can be no peace without justice. Justice is not an abstraction or utopia. It is not a technical application of rules but a virtue by which we give each person his due. How we comport ourselves is an important element in this.

Comm 55 (2023), 135-138: P. Parolin: Omelia di S.E.R. Card. Pietro Parolin in occasione della S. Messa di inaugurazione del 94° anno

giudiziario del Tribunale dello Stato della Città del Vaticano, 25 febbraio 2023. (Homily)

Cardinal Parolin, addressing the staff of the Tribunal of the Vatican City State, bases his homily on the encounter between Jesus and Levi. It is an invitation to repentance and conversion. This is central to the administration of penal law. It is about confronting the truth.

Comm 55 (2023), 295-297: Pope Francis: Messaggio del Santo Padre Francesco per il 50° anniversario della Fondazione della *Consociatio Internationalis Studio Iuris Canonici Promovendo*, 1 dicembre 2023. (Message)

Marking the 50th anniversary of the *Consociatio Internationalis Studio Iuris Canonici Promovendo*, Pope Francis notes that the work of canonists involves discerning how to give concrete expression to the will of Christ in the life of the Church, something that changes with time. All ecclesial dimensions and structures have pastoral and missionary conversion at their heart, even penal law and the administration of justice.

IC 64/127 (2024), 13-64: Geraldina Boni: La certeza del derecho en el ordenamiento canónico: una lectura diacrónica entre doctrina y normativa vigente. (Article)

B. focuses on current developments in canon law. Because it concerns many aspects of ecclesial experience and has a wide-ranging impact on the CIC/83, the frenetic production of new laws leads not infrequently to problems of coordination and systematic rationalization; this in turn has significant negative consequences for juridical certainty in the Church. In the light of this complex situation, B. recalls some considerations from authoritative Italian scholars during the 20 years prior to the Second World War, who compared legal certainty in the secular legal systems of their time with the absolutely specific and necessary juridical certainty proper to the Church's legal system. She asks whether those reflections, though strictly linked to the historical context in which they were formulated, might not also serve as a source of inspiration in relation to the *impasse* in which canon law currently finds itself.

IC 64/127 (2024), 65-85: Carlos José Errázuriz: Derechos fundamentales del fiel y derechos humanos. (Article)

E. seeks to show to what extent the fundamental rights of the faithful constitute a significant argument for a universal juridical culture, that is, an application of universal juridical principles, especially with regard to human rights. To this end, he identifies common bases for the fundamental rights of the faithful and human rights: the natural dignity of the person elevated to the supernatural order; the application of a univocal concept of law. He also explores the possible reciprocal influences between the two spheres, highlighting the importance of an objective and ontological vision of law (such as that provided by canon law) for an adequate culture of human rights; and the need to strengthen in the Church the positive impulse that can come from this culture, particularly the achievements of juridical civilization in the procedural and penal spheres.

IC 64/127 (2024), 87-107: Rafael Domingo Oslé: Multidimensionalidad del derecho canónico y principios jurídicos globales. (Article)

D.O. analyses the mutual influences between canon law and secular law in the so-called secular era. Canon law brings light to secular law as it is a source of centuries-old juridical wisdom and transcendent knowledge. Canon law's contribution does not respond to the standards of secular legal reasoning, nor is it coercive. It is a purely meta-rational light, which can be recognized and assimilated by legal systems without losing its characteristic of secularity. For its part, secular law brings refined juridical techniques to canon law. Secular law helps canon law to limit the degree of discretion in the application of the law, to give greater significance to comparative law, to improve the communicative aspects of canon law, to implement procedural guarantees, especially the presumption of innocence, and to curb excessive legal jargon.

IC 64/127 (2024), 109-162: G. Paolo Montini: Importancia de la función judicial en los actuales sistemas jurídicos. Situación en el derecho canónico. (Article)

M. compares secular judicial law and canon judicial law on the basis of the distinction (present in both) between an ordinary situation and an emergency situation. This perspective enables an understanding of a “two-speed system” in canon law. Ordinary canonical justice has consistently and effectively asserted and continues to assert the independence of the judiciary, the quality of justice, and the efficiency of processes. There is also canonical justice that

is exercised largely by the executive authority; this is a consequence, in general, of a weakening of the sense of Church as society, and in particular, of the recent abuse scandals. Entrusting justice to the executive authority may be understood as a “state of emergency”. However, the “justification” for this shift to executive authority requires three conditions, which are also encompassed by secular law: temporariness, proportionality, and suitability.

Ius Comm XII (2024), 37-55: Juan Ignacio Arrieta Ochoa de Chinchetru: Presente y futuro del Código de derecho canónico de 1983 a 40 años de su promulgación. (Article)

40 years after its promulgation, the CIC/83 enjoys substantial relevance at the present time, on account of its coherent and stable doctrinal foundation. It aims to express juridically the reflections of the Second Vatican Council, as well as its decentralizing character, leaving ample possibilities to the diocesan bishops to act with full legitimacy *praeter legem*. The modifications introduced into the Code since 1983 have not undermined the general structure of the text. In the future, specific reforms could be considered in relation to the management of ecclesiastical patrimony, the juridical instances of mediation, the concrete application of synodality, and the validity of canon 129 in relation to the *potestas regiminis* on the part of the lay faithful.

Iustitia 15, 1 (2024), 37-44: Aitor Jiménez Echave: The Person and the Christian Faithful in the Church’s Universal Legislation. (Article)

Since Vatican II, the Church has grown in her awareness of the concept of the human person. The CIC/83 is the fruit of Vatican II, and reflects the anthropology that underlies it. J.E. explains that we must not forget that this intrinsic and essential union between the person (human being) and law is born of empirical reality: law is the fruit, to a large extent, of human life, of human experience itself, in addition to the hermeneutic principles of law and of the human person.

REDC 79 (2022), 45-112: Arturo Calvo Espiga: El derecho canónico, exigencia de la naturaleza icónica de la Iglesia. De la sacramentalidad dialógico-trinitaria a la necesaria juridicidad. (Article)

Canon law is not a mere consequence of the social dimension of the Church. On the contrary, canonical legality is necessarily required by the Church’s own iconic-sacramental and Christocentric nature. The law stands as the only

human reality, historically and socially verifiable, that can make effective in the concrete history of man the dialogical and radical bonding that necessarily arises from the Word and the Sacrament of Christ celebrated in the Church.

Relations between Church and State

Canonist 15/1 (2024), 27-58: Joseph Lee: Law Courts and the Church's Laws: Abuse, Clergy, Canonists, and Procedures. (Article)

L. analyses two significant cases which were decided in the Supreme Courts and Courts of Appeal in two states in Australia involving priests, dioceses, sexual abuse, victims, civil lawyers, and canonists. One case is ongoing and at the time of writing is before the High Court of Australia. In each case the judges were called upon to assess the relevance of canon law from a civil perspective. L. sets out some of the implications for priests, bishops, Church defendants, canonists, and canon law.

Comm 55 (2023), 61-65: Pope Francis: Lettera Apostolica in forma di Motu Proprio recante modifiche alla normativa penale all'ordinamento giudiziario dello Stato della Città del Vaticano, 12 aprile 2023. (Document)

This motu proprio simplifies the penal procedures of the judicial structures of the Vatican City State in penal processes.

Comm 55 (2023), 70-77: Pope Francis: Legge Fondamentale dello Stato della Città del Vaticano, 13 maggio 2023. (Document)

This fundamental or constitutional law for the Vatican City replaces that promulgated on 26 November 2000. It makes clear that the Vatican City State is distinct from the Roman Curia and other institutions of the Holy See and sets out its geographical parameters and those covered by its jurisdiction. The legislative, executive, and judicial functions are set out in separate titles.

Comm 55 (2023), 78-91: Pope Francis: Chirografo per il nuovo Statuto dell'Istituto per le Opere di Religione; Statuto dell'Istituto per le Opere di Religione, 30 gennaio 2023. (Documents)

This document updates the structures and operation of the Institute for Religious Works, generally referred to as the “Vatican Bank”. An outline of its provisions is followed by the full text of the Statute, which replaces that issued on 8 August 2019.

Comm 55 (2023), 92-93: Pope Francis: Chirographo “La cura della casa comune”, 2 febbraio 2023. (Document)

Pope Francis expresses the wish that the residence at Castel Gandolfo be used to promote the values set out in his Encyclical *Laudato Si'*. To this end he establishes a *Laudato Si'* Centre for Higher Formation.

Comm 55 (2023), 153-165: Stato Città del Vaticano: Centro di Alta Formazione *Laudato Si'*, Statuto, 2 febbraio 2023. (Document)

This is the text of the Statute for the newly established *Laudato Si'* Centre for Higher Formation.

Comm 55 (2023), 166-168: Stato Città del Vaticano: N. DLXX. Decreto del Presidente della Pontificia Commissione dello Stato della Città del Vaticano, riguardante le persone giuridiche, 8 marzo 2023. (Document)

This decree consolidates various provisions of Law DL on juridical persons within the territory of the Vatican City State.

Comm 55 (2023), 284-287: Pope Francis: N. DCXXVI. Legge recante disposizioni per la dignità professionale e il trattamento economico dei magistrati ordinari del Tribunale e dell'Ufficio del Promotore di Giustizia dello S.C.V., 4 dicembre 2023. (Document)

This law sets out the working conditions and salary structure for the personnel of the Tribunal and Promoter of Justice in the Vatican City State.

Comm 55 (2023), 288-289: Pope Francis: Decreto con cui modifica ed integra l'art 12, commi 2, 4 e 5 della Legge n. CCLXXIV sul governo dello S.C.V. del 25 novembre 2018, 29 marzo 2022. (Document)

This law makes minor amendments clarifying the relationship between the overall security provision in the Vatican City State and the roles of the Gendarmerie and Fire Brigade.

Comm 55 (2023), 332-342: Vatican City State: N. DXCVI. Decreto del Presidente del Governato dello S.C.V. recante norme integrative e modificative del Regolamento di attuazione delle “Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello S.C.V.” del 1° giugno 2020, di cui al Decreto del Presidente del Governato dello S.C.V. del 1° dicembre 2020, n. CCCLXXXVII, 11 luglio 2023. (Document)

This decree sets out in an integrated way reforms already established concerning transparency, vigilance, and the drafting of contracts, both in the Vatican City State and in the Holy See, and covers matters such as potential conflicts of interest.

Comm 55 (2023), 343-362: Vatican City State: Legge n. DCXIV recante modifiche alla legge n. XVIII in materia di trasparenza, vigilanza ed informazione finanziaria dell'8 ottobre 2013, 7 novembre 2023. (Document)

This law sets out section by section in 49 articles revisions to the 2013 law concerning financial transparency, vigilance, and information.

EIC 64 (2024), 5-36: Stefan Mückl: Il graduale inserimento della Santa Sede nel concerto internazionale a partire dal secolo XX. (Article)

M. examines the development of the international presence of the Holy See from the fall of the Papal States to its role as a “global player” at the end of the 20th century.

EIC 64 (2024), 37-68: Simona Beretta: Il contributo della Chiesa cattolica nelle istituzioni internazionali: indicazioni per lo sviluppo umano integrale. (Article)

The Catholic Church, with its presence in international institutions, has contributed to deepening the concrete meaning of human dignity and development, in a perspective that integrates the “micro” dimension of human development and the “macro” dimension of the common good. B. considers, in parallel, the social teaching of the Church and the evolution of the major debates on economic and human development, documenting the activity of the Holy See both through the messages of Pontiffs to the United Nations, and through its diplomatic action at international institutions.

EIC 64 (2024), 69-95: Monica Lugato: Le relazioni tra la Santa Sede e l'ONU. (Article)

L. examines relations between the Holy See and the United Nations both from a formal point of view, linked to the permanent observer status the Holy See has held since 1964, and from a substantive point of view, highlighting some of the more important content imprinted by the Holy See on its presence in the Organization.

EIC 64 (2024), 97-120: Roberto Baratta: Le relazioni tra Santa Sede e Unione europea. (Article)

B. traces the Holy See's complex legal relations with the EU, ranging from dialogue with European institutions to the creation, by international agreement, of a “common” law in monetary and financial matters, which is very dense, technical, and varied. B. demonstrates that the Church is not distant from but in fact supports the process of European integration, recalling the spiritual values of peace and respect for human rights upon which the Church is founded: in short, the Christian foundations of the EU's edifice.

EIC 64 (2024), 121-139: Juan Ignacio Arrieta: Configurazione giuridica dei rappresentanti pontifici presso gli Stati e le Organizzazioni internazionali. (Article)

See below, canons 362-367.

EIC 64 (2024), 141-149: Stefano Ceccanti – Francesco Clementi: La strategia di Papa Francesco nei confronti dell’assetto politico planetario: la difficoltà e la necessità di coniugare mons. Romero con l’on. De Gasperi. (Article)

The authors show the evolution of the Church’s position with respect to the world political order in the light of the Second Vatican Council, to overcome the polarizations of East and West and, more recently, North and South, which risk overlooking the current democratic regression.

EIC 64 (2024), 151-184: Costantino-M. Fabris: Le Organizzazioni non Governative cattoliche e il loro legame con la Santa Sede. (Article)

F. reconstructs the evolution of relations between the Holy See and Catholic non-governmental organizations and, more generally, between the Holy See and international Catholic organizations. After a brief introduction devoted to the history of these organizations, he focuses his attention on the evolution of canon law in the field of relations between the Church and international organizations, with particular attention to the Catholic NGOs.

EIC 64 (2024), 185-207: Andrea Pin: Il contributo della Chiesa cattolica allo sviluppo degli ordinamenti nazionali. (Article)

P. examines the influence of Catholicism on contemporary constitutionalism. He argues that Catholicism has played a number of roles in shaping it through its diplomacy, culture, and teaching. He then identifies some key aspects of contemporary constitutionalism that owe much to Catholicism: the notion of dignity, international and supranational political and legal integration, and the principle of subsidiarity. Finally he considers how a secularizing trend in contemporary constitutionalism has tried to distance it from its Catholic roots, which, in turn, has persuaded increasing numbers of Catholics and Christians more generally that Catholicism and constitutionalism are intrinsically irreconcilable.

FThC XII (2023), 109-132: Goran Jovicic: Mandatory reporting legislation and the seal of confession in light of the prevention of child abuse and religious freedom – Part III. (Article)

See below, canons 983-984.

IE XXXVI (2024), 37-62: Montserrat Gas-Aixendri: Autodeterminazione di genere e registri sacramentali della Chiesa cattolica. (Article)

See below, canon 535.

IE XXXVI (2024), 279-292: Balázs Schanda: Stato e Chiesa nei Paesi dell'ex-blocco orientale tre decenni dopo la caduta del comunismo. (Lecture)

Text of a lecture on the occasion of the Feast of St Raymond of Peñafort at the Faculty of Canon Law of the Santa Croce Pontifical University.

IE XXXVI (2024), 311-328: Pierre Laffon de Mazières – Dominique Le Tourneau: Le secret de la confession et le secret professionnel des prêtres dans les accords bilatéraux Saint-Siège – États. (Article)

For the protection of the seal of confession, the Holy See has found the instrument of the concordat to be very useful, especially in African countries. If Western countries attack or threaten the seal in their legislation, diplomatic channels could be used increasingly to protect this freedom of the Church. A study of the situation in a country such as France highlights the tensions and issues at stake. A careful reading of the concordats in force reveals five fundamental principles relating to the secrecy of confession and professional secrecy. For the Holy See and the States, these fundamental principles are legal guarantees to protect the secrecy of confession and the professional secrecy of priests. These two types of secret are important aspects of religious freedom.

IusM XVII/2023, 89-115: Fabio Vecchi: L'Accordo-quadro tra la Santa Sede e la Repubblica del Congo-Brazzaville del 3 febbraio 2017: un negoziato che sottostima il principio pattizio di reciproca cooperazione. (Article)

The concordat agreement concluded in 2017 in Brazzaville took place in an uncertain institutional framework which illustrates, alongside the typical African autocracies in perpetual political transition, and the complex dialectical fusion between national and customary legal sources, the secularizing imprint inherited from French colonialism. These circumstances are reflected in the Framework Agreement burdened by a downward compromise evident in the minimal and deficient approach to the *res mixtae*

(school regime and training institutions; national holidays; concordat marriage), and the reductive use of implementing agreements in line with the new typology of accords, and of the power accorded to the national episcopate. The openings provided to the “*mission apostolique*” offer the Catholic Church, however, a comforting starting point for the exercise of its institutional purposes of social and spiritual assistance.

J 80 (2024), 151-196: Michael J. Mazza: Is the Internal Forum under Attack? The Status of the Sacramental Seal and the Internal Forum in Church and State in the USA. (Article)

See below, canons 983-984.

QDE 37 (2024), 26-47: Enrico Massignani: La legale rappresentanza degli enti ecclesiastici in Italia. (Article)

In Italy canonical legal persons are recognized by the State law as having legal personality. M. examines how their legal representatives are nominated, how they are known by third parties, and how they comply with State laws about property registration and fit into the wider Third Sector in Italy. He concludes by examining the specific case of the parish.

QDE 37 (2024), 48-59: G. Paolo Montini: Il consiglio parrocchiale per gli affari economici legale rappresentante della parrocchia. Un indulto per la Germania. (Article)

M. reviews an indult of the Holy See granted in 1984 at the request of the German bishops. German law imposed on the Church the requirement that parish property should be under the control of a committee which included lay people. In some areas this was tolerated under the provisions of a concordat. In others, where there was no concordat, canon 532 of the new Code would have created a Church-State conflict, and the indult allowed the existing German situation to continue. Whereas the German bishops in requesting the indult argued that the involvement of lay people in this area was a benefit which should not be abolished, M. points out that the response of the Holy See was to require that the indult be read in a strict way, so as only to avoid the possible conflict. In particular, it related to economic matters, not to the pastoral direction of the parish.

QDE 37 (2024), 60-84: Michele Porcelluzzi: La tutela della riservatezza tra Concordato, Regolamento europeo e normativa canonica. (Article)

P. offers a brief account of the nature of the right to privacy, and its expression in canon 220. He then seeks to offer an account of how the canonical obligations (made more precise by the additional legislation of the Italian Bishops' Conference) can be reconciled with the European and Italian law on data protection. He offers practical guidance on general record-keeping, diocesan yearbooks, the various canonical registers, and activity with minors. He concludes with a reflection on future possibilities.

REDC 79 (2022), 557-586: Jesús Río Ramilo: El derecho de acceso a los archivos eclesiásticos. (Article)

See below, canons 486-491.

RMDC 29/1 (2023), 89-102: Jorge Antonio Di Nicco: Los libros de bautismo y un fallo de la Corte Suprema de Justicia de la Nación en Argentina. (Article)

An individual brought a civil action against a diocese after a parish refused to alter its baptismal records to reflect that person's new perceived gender identity. Because of the Accord between Argentina and the Holy See, the courts were not able to intervene in what was essentially an ecclesiastical matter. Baptismal records in that country do not form an archive or database for civil purposes.

Religious freedom

IC 64/127 (2024), 193-221: John Witte, Jr.: Un nuevo despertar de la libertad religiosa en Estados Unidos. (Article)

Until recent times, American religious freedom was in trouble. The United States Supreme Court had weakened the First Amendment considerably, and religious freedom claims were often subordinated to sexual liberty and other rights claimants. States routinely denied funds and benefits to religious parties and removed traditional religious symbols and ceremonies from public life. Leading academics castigated religious group rights claimants given recent charges of sexual abuse and financial fraud in some churches. No longer! The past decade has seen a great awakening of American religious freedom, led

by the Supreme Court. In more than two dozen cases since 2012, the Court has strengthened the First Amendment to strike down public regulations and policies that discriminated against religion. W. maps this new great awakening of religious liberty, but also warns about some of the ample challenges that remain.

LJ 192 (2024), 3-15: Russell Sandberg: Say a Prayer for Article 9? R (on the Application of TTT) v Michaela School and the Question of Interference. (Article)

S. considers the High Court judgment in *R (on the Application of TTT) v Michaela School* in which the school's ban on ritual prayer was held not to breach Article 9 of the European Convention on Human Rights and equality legislation. He focuses on how the High Court dealt with the Article 9 claim, in particular the question of whether there had been an interference with the claimant's right to manifest her religion or belief under Article 9(1). He contends that the restrictive approach to the question of interference was incorrect as a matter of principle, questionable as a matter of law, and unnecessary given the High Court's findings on the other grounds argued.

LJ 192 (2024), 16-26: Jason Haynes: Reconciling Judicial Approaches to Limitations on Rights in Hard Cases: the Challenge of Religious Freedom. (Article)

H. argues that, in hard cases, courts often struggle to adopt a principled approach to their construction of limitations on rights. Through a comparative analysis of the European Court of Human Rights' approach to the ban on the full face-veil vis-à-vis the UN Human Rights Committee's approach in the hotly contested *S.A.S v France* and *Sonia Yaker v France* cases, he contends that the time has come for courts seriously to revisit how they approach limitations on rights in hard cases.

QDE 36 (2023), 391-415: Michele Porcelluzzi: La *libertas Ecclesiae* in tempo di emergenza. (Article)

P. analyses the concepts of religious liberty and the liberty of the Church as they are laid out in the Vatican II Declaration *Dignitatis Humanae*. He applies this to the measures taken by the governments of Italy, France and the United States in response to the Coronavirus pandemic, evaluating their (lack of)

respect for the liberties described, and looks at the responses made by local Churches and judicial responses to government action in France and the US.

Social issues

Ap XCIII (2020), 279-317: Maria Rita Petrongari: Valore sociale degli enti del Terzo settore nel contesto del fenomeno organizzativo di natura privata. (Article)

P. considers the social value of Third Sector charity and voluntary organizations, as an expression of participation, solidarity and pluralism, especially in the Italian context.

SCL XVI (2021), 71-99: Jesu Pudumai Doss: Child Trafficking: Legal and Judicial Protection towards a Growing Indian Menace. (Article)

D. provides some statistics on the phenomenon of child trafficking in India, and presents some elements of judicial protection of children especially in the judgments of the Supreme Court of India, and proposed parliamentary legislation in this area.

Teaching of canon law

IE XXXVI (2024), 265-278: Pablo Gefaell Chamochín: Oriente e Occidente nell'insegnamento del diritto canonico. (Lecture)

In a lecture at the inauguration of the 2023/2024 Academic Year at the Santa Croce Pontifical University, G.C. explains why students of Latin canon law need to be instructed in the principal aspects of Eastern canon law, in order that they acquire a rounded canonical formation and a truly Catholic vision of the Church.

HISTORICAL SUBJECTS

1st millennium

AC 64 (2023), 7-21: Brigitte Basdevant-Gaudemet: La prérogative pontificale de *faire la loi*, esquisse historique. (Article)

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

AnCrac 54 (2022), 229-253: Mateusz Sajkowski: Źródła i rozwój instytucji domniemanej śmierci współmałżonka w prawie kanonicznym do XV wieku (*The sources and development of the institution of the presumed death of a spouse in canon law until the 15th century*). (Article)

See below, canon 1707.

FThC XII (2023), 171-192: Marcos Torres Fernández: Conversión y bautismo en la disciplina canónica carolingia de los siglos VII-IX. (Article)

T.F. analyses the canonical provisions regarding conversion, preaching, and especially the administration of baptism, between the 7th and 9th centuries. He pays special attention to the canonical collections, the canons of synods and councils, and the capitular collections of monarchs and bishops. The impulse provided by the Carolingian Reform was decisive in enforcing traditional law and adapting it to new circumstances.

FThC XII (2023), 193-210: Nicolás Álvarez de las Asturias: La “Gran Misión” durante los siglos X y XI: Expansión y reforma. (Article)

During the 10th and 11th centuries, Christianity continued to expand throughout Europe, leading to an intensification of both theological reflection on the sacraments and the development of specific baptismal pastoral care in the already Christianized territories. Á. analyses these three dynamics, as well as the close relationship between them.

RMDC 29/1 (2023), 103-129: Rogelio Ayala Partida: Derecho Romano y persona: una reflexión para nuestros días. (Article)

A.P. studies the concept of “person” from the Roman law perspective, and analyses the influence of Roman Law on later juridical tradition. His reflection includes elements of philosophy of law, history, and sociology. He highlights the importance and depth of meaning of the term “person” in canon law, and for the study and defence of human rights.

Classical period

AC 64 (2023), 7-21: Brigitte Basdevant-Gaudemet: La prérogative pontificale de *faire la loi*, esquisse historique. (Article)

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

AnCrac 54 (2022), 229-253: Mateusz Sajkowski: Źródła i rozwój instytucji domniemanej śmierci współmałżonka w prawie kanonicznym do XV wieku (*The sources and development of the institution of the presumed death of a spouse in canon law until the 15th century*). (Article)

See below, canon 1707.

BV 84 (2024), 77-90: Vid Žepič: Monald Koprski in zastavna pogodba v delu *Summa de iure canonico* (*Monaldus Iustinopolitanus and the Pledge Contract in “Summa de iure canonico”*). (Article)

Monaldus of Capodistria (Monaldus Iustinopolitanus) can be considered the first learned jurist operating in the territory of present-day Slovenia. In his work *Summa de iure canonico*, he addressed not only issues of canon law but also, and more importantly, civil law matters. This work is classified among penitential summaries (*summae confessorum*). Ž. provides a detailed examination of Monaldus’s *Summa*, starting with an overview of its origin, type, and significance. He then turns to a specific analysis of how Monaldus addresses the pledge contract (*pignus*). While Monaldus’s work did not introduce substantial new ideas, it gained popularity among readers thanks to its clear, alphabetical presentation of terms and its effective compilation of legal sources from both past and present. It was more practical and accessible for confessors, who lacked the time or expertise to read lengthy, logically systematized treatises.

BV 84 (2024), 129-138: Pavel Krafl: Ordination of the Clergy and Ecclesiastical Law: A Brief Overview of the Ordination Law of Czech Dioceses in the Middle Ages. (Article)

K. sets out the law regarding ordination in the Prague, Olomouc, and Litomyšl dioceses in the Middle Ages. The oldest preserved order of ordination of clergy is from the time of Bishop of Olomouc Henricus Zdík (1126-1150). Instructions for the ordination of clergy are included, for example, in the pontifical of the Bishop of Litomyšl, Albert of Šternberk. Ordinations were recorded in ordination books, the Prague ordination books from the years 1395-1416 being a particularly valuable source. The Hussite revolution brought significant encroachment on the functioning of the Church in Prague and Litomyšl: the bishopric of Litomyšl was completely dissolved, while the Prague archbishopric was not occupied by an Ordinary, which caused complications in the ordination of priests.

FThC XII (2023), 211-266: José Miguel Viejo-Ximénez: “Predicare, baptizare saracenos ad fidem noviter venientes, et reconciliare apostatas”. Marco canónico de la actividad misionera de la orden de los predicadores en el norte de África (1225-1256): Predicación, conversión y bautismo según Raimundo de Peñafort. (Article)

In medieval Christendom, preaching and baptism were the proper and exclusive functions of priests and ordained monks, under certain conditions. The *ius antiquum* protected the freedom of the act of faith of adults, allowed the use of coercion to keep converts, and regulated the catechumenate. The *ius novum* extended these provisions to the Saracens. Universal *ius canonicum* paid more attention to ordinary pastoral care than to the mission *ad gentes*. Within Christendom, Jews and Muslims were segregated politically and civilly. In the field of foreign relations, ecclesiastical sanctions limited international trade and navigation. Ecclesiastical prohibitions protected the faith of the baptized people but hindered evangelization. In order to establish a balance between ordinary pastoral care and missionary activity, recourse was made to particular laws and privileges granted to mendicants working in mission lands. Special pontifical law respected the identity of the Friar Preachers as set out in the constitutions drawn up during the mandate of Raymond of Peñafort. The bulls of 1225 and 1235, granted by Honorius III and Gregory IX, are the seed of the peculiar jurisdiction of the Dominicans stationed in North Africa and Northern Europe, which was later consolidated by the granting of new prerogatives. The apostolic mandate and the rights that accompanied it constituted a special missionary jurisdiction, of pontifical law

and quasi-episcopal content. This solution boosted and consolidated the evangelizing activity which, from the second decade of the 13th century, the Dominicans had been carrying out in the Iberian Peninsula, in Eastern and Northern Europe, and in the Muslim kingdoms of North Africa. The experience gained during the first decades of the work of the Franciscans and Dominicans in the regions linked to the Almohad caliphate helped to shape the special missionary jurisdiction. Raymond of Peñafort was one of the leading actors in the process of adapting universal canon law to the particular circumstances in which evangelization took place.

16th-19th centuries

AC 64 (2023), 7-21: Brigitte Basdevant-Gaudemet: La prérogative pontificale de *faire la loi*, esquisse historique. (Article)

The concept of the Pope as lawgiver developed gradually in the tradition of the Church. Local gatherings of bishops were the earliest source of laws; bishops drew up disciplinary norms and sought to have them observed in their dioceses. Following Constantine, bishops of Rome – Damasus and Siricius – issued decretals, the style of law common in the Roman Empire. Rescripts issued by the bishop of Rome begin to appear. From the eighth century, especially in the reign of Gregory the Great, Popes assert their authority by confirming the acts of regional councils. The *Decree of Gratian* (1140), followed by the *Decretals of Gregory IX* (1234), the *Decretals of Pope Sixtus* (1298), and the *Decretals of Pope Clement* (1317) affirmed the Roman primacy and were influential in Western Christianity. In addition to the collections named above, the *Extravagantes* of John XXII (1325) and the *Extravagantes communes* (1503) formed the *Corpus iuris canonici*, first promulgated in 1582 by Gregory XIII: this contributed to the law-giving authority of the Pope. In 1564 Paul IV promulgated the decrees of the Council of Trent. The interpretation of these laws was reserved to the Congregation of the Council.

AnCrac 54 (2022), 229-253: Mateusz Sajkowski: Źródła i rozwój instytucji domniemanej śmierci współmałżonka w prawie kanonicznym do XV wieku (*The sources and development of the institution of the presumed death of a spouse in canon law until the 15th century*). (Article)

See below, canon 1707.

ETJ 28 (2024), 36-75: Paul Pallath: Primacy of the Pope and Collegiality of Bishops according to the Second Vatican Council. (Article)

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

FThC XII (2023), 267-302: Yves Kingata: Das Konzil von Trient in seiner bedeutung für die kanonistik anmerkungen zu einigen aspekten des heiligungsdienstes. (Article)

K. looks at the general doctrine of the sacraments, before concentrating on the sacraments of baptism and confession. The Council of Trent dealt with these sacraments against the background of attacks from the ideas of the Reformation. The issue of penance was of great importance to the reformers because it was closely linked to the doctrine of justification. It seemed important to the Reformation that repentance and conversion were presented as identical. The Reformation therefore emphasized a close connection between baptism and repentance, whereby the sacrament of repentance was postulated as a lifelong and necessary prerequisite for revival and rebirth, which is presented in different ways. The Council of Trent made a number of decisions that were also important for Catholic canon law and thus helped to clarify and consolidate the Catholic position. On the basis of the decisions of the sessions of the Council of Trent, K. analyses the special contribution of the Council to canon law in respect of these two sacraments.

FThC XII (2023), 303-321: Alessandro Recchia: Il grande comandamento missionario e la nascita della missione moderna: le origini della congregazione di *Propaganda Fide* e l'elaborazione di un diritto missionario. (Article)

Over the ages, particularly since the modern era, when the Church rediscovered a new missionary impetus, the term “mission” has taken on a specific meaning, namely that of evangelizing activity towards those territories and peoples that have not yet received the proclamation of the Gospel, but also the meaning of a new announcement aimed at leading back into the Catholic Church those who had abandoned it because of schism or heresy. Following the Tridentine reform and the transformation of the Curia, the Congregation *de Propaganda Fide* came into being and exerted a progressive action of centralization and institutionalization of the activity of first announcing the Gospel and of founding and developing new Churches.

IusM XVII/2023, 117-139: Maurizio Martinelli – Alessandro Recchia: Il principio di sinodalità e il Concilio di Trento. Una parabola istituzionale tra rinnovamento e discontinuità. (Article)

This paper examines the forms of application of the principle of synodality from the Council of Trent to the 18th century, highlighting the balance between renewal and discontinuity.

REDC 79 (2022), 221-249: Gustavo Rayo Urrutia: Manuel Carrasco Albano: Católico liberal chileno de mediados del siglo XIX. (Article)

R.U. examines the thought of Manuel Carrasco Albano on the Constitution of the Republic of Chile of 1833. The hypothesis underlying this research is that it is possible to recognize in the thought of Carrasco Albano a bold and advanced position for his time, distant from the different conceptions of the country's political and religious elites, in relation to patronage and the union of Church and State.

REDC 79 (2022), 251-323: Eutimio Sastre Santos: La victoria de la Montaña Blanca, 8 noviembre 1620. La causa de la fundación de la S.C. de Propaganda Fide, 6 enero 1622. (Article)

The foundation of the Sacred Congregation *de Propaganda Fide* (1622) is linked to the events of the Thirty Years' War (1618-1648), and is a consequence of the Catholic victory at the White Mountain (1620). Its first and urgent goal was to "recatholicize" the conquered heretical territory, not by force of arms (the role of the Empire/Spain), nor by dramatic judicial proceedings (the role of the *Inquisitionis haereticae pravitatis*/Holy Office), but by the "gentle force of the Spirit". *Propaganda Fide* manifested the strength of the Tridentine *Ecclesia triumphans*. It would go first to the *haeretici* ("homemade"), then to the *schismatici* (neighbours), and finally to the *ethnici* (far away, of "every language, tribe and nation"): three missionary territories very unequal and different from each other; chimerical geography, Rome being locked in the Mediterranean. The cause and the reason for the founding of *Propaganda Fide* (conversion of the *haeretici*) would determine its apostolic activity and the formation of missionary canon law.

20th century

Ius Comm XII (2024), 9-36: Antonio M^a Rouco Varela: El Magisterio Pontificio en la trágica crisis política europea de la década de los años treinta del siglo pasado. (Article)

R.V. recalls the dramatic geopolitical situation experienced in the 1930s, characterized by the presence of the three totalitarian regimes that had a decisive impact on the course of world history: Fascism, National Socialism, and Soviet Communism. Faced with these phenomena, the pontifical Magisterium of Pope Pius XI offered a pressing response by means of three Encyclicals: *Non abbiamo bisogno* (29 June 1931) regarding Italian Fascism, *Mit brennender Sorge* (14 March 1937) related to the religious persecution in National Socialist Germany, and *Divini Redemptoris* (19 March 1937) in response to expansionist Communism.

REDC 79 (2022), 641-708: Vicente Cárcel Ortí: La política concordataria de Pío XII en España. (Article)

Pius XII expressed his desire to consolidate the restoration of the Church in Spain after the Republican religious persecution, and he fully achieved it with the 1953 Concordat, which was reached after a slow process carried out through partial agreements to regularize various situations that he considered essential. The first matter, the appointments of bishops, was the most urgent and important; five others followed later, affecting the appointments of titulars to cathedral and parish benefices, diocesan seminaries, religious assistance to the armed forces, the restoration of the Tribunal of the Rota, and the erection of new dioceses.

Second Vatican Council and revision of the CIC and CCEO

Comm 55 (2023), 169-186: Ex actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus”: V sessione, 29 settembre – 4 ottobre 1969, *Quaestiones propositae in hac sessione: “Legislatio canonica De temporis supputatione”*; “*Legislatio canonica De praeceptis omnibus*”. Voti dei consultori. (Report)

This report sets out the views of a number of consultors on two areas: the reckoning of time, and canonical precepts, some commenting on both, others on just one: Roman Arrieta (pp. 169-171); Floyd L. Begin (pp. 172-175); Jean

Bernhard (pp. 176-178); Wilhelm Bertrams (pp. 179-181); Pierre Andrieu-Guitancourt (p. 182); S. Kuttner (pp. 183-184); Petrus Tocanel (pp. 185-186).

Comm 55 (2023), 187-228: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”: V Sessione del 5-7 dicembre 1977. (Report)

This session focused on seminaries. The *relator* (George Negungatt) sets out an emended text of 36 canons, with comments and a concordance, with the initial text as an appendix to facilitate comparison. This is followed by a summary of the points raised during the subsequent discussion.

Comm 55 (2023), 228-267: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”: VI Sessione del 12-23 marzo 1979. (Report)

This session studied more widely the initial schema of canons on the Magisterium (pp. 229-231), published in *Nuntia* 3 (1976), pp. 71-92, but omitting those on seminaries. Reports on the preliminary canons, and the context of the *Lex Ecclesiae Fundamental* project follow (pp. 232-242); also means of social communication and books (pp. 243-248); profession of faith (pp. 249-251); ministry of the Word (p. 252); and preaching (pp. 253-256). This is followed by texts of the canons and the discussion that emerged on these points during the meeting (pp. 257-267).

Comm 55 (2023), 305-317: P. Parolin: “Il paradigma della codificazione nella realtà ecclesiale” discorso di S.E.R. card. Pietro Parolin, in occasione del Convegno su “I 40 anni del *Codex Iuris Canonici*”, dedicato alla codificazione vigente per la Chiesa Latina, 7 novembre 2023. (Address)

This address was given to a gathering of law students (civil as well as canonical) at Bologna to mark the 40th anniversary of the current Code of Canon Law. The move for codification in 1917 reflected the end of the Papal States and the unification of Italy, and expressed both continuity and change. The model adopted was highly centralized. Provisions for revised editions were not implemented, which together with social change meant it rapidly became outdated and in need of reform. This was one of the three challenges undertaken by John XXIII along with the Ecumenical Council and a Synod for Rome. The revision of the Code incorporated and expressed the wishes of

Vatican II, but developments continue, e.g. regarding the nature of the Synod of Bishops. P. reflects on what this means for the future of the 1983 Code. In his view, for the most part its paradigm is still apt, and suffices with timely adjustments in detail. In some areas, such as penal law, a more thorough revision has been required with a complete replacement of a Book. Revision of Books I and VII would have implications of a doctrinal nature and for the *Catechism of the Catholic Church*, and so would need deeper reflection.

Comm 55 (2023), 363-414: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendi: Coetus Studiorum “De Normis Generalibus”. V sessione, 29 settembre-4 ottobre 1969. *Quaestiones propositae in hac sessione: “Legislatio canonica De temporis supputatione”; “Legislatio canonica De praeceptis omnibus”. Voti dei consultori – Voto del Consultore P. Alvarez Menendez.* (Report)

The report sets out the very detailed *votum* of A.M. on three subjects. He comments on the sections on the reckoning of time (pp. 387-403) and on precepts (pp. 404-414), providing a detailed analysis of the underlying principles as well as recommendations on detailed points. However, the most significant long-term *votum* is that on the question of whether lay people, male or female, can exercise the “power of jurisdiction” in the Church, and whether or not this can be separated from the power of orders (pp. 363-386). He considers the undoubted fact that unordained men and also women, primarily abbesses, have been granted the exercise of executive power, not only in making appointments but also in limited cases imposing penalties on lay people and clergy subject to their jurisdiction. He investigates the views of Aquinas and medieval and post-medieval canonists until the 1917 codification. In his view the evidence is clear that the authorities make a distinction between the power conferred by ordination, which grants capacity for jurisdiction and executive power through appointment to office or by delegation, and arises from divine law, and the direct grant of such power by a competent authority such as the Pope to an unordained person. The prohibition of this is of purely ecclesiastical law and could be dispensed. The grant to abbesses was finally revoked in the 19th century, but Pius XII gave similar powers to the Superior General of the St John of God Brothers with regard to priest members of what is a lay rather than a clerical congregation. A.M.’s conclusion is that the power of jurisdiction/executive power could be entrusted to unordained men or women, but he advises against this being incorporated in the revised Code as a general provision.

Comm 55 (2023), 415-485: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”; Coetus Specialis “De Clerici et Laicis”: Sessioni del 28 febbraio-12 marzo e del 10-11 ottobre 1983: Prot. N. 1210/83/1, Raccolta delle Osservazioni allo Schema canonum “De clericis et Laicis”. (Report)

This report lists the participants offering comments on the *schema* on clergy and laity, followed by a summary of general observations made by the Roman Curia (pp. 417-421), the Patriarchs (pp. 422-424), other Eastern Churches and representatives (pp. 425-426), and the Roman Pontifical universities (pp. 427-428). After this the comments are set out canon by canon on the 109 canons of the *schema*, with the source of comments indicated by use of initials.

ETJ 28 (2024), 36-75: Paul Pallath: Primacy of the Pope and Collegiality of Bishops according to the Second Vatican Council. (Article)

P. presents the teaching of the Second Vatican Council on primacy and on the collegiality and synodality of bishops. Since the primacy and personal infallibility of the Pope were defined by the First Vatican Council, the teaching of the Second Vatican Council on these topics can only be understood in comparison with the former. P. assesses how the doctrine of primacy is balanced and equilibrated by Vatican II, restoring the divine sacramental origin of all episcopal powers and the collegiality and synodality of bishops.

IM 35 (2024), nr 1, 155-177: Rafał Borowy – Radosław Gosiewski: Uwagi Trybunału Roty Rzymskiej do projektu kanonów o zgodzie małżeńskiej z 1975 roku (*Comments of the Tribunal of the Roman Rota on the draft canons on matrimonial consent from 1975*). (Article)

The post-conciliar revision of the Code of Canon Law required the involvement of the entire Church. Not only experts working in individual *coetus studiorum*, but a wide range of consultative bodies were involved in making a creative contribution to the work of revision of the canons. The usual practice of the Pontifical Commission for the Renewal of the Code of Canon Law was to send the prepared parts of the future Code to consultative bodies. This study examines the comments of the Tribunal of the Roman Rota on the draft canons on matrimonial consent contained in the 1975 *Schema documenti pontificii quo disciplina canonica de Sacramentis recognoscitur*.

CODE OF CANONS OF THE EASTERN CHURCHES

General

IE XXXVI (2024), 265-278: Pablo Gefaell Chamochín: Oriente e Occidente nell'insegnamento del diritto canonico. (Lecture)

See above, General Subjects (*Teaching of canon law*).

Historical

ETJ 28 (2024), 36-75: Paul Pallath: Primacy of the Pope and Collegiality of Bishops according to the Second Vatican Council. (Article)

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

IE XXXVI (2024), 167-193: Péter Szabó: Le «cause canoniche» del passaggio ecclesio-rituale secondo un'istruzione inedita della *Sacra Congregatio pro Ecclesia Orientali* (1928). Una rilettura per il nostro tempo. (Article)

“Rite” – i.e. ecclesio-ritual ascription – has been a stable personal attribute of the Catholic faithful since the 15th century, and, therefore, a legal bond whose modification in most cases requires singular intervention by the ecclesiastical authority. In practice, this “indult” is granted only in the presence of a “canonical cause”, recognized as sufficient by curial practice. A (confidential) Instruction sent to the Papal Representatives in 1929 identified a series of such causes. S. offers a critical reading of this document in the light of the renewed and now current practice of the Dicastery for the Eastern Churches.

CCEO 32

IE XXXVI (2024), 167-193: Péter Szabó: Le «cause canoniche» del passaggio ecclesio-rituale secondo un'istruzione inedita della Sacra

Congregatio Pro Ecclesia Orientali (1928). Una rilettura per il nostro tempo. (Article)

See above, CCEO (*Historical*).

CCEO 42

ETJ 28 (2024), 36-75: Paul Pallath: Primacy of the Pope and Collegiality of Bishops according to the Second Vatican Council. (Article)

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

CCEO 66

Comm 55 (2023), 66-69: Pope Francis: Lettera Apostolica in forma di Motu Proprio “*Iam Pridem*” *Quibus normae quaedam Codicis Canonum Ecclesiarum Orientalium immutantur ad Episcopos pertinentes, qui octogesimum annum aetatis expleverunt, in Synodo Episcoporum eorumdem Ecclesiarum sui iuris*, 16 aprile 2023. (Document)

A number of hierarchs from Eastern Churches had indicated that the rising number of bishops *emeriti* taking part with an active voice in synods, and particularly when electing bishops or the heads of their *sui iuris* Churches, was creating difficulties. These modifications restrict the rights of those aged 80 and upwards. The text is given in Latin and Italian.

CCEO 102

Comm 55 (2023), 66-69: Pope Francis: Lettera Apostolica in forma di Motu Proprio “*Iam Pridem*” *Quibus normae quaedam Codicis Canonum Ecclesiarum Orientalium immutantur ad Episcopos pertinentes, qui octogesimum annum aetatis expleverunt, in Synodo Episcoporum eorumdem Ecclesiarum sui iuris*, 16 aprile 2023. (Document)

See above, CCEO canon 66.

CCEO 149

Comm 55 (2023), 66-69: Pope Francis: Lettera Apostolica in forma di Motu Proprio “*Iam Pridem*” *Quibus normae quaedam Codicis Canonum Ecclesiarum Orientalium immutantur ad Episcopos pertinentes, qui*

octogesimum annum aetatis expleverunt, in Synodo Episcoporum eorumdem Ecclesiarum sui iuris, 16 aprile 2023. (Document)

See above, CCEO canon 66.

CCEO 183

Comm 55 (2023), 66-69: Pope Francis: Lettera Apostolica in forma di Motu Proprio “*Iam Pridem*” *Quibus normae quaedam Codicis Canonum Ecclesiarum Orientalium immutantur ad Episcopos pertinentes, qui octogesimum annum aetatis expleverunt, in Synodo Episcoporum eorumdem Ecclesiarum sui iuris, 16 aprile 2023.* (Document)

See above, CCEO canon 66.

CCEO 322

Per 112 (2023), 581-615: Sunny Kokkaravalayil: Inter-Church Assembly (can. 322): its competence to make Particular Law for all the *sui iuris* Churches of a territory. (Article)

K. explores the reality of the Assembly of hierarchs of different *sui iuris* Churches within the same territory, as set out in CCEO canon 322. After examining the characteristics, sources, and purposes of this inter-Church Assembly, as well as its membership and competence, he shows how it has helped to implement some of the norms of the CCEO, making possible a coordinated approach to some of the challenges facing the Churches in a given territory. K. sees the inter-Church Assembly as a key expression of synodality. The final section of his article focuses on the existing inter-Church Assemblies, noting that five of them are listed in the *Annuario Pontificio*. While not listed there, the Catholic Bishops’ Conference of India is clearly in fact an inter-Church Assembly in the sense of CCEO canon 322, because it is made up of all Catholic Bishops of all the *sui iuris* Churches in India. Thus it is not what the CIC/83 envisions as a national episcopal conference. K. concludes the study by arguing that the inter-Church Assembly could be an organ for making particular law for the constituent Churches in a particular territory, respecting the norm of CCEO canon 322, and in order to coordinate the life and activities of the entire Catholic Church in that territory.

CCEO 331-341

Comm 55 (2023), 187-228: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”: V Sessione del 5-7 dicembre 1977. (Report)

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

CCEO 415

Iustitia 15, 1 (2024), 45-64: Sr Leo CHF: Assistance to the Catholic Married Couples by Women Religious: An Analysis based on CCEO and *Amoris Laetitia*. (Article)

See below, CCEO canon 783.

CCEO 501

Comm 55 (2023), 59-60: Pope Francis: Lettera Apostolica in forma di Motu Proprio con la quale vengono modificati i termini di ricorso del membro dimesso da un Istituto di Vita Consecrata, 2 aprile 2023. (Document)

See below, CIC canon 700.

CCEO 595-666

Comm 55 (2023), 228-267: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”: VI Sessione del 12-23 marzo 1979. (Report)

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

CCEO 783

Iustitia 15, 1 (2024), 45-64: Sr Leo CHF: Assistance to the Catholic Married Couples by Women Religious: An Analysis based on CCEO and *Amoris Laetitia*. (Article)

In the Catholic Church, marriage is a covenant that originates from God and is elevated to sacramental dignity by Christ. Hence, preparation is needed to

ensure a valid celebration and attain perfection, i.e., family wholeness and holiness. Catholic married couples play a key role in the family because, having completed their requirements for a valid and licit Catholic marriage, they become responsible for each other and for achieving a holy life in order for them to fulfil the goals and properties that married life presents. The purpose of this article is to explore the integration of the Church's juridical-pastoral concern for Catholic married couples through the service of women religious. The canonical norms which indirectly speak of the assistance given to Catholic married couples by the religious are CCEO canons 783 §3 and 415 §§1 & 3. An analysis of these two canons and of the recent Apostolic Exhortation *Amoris Laetitia* leads to the conclusion that women religious have a participatory role as pastoral assistants to Catholic married couples.

CCEO 813-816

SCL XVI (2021), 101-133: Sunil Kumar D'Souza: Changing Attitude of the Church Towards Mixed and Disparity of Cult Marriages. (Article)

See below, CIC canons 1124-1129.

CCEO 833

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

CCEO 1152

Comm 55 (2023), 36-47: Pope Francis: Litterae apostolicae motu proprio datae *Vocare peccatores* quibus nonnulli canones tituli XXVII et canon 1152 *Codici Canonum Ecclesiarum Orientalium* immutantur, 20 marzo 2023. (Document)

See below, CCEO canons 1401-1467.

CCEO 1152

FThC XII (2023), 95-108: Pablo Gefaell: La riforma del diritto penale orientale. (Article)

See below, CCEO canons 1401-1467.

CCEO 1401-1467

Comm 55 (2023), 36-47: Pope Francis: Litterae apostolicae motu proprio datae *Vocare peccatores quibus nonnulli canones tituli XXVII et canon 1152 Codicis Canonum Ecclesiarum Orientalium* immutantur, 20 marzo 2023. (Document)

This motu proprio applies to the CCEO the changes in penal law made to the CIC/83 by *Pascite gregem Dei*. Twenty-two canons are revised, each in a separate article (1-22), and also the provisions of canon 1152 of the CCEO concerning the prescription of penal processes (art. 23).

CCEO 1401-1467

FThC XII (2023), 95-108: Pablo Gefaell: La riforma del diritto penale orientale. (Article)

G. comments on the recent reform of some of the penal canons of the CCEO, following the parallel changes in Book VI of the CIC/83. The changes affect canons 1152, 1402, 1406, 1407, 1409, 1410, 1414, 1416, 1424, 1429, 1430, 1436, 1442, 1443, 1446, 1449, 1453, 1456, 1459, 1463, 1464, 1466, and 1467. G. highlights the changes and comments on those that are most important. He talks of the expiatory aim of canonical penalties and the duty of repairing the harm caused, the presumption of innocence, aggravating circumstances, the right of defence, the moral certitude necessary to impose a penalty, prescription of offences, and new offences, among which stand out those relating to financial affairs, the attempted ordination of a woman, the illegitimate abandonment of the priestly ministry, as well as new sexual offences involving clerics, religious, and lay people holding ecclesial functions. G. proposes an amendment to the text of the new canon 1453 §5 of the CCEO, which uses the term “*persona quae habitualiter usu rationis caret*” to bring it into line with more appropriate wording of canon 1398 §1 of the CIC/83, which speaks of “*persona quae habitualiter usum imperfectum rationis habet*”.

CODE OF CANON LAW

BOOK I: GENERAL NORMS

19

AnC 20 (2024) 1, 71-93: Przemysław Michowicz: Quando una autorità si appella a sé stessa: l'ipotesi del giudicato del Supremo Tribunale della Segnatura Apostolica. (Article)

See below, canon 1445.

96

RMDC 29/1 (2023), 103-129: Rogelio Ayala Partida: Derecho Romano y persona: una reflexión para nuestros días. (Article)

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

111-112

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

118

QDE 37 (2024), 9-25: Carlo Redaelli: La legale rappresentanza in diritto canonico: definizione, poteri e responsabilità e similitudini e differenze con altre figure giuridiche. (Article)

R. looks at the meaning of legal representation, pointing out that the Code offers many different words for this reality to cover several situations in which a legal person is acting. R. examines the notion of the will of a legal person and how it is formed, and relates this to its action on a legal plane – distinguishing representation from administration, procuration, and mandates. He sees the role of the legal representative as altering the legal position of the legal person, rather than simply carrying out its mission, and suggests that the responsibilities of the role include satisfying himself that a decision which he is carrying out has been properly made. He concludes with brief reflections on imposing, sharing, and delegating legal representation.

119

Per 113 (2024), 125-141: Francesco Coccopalmerio: Voto, votazioni, maggioranze e minoranze: elementi interessanti della sinodalità ecclesiale. (Presentation)

See below, canon 342.

124

Ap XCIII (2020), 207-226: Supremum Signaturae Apostolicae Tribunal: Sententia definitiva *Reductionis in usum profanum ecclesiae*; Cristian Begus: La presunzione di legittimità dell'atto amministrativo. (Sentence and comment)

The Signatura decided, in a case where a bishop had decreed that a church should no longer be used for divine worship, but could be used for a secular but not unbecoming purpose, that there had been no violation of the law *in procedendo vel in decernendo*. Commenting on the Signatura's decision, B. pays particular attention to the presumption of the validity of an administrative act. An administrative act is effective even if it is invalid, and it remains so when it can no longer be challenged or when a recourse against it is pending; its effectiveness is suspended only in special cases. Nor does a declaration of invalidity render the administrative act ineffective if the competent authority does not comply with the final decision. In the procedural sphere, an administrative act enjoys a presumption of validity *iuris tantum*, which has the effect of a *relevatio ab onere probandi*, without leading to a real reversal, as a way of distributing the burden of proof.

129

Comm 55 (2023), 363-414: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendi: Coetus Studiorum “De Normis Generalibus”. V sessione, 29 settembre-4 ottobre 1969. *Quaestiones propositae in hac sessione*: “Legislatio canonica *De temporis supputatione*”; “Legislatio canonica *De praeceptis omnibus*”. Voti dei consultori – Voto del Consultore P. Alvarez Menendez. (Report)

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

129

FThC XII (2023), 37-46: Péter Erdő: El sacramento del orden y la potestad de régimen en la Iglesia. (Lecture)

The recent reform of the Roman Curia has given rise to discussion over the relationship between the sacrament of Holy Orders and the power of governance in the Church. The Second Vatican Council underlined the close relationship between these two realities. At the same time, it also reaffirmed the possibility, known since antiquity, of the cooperation of the laity in the exercise of this power. When examining the functions that can be entrusted to the laity and the forms that this can take, it is necessary to take into account the historical fact that, since sub-apostolic times, the principal mission of those who have been ordained has been precisely to lead the community.

129

RDC 73/2 (2023), 221-360: « Pouvoir sacré » et séparation des pouvoirs dans l'Église. (Compilation)

See above, General Subjects (*Compilations*).

144

RMDC 29/1 (2023), 133-144: R.P.D. Josepho Sciacca: Nulidad de matrimonio. Bratislavien-Tyrnavien. Defecto de forma canónica. (Sentence)

See below, canon 1108.

153

Per 112 (2023), 513-545: Ulrich Rhode: La rotación de los párrocos. (Presentation)

In this presentation made to a number of colloquia held in 2023 and organized by the Canon Law Faculty of the Pontifical Gregorian University, R. considers the scenario of a bishop who wishes to transfer three parish priests from one parish to another (parish priest of A to parish B; parish priest of B to parish C; parish priest of C to parish A). In this context, he refers to the basic principle of canon 153 §1 by which the law considers as invalid the provision of an office which is not yet vacant. He shows that the exception to this norm found in canon 153 §2 does not apply in these circumstances.

Moreover, he demonstrates that some “creative” solutions to this situation that have been proposed and implemented are simply not lawful. R. offers instead some possible lawful alternatives, including seeking a dispensation from the Holy See and the establishment of a custom *contra legem*. Finally, he makes some proposals to resolve the issue, including a radical rewriting of the whole text of canon 153.

200-203

RMDC 29/1 (2023), 7-32: Francisco Javier Amaya – Luis de Jesús Hernández: El cómputo del tiempo en las normas codiciales. (Article)

The authors investigate the criteria that the Supreme Legislator has used to regulate various actions in the life of the Church, and that have to do with the measurement of time, including the negative or positive effects of making use or not making use of the time granted in a process or procedure. They examine the concepts of peremptory term, temporary term, *ipso iure* extension, and prescription.

BOOK II, PART I: CHRIST'S FAITHFUL

204

FThC XII (2023), 151-170: Péter Erdő – Julio García Martín: La missione come principio organizzativo della Chiesa – La missione dei laici, dei presbiteri e dei vescovi. (Article)

Both the principle of subsidiarity and the hierarchical principle find their legitimacy in the Church by virtue of the mission itself: a mission that requires diverse ministries and organizational unity. For the functions that belong to the proper mission of all the faithful, the principle of subsidiarity seems to apply. For functions that pertain to the specific mission of sacred ministers, subsidiarity manifests itself in certain auxiliary and substitutionary functions. The same dynamic is observed in the distribution of functions among bishops and presbyters. Such collaboration therefore cannot fail to be hierarchical and organizational, while at the same time necessarily respecting the full development of the mission of individual Christian faithful. In this sense, the mission of each and every individual category of the faithful, considered according to the teaching of the Second Vatican Council and of later Magisterium, constitutes a principle of interpretation for all canonical norms that refer to the structure and order of the functions of the People of God.

208

FThC XII (2023), 151-170: Péter Erdő – Julio García Martín: La missione come principio organizzativo della Chiesa – La missione dei laici, dei presbiteri e dei vescovi. (Article)

See above, canon 204.

215

REDC 79 (2022), 357-382: Antonio Viana: Tiempo y edad en el oficio eclesiástico. El decreto del Dicasterio para los Laicos, Familia y Vida (3.06.2021). (Article)

V. deals with the incidence of two factors in ecclesiastical offices: the passage of time and the fulfilment of certain age-limits in the holder of the office. In the first part of the study he presents a systematic summary of the general legislation. In the second part he discusses the novelties and consequences of

the treatment of the temporal aspect of offices in the regulations published in 2021 by the Dicastery for Laity, Family and Life. He concludes with an assessment of the norms of the Dicastery's decree with regard to the fundamental freedom of association in the Church.

220

J 80 (2024), 151-196: Michael J. Mazza: Is the Internal Forum under Attack? The Status of the Sacramental Seal and the Internal Forum in Church and State in the USA. (Article)

See below, canons 983-984.

220

Per 113 (2024), 5-41: Emanuele Spedicato: Considerazioni sulla configurabilità della fattispecie di lesione illegittima della buona fama (can. 220). (Presentation)

One of the fundamental rights of the faithful found in Book II of the CIC/83 is expressed in canon 220 concerning the right to a good reputation. In this presentation to the annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University in Rome, S. demonstrates from a review of jurisprudence and doctrine that the right to a good reputation is not absolute but relative: in certain circumstances, a person's good name can be called into question or even damaged legitimately, e.g., when there is a risk to other persons, when there is a danger to the common good, or when the person gives consent. The analysis of jurisprudence deals with cases in which an individual sought action against an ecclesiastical authority for calling their good reputation into question.

220

QDE 37 (2024), 60-84: Michele Porcelluzzi: La tutela della riservatezza tra Concordato, Regolamento europeo e normativa canonica. (Article)

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

220

REDC 79 (2022), 515-555: Michael J. Mazza: The Canonical Tradition Valuing the Right to Reputation. (Article)

The right to a good name is a fundamental, natural human right that is mentioned specifically in canon 220 of the 1983 Code. In the present environment, however, this right has been frequently forgotten. Catholic clergy, in particular, have seen their right to reputation overlooked by forces both within and outside the Church. M. shows that respect for the good of *bona fama* is fundamental to any truly human community. Noting the impressive canonical tradition strongly in support of the juridical good of *bona fama*, he demonstrates how the good of *bona fama* became part of the lived testimony of the early Church and developed over time. The canonical tradition was incorporated into the Church's first attempt at codification in 1917; the reform of that Code after Vatican II clearly reflected the developments in 20th century magisterial teaching on the good of reputation.

220

RGDCDEE 64 (2024): M.^a Leticia Rojo Álvarez-Manzaneda: Pertinencia religiosa y protección de datos. Doctrina y jurisprudencia. (Article)

This study concerns the evolution of conflicts arising in relation to the fundamental right to data protection and religious freedom, regarding the exercise of the right to cancel data held by religious confessions. The author analyses judicial decisions issued regarding the Catholic Church and the cancellation of data from the baptismal books. Subsequently, she examines the situation as it affects Jehovah's Witnesses.

235

IE XXXVI (2024), 63-88: Marco Mastroianni: Psicologia e formazione dei candidati al sacerdozio: un approccio giuridico. (Article)

M. deals with the theme of the use of psychology in the discernment and formation of candidates to the priesthood. Starting from the most important contributions of the Magisterium, which highlight the usefulness of psychological tools, he outlines the juridical relationship between the formator and the candidate. A correct approach requires a careful consideration of the relationship between the right-duty of the institution in

charge to know properly the candidates and the legitimate right of each person to the protection of their privacy.

265

Luis Navarro (Pierpaolo Cilla, ed.): Il soffio sulla terra. Studi su diritto ecclesiale e aggregazioni. (Book)

See below, canons 298-329.

281

IusM XVII/2023, 9-31: Jean Olivier Nke Ongono: The Difficulty of Adequate Sustenance of Clerics in Mission Lands and the Way Forward. (Article)

The adequate sustenance of clerics constitutes one of the current questions in the life of the Church. In the young Churches this problem arises with particular intensity. In fact, these Churches were often born with foreign financial aid, thus lacking the specific formation in the sense of the participation of the community in providing for the material needs of the Church, and among these the sustenance of clerics. Also, the young Churches are found in economically poor countries. The scarcity of financial resources makes it impossible to guarantee to clerics adequate sustenance as defined by canon 281 §§1-2. This situation causes many other problems such as inequalities and rivalries among clerics, the poor administration of the temporal goods of the Church, careerism, and commitment to business among others. To get out of this vicious circle, solidarity and equalization are the principles that will be at the basis of the necessary work of organization of the Churches. A remote preparation for this objective must be made already during the formation of future clerics, thus educating them in a sense of priestly communion. A just distribution of the little available and the creation of the various institutes envisaged by canon 1274 are therefore necessary.

295-296

Comm 55 (2023), 281-283: Pope Francis: Lettera Apostolica in forma di Motu Proprio con la quale vengono modificati i cann. 295-296 relativi alle Prelature Personali, 8 agosto 2023. (Document)

The provision for personal prelatures was envisaged in *Presbyterorum Ordinis*, no. 10 and *Ad Gentes*, chapter 3, footnote 4, and enacted in the motu

proprio *Ecclesiae Sanctae* I, 4. The CIC/83 placed it between the sections on sacred ministers and clerics, and associations of the faithful. *Praedicate Evangelium* assigned responsibility for such prelatures to the Dicastery for the Clergy. In the light of the motu proprio *Ad charisma tuendum* of 14 July 2022 (concerning Opus Dei) the text of canons 295-296 is revised to clarify that the Prelate acts as Moderator endowed with the faculties of an Ordinary, who has the right to establish a national or an international seminary and to incardinate students and promote them to orders with the title of service of the prelatore.

295-296

FThC XII (2023), 47-94: Julio García Martín: Las prelaturas personales (Parte I). (Article)

G.M. traces the legislative history of personal prelatures, from the Vatican II Decree *Presbyterorum ordinis* to John Paul II's Apostolic Constitution *Ut sit* whereby Opus Dei was erected as a personal prelatore, and more recently Pope Francis's Apostolic Constitution *Praedicate Evangelium*, which placed personal prelatures under the jurisdiction of the Dicastery for the Clergy, and a subsequent motu proprio modifying canons 295 and 296.

298-329

AC 64 (2023), 159-182: Hervé Miayoukou: Une possibilité d'évolution notable dans la qualification et la régulation canoniques des communautés nouvelles. (Article)

M. looks at the characteristics of new communities. One common feature is the commitment of a group – religious, clergy, lay, male or female – to live a common life. Some canonists see them as communities on their way towards stability. John Paul II saw them as a providential gift of the Spirit, the fruit of a new springtime. At an early stage the status of “private associations of the faithful” gives groups sufficient freedom until they identify the most appropriate framework. An “ecclesial family of consecrated life” is a new juridical structure. The recognition of the Community of the Beatitudes as an ecclesial family of consecrated life is the first time such recognition has been granted. Founded in 1973, the Community was set up in 1985 as a private association of the faithful of diocesan right. In June 2011, Archbishop Le Gall of Toulouse established the Community as a “public association of the faithful under diocesan law, with a view to becoming an ecclesial family of consecrated life”. In November 2020, the Dicastery for Institutes of

Consecrated Life granted Archbishop Le Gall the power to erect the Community as an ecclesial family of consecrated life of diocesan right (a copy of the decree of erection is included at the end of the article). The Community consists of three branches: consecrated brothers, consecrated sisters, and lay people. In *Vita consecrata*, no. 62, Pope John Paul II expressly forbade married couples from taking religious vows. By way of comparison, the Emmanuel Community has the status of a public international association of the faithful.

298-329

IusM XVII/2023, 65-87: Massimo del Pozzo: I diritti e i doveri fondamentali “nelle” comunità carismatiche. (Article)

Del P. explores how fundamental rights and duties are shaped within new charismatic communities, which are characterized by strong vocational commitment, solidarity, and a shared sense of mission. These communities' unique social dynamics give specific meaning and structure to the legal rights tied to their relational values. In these “small communities” rights are often influenced by charismatic leadership, communal solidarity, and shared spiritual identity. Safeguarding individual autonomy and personal dignity is key to fostering healthy community life. At the same time, the expectations of unity, obedience, and active involvement give these rights a distinct form. Expanding legal awareness and refining constitutional principles can strengthen protections and rationality within the legal framework, paving the way for a potential “Charter of Rights in Charismatic Communities”.

298-329

Per 113 (2024), 81-123: Carlo R. M. Redaelli: Il decreto generale del Dicastero per i Laici, la Famiglia e la Vita del 3 giugno 2021 sull'esercizio del governo nelle associazioni internazionali: un primo passo verso un inquadramento teologico-canonico complessivo dei movimenti ecclesiali? (Article)

On 3 June 2021, the Dicastery for Laity, the Family and Life issued a general decree to regulate the exercise of governance in international associations of the faithful, whether public or private, as well as in other bodies with juridical personality under the supervision of the Dicastery. R. first of all presents the purpose of the Decree, the identity of those to whom it is addressed, as well as the norms affecting the length of the term of office of those in government within the associations. Following this presentation, he offers some

reflections concerning the reasons that justify such an intervention and the necessity of vigilance to guard against possible abuse in the organization. The third and final section deals with a consideration of the fact that the Decree is aimed also at ecclesial movements and new communities which present several delicate issues to be resolved in terms of internal governance. R. considers the tension between the charism and the institution, the role of the Holy Spirit, the charism of the founder, the founding charism, and the collective charism that maintains the movement or community or association, before examining the complex relationship of such charisms with the universal and particular Churches. In his view, the Decree seeks not just to prevent abuses and internal difficulties but also to begin a normative framework within which to deal with ecclesial communities and new movements in a way that promotes what is good.

298-329

Luis Navarro (Pierpaolo Cilla, ed.): Il soffio sulla terra. Studi su diritto ecclesiale e aggregazioni. (Book)

This volume presents a selection of articles by N. in different languages published between 2002 and 2023, dealing with ecclesial movements and the new communities, and revealing the evolution of N.'s thought during that period. The topics include canonical dimensions of new ecclesial movements and charisms; incardination in ecclesial movements; the new movements in the teaching of Benedict XVI; canonical aspects of consecration; clergy and new ecclesial movements; forms of association in the CIC/83; juridical aspects and limits of charisms; canon law at the service of charisms; canonical reflections on the evangelical counsels in family life; working for the Kingdom of God in associations and respect for justice, charity, and freedom; and the centrality of the human person and respect for human and Christian dignity. (For bibliographical details see below, Books Received.)

299

Ap XCIII (2020), 267-277: Patrick Valdrini: Le associazioni lodate e raccomandate nel CIC del 1983. Una proposta *de iure condendo*. (Article)

Against the background of a general comparison between the current categories of the CIC/83 and those of CIC/17, V. draws attention to the two notions of *laudatio* and *commendatio*. The two categories appear in an aside in canon 299 §2 as a reminder that such application does not change the private character of associations. *Laudatio* and *commendatio* are an indication

of the ecclesiastical authority's assessment of the interest of the baptized in joining certain associations created by the initiative of the faithful. V. proposes that, *de iure condendo*, without changing the new distinction between public and private associations (which unfortunately did not provide the clarity desired by the Code Revision Commission), a canon on *laudatio* and *commendatio* be added in this part of the Code devoted to associations of the faithful.

317-318

REDC 79 (2022), 489-514: Alberto Payá Rico: El capellán: paradigma de la atención pastoral específica. (Article)

See below, canons 564-572.

324

REDC 79 (2022), 489-514: Alberto Payá Rico: El capellán: paradigma de la atención pastoral específica. (Article)

See below, canons 564-572.

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

330

ETJ 28 (2024), 36-75: Paul Pallath: Primacy of the Pope and Collegiality of Bishops according to the Second Vatican Council. (Article)

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

331

AC 64 (2023), 23-41: Patrick Valdrini: François, pape législateur: essai sur une méthode législative. (Article)

At the time of writing, Pope Francis had issued 6 Apostolic Constitutions, more than 60 *motu proprio*s, and 25 rescripts *ex audientia*. A Pope exercises his legislative power personally; hence the importance of consultative bodies such as the Synod of Bishops, whose role Francis sought to develop in *Episcopalis communio* (2018); see also his discourse on the 50th anniversary of the Synod of Bishops (15 October 2015). The Synod of Bishops is organized in a way that gives voice to the *sensus fidelium*. The Council of Cardinals set up by Francis in 2013 assisted him in a review of canon 838 (on the translation of liturgical books) and with *Come una madre amorevole* (2016), on the responsibility of bishops and religious superiors in the management of abuse claims. It also assisted him in the preparation of *Praedicate Evangelium* (2022), which restructured the Roman Curia. V. concludes that Francis's legislative style is synodal.

331

Iustitia 15, 1 (2024), 107-224: Dicastery for Promoting Christian Unity: The Bishop of Rome. Primacy and Synodality in the Ecumenical Dialogues and in the Responses to the Encyclical *Ut unum sint*. (Document)

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

331

RDC 73/2 (2023), 221-360: « Pouvoir sacré » et séparation des pouvoirs dans l'Église. (Compilation)

See above, General Subjects (*Compilations*).

342

Comm 55 (2023), 126-130: Synod of Bishops: *Segretaria Generalis Synodi*: Lettera sul ruolo del Vescovo nel processo sinodale, 26 gennaio 2023. (Document)

Cardinal Grech writes to diocesan bishops on the subject of their role in the Synodal Process 2021-2024. Each bishop has a responsibility both for the particular Church entrusted to him and for the universal Church. The Apostolic Constitution *Episcopalis communio* transforms the Synod from an event into a process. This is reflected in the gradual development of the Document to be studied at continental level. It is not an agenda for the Assembly but rather an invitation for reflection. The process is a participation in the prophetic role of Christ.

342

Per 113 (2024), 125-141: Francesco Coccopalmerio: Voto, votazioni, maggioranze e minoranze: elementi interessanti della sinodalità ecclesiale. (Presentation)

In the light of certain interventions on the theme of synodality that seem to be contrary to the idea of voting and ballots, C., the emeritus President of the Pontifical Council for Legislative Texts, focuses his attention on no. 7 of the Apostolic Constitution *Episcopalis communio*, issued on 15 September 2018. This document regulates the work of the Assembly of the Synod of Bishops. In his presentation to a Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, he begins by offering an exegesis of the text of no. 7, paying particular attention to the concept of consent. He then moves on to a consideration of what constitutes a vote, and how voting is structured, before returning to a re-reading of no. 7. He concludes that voting and elections are an expression of the person and should never be undervalued.

342-348

AnC 20 (2024) 1, 95-115: Tomasz Rozkrut: Synod Biskupów instytucją promującą synodalność w wymiarze powszechnym (*Synod of Bishops – an institution promoting synodality in universal dimension*). (Article)

From the beginning of his Petrine ministry Pope Francis has paid special attention to the Synod of Bishops, trusting that it will help promote dialogue and cooperation among bishops and with the Bishop of Rome. He sees the need not only to appreciate but also to perfect the institution of the Synod of Bishops, which is a valuable heritage of the Second Vatican Council and an expression of collegiality, as emphasized by Paul VI and John Paul II. Synodality remains, in Pope Francis's words, "the path that the Lord God expects from the Church in the third millennium".

360

AC 64 (2023), 43-59: Ludovic Danto: François législateur et la Curie romaine: des premières réformes du pontificat à la constitution apostolique *Praedicate evangelium*. (Article)

Praedicate Evangelium was issued in stages. D. points to the role of lay men and women to leadership roles as a major novelty.

360

Comm 55 (2023), 94: Pope Francis: *Rescriptum ex Audientia SS.mi* circa l'attribuzione di due Segretari Aggiunti alla Sezione per la prima evangelizzazione e le nuove Chiese particolari del Dicastero per l'Evangelizzazione, 1 agosto 2022. (Document)

For greater clarity of roles within the Dicastery for Evangelization, two assistant secretaries are designated, one to manage the distribution of funds to the missions, and a second to administer the patrimony that supports this.

360

Comm 55 (2023), 95-96: Pope Francis: Decreto circa la rappresentanza legale piena della II Sezione del Dicastero per l'Evangelizzazione, 1 agosto 2022. (Document)

The previous disposition that the Cardinal Prefect of the Dicastery for Evangelization was its sole legal representative did not fit well with the new

structures of accountability provided in *Praedicate Evangelium*. This is now entrusted to the Pro-Prefect for the first evangelization and new particular Churches.

360

Comm 55 (2023), 97-98: Pope Francis: *Rescriptum ex Audientia SS.mi circa la gestione del patrimonio immobiliare della S. Sede*, 13 febbraio 2023. (Document)

Given the current financial exigencies Pope Francis restricts the ability of entities of the Holy See to provide subsidized accommodation to Cardinals and officials working for the Roman Curia or other entities of the Holy See.

360

Comm 55 (2023), 101-102: Pope Francis: *Rescriptum ex Audientia Ss.mi circa i compiti dell'Ufficio del Revisore Generale*, 26 aprile 2023. (Document)

This rescript remedies an omission in *Praedicate Evangelium* concerning the reporting procedure of the Office of General Review (18 §2) during the vacancy of the Apostolic See.

360

Comm 55 (2023), 144-145: R. Campisi: *Relazione di Mons. Roberto Campisi, Assessore per gli Affari Generali della Segreteria di Stato, in occasione della riunione di alto livello di Moneyval*, Varsavia, 26 aprile 2023. (Report)

The assessor for General Affairs at the Secretariat of State, addressing the international *Moneyval* conference in Warsaw, regrets that some of the norms to prevent money laundering have been abused to impede the legitimate work of civil society and humanitarian organizations, including those with a religious background.

360

Comm 55 (2023), 146-149: C. Barbagallo: “Più forti relazioni con l'estero, attendiamo da Moneyval giudizio positivo”, Intervista con il

presidente dell'ASIF dott. Carmelo Barbagallo, in occasione della pubblicazione del Rapporto ASIF 2022, 10 maggio 2023. (Interview)

This interview was published in *L'Osservatore Romano* on 10 May 2023, pp. 10-11. The President of the Supervisory and Financial Information Authority (ASIF) comments on its report for 2022. Whereas 2021 had been a year of internal consolidation, 2022 involved a higher level of international interaction. A greater number of suspect cases had been reported (128), but this did not necessarily imply a higher level of risk since it reflected catching up on the Covid pandemic, a wider geographical area, and a raised level of watchfulness. He explains the greater degree of cooperation with agencies such as the Promoter of Justice, Gendarmerie, and international bodies. *Praedicate Evangelium* had made clearer the place of ASIF within the structure of the Curia.

360

Comm 55 (2023), 150-152: F. Coccopalmerio: “L’evangelizzazione al cuore della riforma della Curia Romana”, *Relazione a un anno dall’entrata in vigore della Costituzione Apostolica Praedicate Evangelium*, a cura del Cardinale Francesco Coccopalmerio, Presidente emerito del Pontificio Consiglio (oggi Dicastero) per i Testi Legislativi, 5 giugno 2023. (Report)

C. looks back over the past year and locates the revised structure of the Roman Curia in the context of the agenda of the conversion of the Church through the synodal process, giving it a more missionary dynamic. He emphasizes the spiritual dynamic that underlies structural reorganization. This was published in *L'Osservatore Romano* on 5 June 2023, p. 11, and forms the preface for a book “*Praedicate Evangelium. La Curia Romana di Papa Francesco*” by S. Rossano (Rome, 2023).

360

Comm 55 (2023), 290: Pope Francis: *Rescriptum ex audientia Ss.mi: Soppressione delle Fundazioni Buon Samaritano e Giustizia e Pace, e costituzione Fondazione Van Thuân*, 3 luglio 2023. (Document)

At the request of the Prefect for the Dicastery for Human Development, Pope Francis grants the dissolution of two existing foundations and replaces them with a new one.

360

Comm 55 (2023), 293-294: Pope Francis: *Rescriptum ex audientia Ss.mi* sul rinnovamento della Direzione per le Risorse Umane della Santa Sede della Segreteria per l'Economia, 25 settembre 2023. (Document)

In the light of *Praedicate Evangelium*, no. 217 §2, Pope Francis abolishes the previous provision for human resources within the Holy See through the independent Commission of evaluation for the recruitment of lay personnel (CIVA).

360

FThC XII (2023), 133-148: Szabolcs Anzelm Szuromi: The reorganized structure and functioning of the Roman Curia – A comparative analysis in the light of earlier canon law sources. (Article) [133 2025/1]

The Roman Curia has specific pastoral, ecclesiastical, and ministerial functions. These are carried out in a particular way in close collaboration with the Roman Pontiff, in the exercise of his supreme pastoral office. The Curia acts on behalf of the Pope, thus facilitating the work of the Apostolic See in the universal Church. Consequently, when certain offices of the Curia exercise ecclesiastical governmental power, this is considered as ordinary vicarious power. To understand all this, it is necessary to recall briefly the gradual development of the Roman Curia; the importance of the first codification; the Apostolic Constitution *Pastor Bonus* (28 June 1988), which was in force until 4 June 2022 and which regulated the jurisdiction and functioning of the Curia; as well as the innovations regarding structure, terminology, and competences introduced by the Apostolic Constitution *Praedicate Evangelium*, promulgated on 19 March 2022 and entering into force on 5 June 2022. Pope Francis's most recent document on the reorganization of the functioning of the Roman Curia fits perfectly into the pastoral reform he has consistently carried out over the past ten years.

360

IC 64/127 (2024), 385-393: Davide Salvatori: Dicasterio para la Doctrina de la Fe. (Dictionary entry)

In this new entry for the *Diccionario General de Derecho Canónico*, S. looks at the historical origins and importance of the Dicastery for the Doctrine of the Faith, its structure and competences, its exercise of vicarious power and

the value of its documents, its relationship with other Dicasteries, and its subsidiary organisms.

360

IC 64/127 (2024), 395-405: Stefano Testa Bappenheim: Tribunal del Dicasterio para la Doctrina de la Fe. (Dictionary entry)

In this new entry for the *Diccionario General de Derecho Canónico*, T.B. looks at the historical antecedents of the Tribunal of the Dicastery for the Doctrine of the Faith; the relevant norms of the CIC/17, the CIC/83, the CCEO, and subsequent legislation; the *motu proprio Sacramentorum sanctitatis tutela* of 30 April 2001; the *motu proprio Vos estis lux mundi* of 7 May 2019 (made definitive on 25 March 2023); the Rescript *Norms regarding delicts reserved to the Congregation for the Doctrine of the Faith*; and the Apostolic Constitution *Praedicate Evangelium*.

360

Per 112 (2023), 547-580: Gianfranco Ghirlanda: Esemplarità della Curia Romana per il rinnovamento delle curie diocesane. (Presentation)

From the very opening words of the Apostolic Constitution *Praedicate Evangelium* reforming the Roman Curia, Pope Francis has sought to underline that the Curia has a missionary character and is at the service of realizing the Church's mission to preach the Gospel. In this presentation, given at the Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, held in Desenzano del Garda in June 2023, G. underlines the teaching rooted in Vatican II that the Church is synodal in nature, that it is the People of God in which all the baptized have a role to play. In the light of this doctrine, G. moves on to discuss the reorganization of diocesan curias throughout the world, showing that the restructuring of the Vicariate of Rome can offer a good example of how the structures of government in a diocese can be properly harnessed to assist with the preaching of the Gospel in today's world. In effect, these changes serve to strengthen Vatican II's vision of the role of the bishop as a father and pastor in the diocese (Decree *Christus Dominus*, no. 16). To preserve this unique role G. even suggests that it would be easier to accomplish if vicars general were not also bishops.

360

RGDCDEE 64 (2024): María García-Nieto: Nuevas posibilidades de los laicos en la curia romana, según la Const. Ap. *Praedicate Evangelium*. (Article)

The Apostolic Constitution *Praedicate Evangelium* has brought about a series of innovations that affect the laity of the Roman Curia. With the entry into force of the new regulation, they can now become full members and assume positions of responsibility. Specifically, lay people can preside over dicasteries. This is due to the legislator's inclination towards a broad interpretation of canon 129 §2, which brings new elements to the doctrinal debate on the origin of the power of governance. However, although it is a rule favourable to lay participation, it does present limitations, for example, within the apostolic tribunals. On the other hand, Francis focuses on three aspects for the suitability of members of the Roman Curia: professionalism, service, and holiness. He places the reform within the context of ecclesial and personal conversion, which demands exemplary life and communion. However, verifying this information may infringe upon the right to a good reputation and privacy. Ultimately, these are aspects that, when implementing the reform, raise legal questions for reflection.

360

Merlin Rengith Ambrose: Reform of the Roman Curia. The Salient Features of *Praedicate Evangelium*. (Book)

While in the 1917 Code there were 23 canons on the Roman Curia (CIC/17, canons 242-264), in the CIC/83 there are just two canons (360 and 361), all other matters being left to special law. That law is now contained in the Apostolic Constitution *Praedicate Evangelium* that governs the constitution and competence of the Roman Curia, which acts in the name and authority of the Roman Pontiff for the good and the service of the Churches (cf. canon 360). It offers a strong missionary direction for the Roman Curia and introduces significant and notable changes from the previous law established by the Apostolic Constitution *Pastor Bonus* in 1988. This book aims at elucidating some of the significant features of the new Apostolic Constitution, highlighting the mind and spirit of Pope Francis in the reform effected. (For bibliographical details see below, Books Received.)

362-367

EIC 64 (2024), 121-139: Juan Ignacio Arrieta: Configurazione giuridica dei rappresentanti pontifici presso gli Stati e le Organizzazioni internazionali. (Article)

A. examines the history and juridical status of the pontifical *legatus*. He looks at the two roles of this institution, which connects the Pope with his bishops and with secular authorities, thereby involving a religious and a secular role. He explains how the developments of international relations and international law on one hand, and of Catholic doctrine on the other hand, have caused the powers and the status of the *legatus* to evolve over time, including within the Catholic hierarchy. Finally he focuses on the juridical status of the institution and the variety of its members.

373

Ap XCIII (2020), 385-433: Maria Gabriella Seu: Enti canonici gerarchici e limiti di applicabilità dell’approccio organicistico. (Article)

The essential structure of the hierarchical communities of the Church, based on the community component and on the pastoral care entrusted to the ministry of the bishop and the parish priest, as made clear by Vatican II, demands particular caution in considering the nature of such entities. The juridical personality of the diocese and the parish is not a criterion for classifying them among the so-called subjects of law: the diocese and parish are not juridical persons but rather “enjoy” juridical personality, and as regards their affairs they are represented by the bishop and the parish priest. S. also analyses the juridical nature of this representation.

373

Comm 55 (2023), 291-292: Pope Francis: *Rescriptum ex audientia Ss.mi*: Norme proprie dell’Esarcato per i fedeli ucraini cattolici di rito bizantino in Italia, 28 agosto 2023. (Document)

The Bull *Christo Salvatori* of 11 July 2019 established an exarchate for Ukrainian Catholics in Italy. At the request of the Prefect of the Dicastery for Eastern Churches, Pope Francis grants certain supplementary norms clarifying its relationships with the dioceses of Italy and the Conference of Bishops.

375

QDE 36 (2023), 432-447: Fabio Franchetto: Governo della Chiesa particolare e pandemia. (Article)

After considering decrees of the Holy See and the relevant guidance of the Italian Bishops' Conference, F. looks at the various areas where the governing authority of the diocesan bishop could be needed to provide for situations caused by pandemic: the liturgical and sacramental ambit, including celebrations in and access to places of worship, and the administration and celebration of the sacraments; preaching, catechesis, and education; gatherings such as pastoral visits, synods, and bodies involved in consultation or administration; the administrative activity of the diocese and its parishes and the management of temporal goods. He concludes with the suggestion that the needs of the pandemic point to the need for a legal response which is coordinated between dioceses, and which looks at all aspects of the Church's life, not just its liturgy.

381

RDC 73/2 (2023), 221-360: « Pouvoir sacré » et séparation des pouvoirs dans l'Église. (Compilation)

See above, General Subjects (*Compilations*).

391

Canonist 15/1 (2024), 78-95: Rodger Austin: The Diocesan Bishop and his Judicial Power of Governance. (Article)

In his pastoral governance of the particular Church, the diocesan bishop acts, as Pope John Paul II stated, within “the reality of communion which is the basis of all intraecclesial relationships”. The fundamental relationship is the hierarchical communion of the diocesan bishop with the other members of the Episcopal College and the Roman Pontiff, the Head of that College. That reality of communion also embraces the relationship of the diocesan bishop with the relevant Dicasteries of the Roman Curia. Each particular Church has a constitutional legitimacy together with its legislative, administrative, and judicial autonomy for which the bishop is responsible. The protection of this legitimacy and autonomy is the responsibility of the bishop who cannot avoid responsibility for the exercise of the rights and duties of pastoral governance to which he is personally bound.

391

RDC 73/2 (2023), 221-360: « Pouvoir sacré » et séparation des pouvoirs dans l'Église. (Compilation)

See above, General Subjects (*Compilations*).

393

Ap XCIII (2020), 385-433: Maria Gabriella Seu: Enti canonici gerarchici e limiti di applicabilità dell'approccio organicistico. (Article)

See above, canon 373.

401

REDC 79 (2022), 357-382: Antonio Viana: Tiempo y edad en el oficio eclesiástico. El decreto del Dicasterio para los Laicos, Familia y Vida (3.06.2021). (Article)

See above, canon 215.

447-459

Ius Comm XII (2024), 99-115: José San José Prisco: Las conferencias episcopales, más que un lugar de encuentro. (Article)

Animated by a spirit of synodality, the author proposes the recognition of a greater margin of action for episcopal conferences in the synodal process (in its stages of preparation, celebration, and implementation) and in the promotion of ecclesial life; he also promotes the effective participation of all the members of the People of God in the organisms and institutions that manifest and give effect to episcopal collegiality.

469

Comm 55 (2023), 9-29: Pope Francis: Costituzione Apostolica *In Ecclesiarum communione* circa l'ordinamento del Vicariato di Roma, 6 gennaio 2023. (Document)

In a lengthy preamble Pope Francis sets out the guiding principles behind this legislation concerning the ordering of the Vicariate of Rome, replacing that of *Ecclesia in Urbe* (1998). The Church of Rome has to set an example for

other dioceses, while recognizing its own particular circumstances. It must respect Gospel values, and the Pope sets out many of the ideas frequently restated in his teaching. The first title sets out guiding principles, the second the central structure of the Vicariate, the third organs of synodality (consultative bodies), the fourth the offices, services, and judicial organs, and the fifth the two separate tribunals for the Diocese of Rome and that of first instance for marriage nullity cases in the Lazio Region.

469

Comm 55 (2023), 30-33: Pope Francis: Regolamento della Commissione Indipendente di Vigilanza del Vicariato di Roma, 14 febbraio 2023. (Document)

This document complements the revised legislation on the Vicariate of Rome by establishing an independent commission of oversight to exercise powers of internal review over the various organs of the Vicariate.

473

AnCrac 52 (2020), 215-236: Jerzy Adameczyk: Urząd moderatora kurii diecezjalnej (*The office of the moderator of the curia*). (Article)

In order to improve the curia's work, a diocesan bishop can nominate a moderator of the curia if necessary. A. discusses the office of the moderator of the curia. First he focuses on the fact that the office of moderator of the curia is new in the structure of the diocesan curia. Then he describes the character of the person holding the office. Finally he outlines the duties of the moderator of the curia.

475-481

IE XXXVI (2024), 329-348: Antonio Interguglielmi: La Costituzione Apostolica *In Ecclesiarum Communione*, circa l'ordinamento del Vicariato di Roma. (Article)

The Apostolic Constitution *In Ecclesiarum Communione* aims at a collegial government of the Diocese of Rome, through the enhancement of the role of the auxiliary bishops as episcopal vicars of the Pope in contact with the territory and people of the city, assisted in their action by the offices of the Curia in Rome, open to collaboration and listening to all. Much more present is the intervention and control of the Pontiff, of which the Cardinal Vicar acts

as guarantor and becomes the instrument of connection with the Council of Bishops, while the Vicegerent is entrusted with the task of coordinating the activity of the various offices.

475-481

Per 112 (2023), 617-645: Alan Modrić: La figura del vicario generale e del vicario episcopale alla luce della legislazione ecclesiale recente. (Presentation)

In this presentation given to the Colloquium of the Canon Law Faculty of the Pontifical Gregorian University in June 2023, M. takes as his starting point the two recent Apostolic Constitutions, *Praedicate Evangelium* on the restructuring of the Roman Curia, and *In Ecclesiarum Communionem* on the reorganization of the Vicariate of Rome. In the light of these two interventions, M. considers the figure of the vicar general and episcopal vicar in the life and mission of the particular Church. He examines the concept of the office of vicar general and episcopal vicar in Vatican II, in the post-conciliar documents, and in canons 475-481 of the CIC/83, before considering their role in the pastoral activity and missionary life of the particular Church, taking as their example the Roman Curia and the Vicariate of Rome after their recent reforms. According to M., the reform of these two great institutions would have no meaning if the same missionary impetus did not also embrace the whole Church, right down to the smallest community of the faithful.

486-491

REDC 79 (2022), 557-586: Jesús Río Ramilo: El derecho de acceso a los archivos eclesiales. (Article)

Given the ongoing controversy surrounding the sexual abuse of minors within the Church and the resulting scrutiny by various authorities to assess the scale of this issue – often by reviewing Church archives – it is crucial to clarify key aspects of data protection, particularly concerning access to these archives. This includes examining the general conditions governing their use, the rights of stakeholders, the content and limitations, applicable procedures, deadlines, and methods for requesting custodianship. This is a complex matter that also involves balancing other individual rights, such as the right to honour, personal and family privacy, and the protection of one's image.

515

AnCrac 52 (2020), 237-246: Piotr KroczeK: The Rights and Duties of Catholic Parish and Evangelical-Augsburg Parish: Ecumenical Perspective. (Article)

The parish is a basic administrative unit of the Catholic Church and of the Evangelical Church of the Augsburg Confession in Poland. K. aims to formulate – based on an analysis of the fundamental laws of the Churches in question – a common list of the rights and duties of the parish. One can even say that there is “one Christian parish” which can be seen from a Catholic and Evangelical perspective.

515

Ap XCIII (2020), 385-433: Maria Gabriella Seu: Enti canonici gerarchici e limiti di applicabilità dell’approccio organicistico. (Article)

See above, canon 373.

515

SCL XVI (2021), 173-245: Tharigopala Lourdusamy: Instruction *The Pastoral Conversion of the Parish Community in the Service of the Evangelizing Mission of the Church*: Historical, Pastoral and Canonical Analysis. Part I: The Pastoral Conversion of the Parish Community; Part II: Renewal of the Parish Pastoral Structures. (Article)

In 2020 the Congregation for Clergy issued the Instruction *The Pastoral Conversion of the Parish Community in the Service of the Evangelizing Mission of the Church* on the renewal of parish life. After offering a historical synopsis of the parish, L. looks at the parish in the CIC/17, the teachings of Vatican II on the parish, and the parish in the CIC/83, before analysing the 2020 Instruction in more detail. He examines parishes and other subdivisions within the diocese; ordinary and extraordinary ways of assigning the pastoral care of the parish community; appointments and pastoral ministry; bodies of ecclesial co-responsibility; and offerings for the celebration of the sacraments.

519

VJTR 88 3/24, 205-223: Antony Lawrence: Presbyteral Communion and Union with the Bishop and One Another. (Article)

God is relation. The three persons in God enjoy a perfect relationship eternally among themselves. Human persons are created in the image and likeness of the Trinitarian God. The very identity and mission of every human being flow from the Triune God. This is applicable more particularly to bishops, priests, and religious, who are called to be a sacrament of unity to the world. But, in reality what is noticed often is conflicting situations arising between bishop and priests. This affects seriously the very evangelizing mission of the Church which defines her very existence. Magisterial exhortations for united witness and communitarian living are abounding. Indeed, such united witness is imperative for credible witness of the Church to the groaning and broken world.

522

AnC 20 (2024) 1, 5-31: Jerzy Adameczyk: Mianowanie proboszcza na czas określony (kan. 522 KPK) (*Appointment of a parish priest for a specific period of time under canon 522*). (Article)

A. examines the appointment of a parish priest for a specific period of time in accordance with canon 522 of the CIC/83. He looks first of all at the priest as proper pastor of the parish, and then at the possibilities of appointing a parish priest for a defined term. The last part of the article is dedicated to complementary norms of episcopal conferences concerning this matter.

532

Ap XCIII (2020), 385-433: Maria Gabriella Seu: Enti canonici gerarchici e limiti di applicabilità dell'approccio organicistico. (Article)

See above, canon 373.

532

QDE 37 (2024), 48-59: G. Paolo Montini: Il consiglio parrocchiale per gli affari economici legale rappresentante della parrocchia. Un indulto per la Germania. (Article)

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

535

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

535

IE XXXVI (2024), 37-62: Montserrat Gas-Aixendri: Autodeterminazione di genere e registri sacramentali della Chiesa cattolica. (Article)

G.-A. examines the impact that current gender self-determination legislation in various countries worldwide may have on the management of records within the Catholic Church. Following a 2023 ruling by the Argentine Supreme Court regarding a gender identity change in baptismal records, the focus shifts to the relationship between State neutrality and ecclesiastical autonomy, particularly in record management. G.-A. discusses possible violations of equality, non-discrimination, and privacy rights under canonical norms. The controversy lies in the Church's freedom to fulfil its mission in accordance with its faith. G.-A. references international jurisprudence on religious freedom, emphasizing the need to balance individual rights, religious freedom, and the autonomy of religious institutions.

535

RMDC 29/1 (2023), 89-102: Jorge Antonio Di Nicco: Los libros de bautismo y un fallo de la Corte Suprema de Justicia de la Nación en Argentina. (Article)

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

538

REDC 79 (2022), 357-382: Antonio Viana: Tiempo y edad en el oficio eclesiástico. El decreto del Dicasterio para los Laicos, Familia y Vida (3.06.2021). (Article)

See above, canon 215.

564-572

REDC 79 (2022), 489-514: Alberto Payá Rico: El capellán: paradigma de la atención pastoral específica. (Article)

According to the universal law of the Church, a “chaplain” can serve three possible groups of faithful: members of a lay religious institute, members of associations of the faithful, and those who, because of their lifestyle or current situation, cannot enjoy ordinary parish care. Without doubt, this third group is the widest and most varied on account of multiple factors, especially that of increased human mobility. Consequently, the plurality of recipients of the specific spiritual assistance of the chaplain requires that this office be provided with all the necessary faculties for its correct exercise. P.R. aims in this article to “reevaluate” the figure of the chaplain and put it forward as a model of extraordinary pastoral care.

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

573-574

Luis Navarro (Pierpaolo Cilla, ed.): Il soffio sulla terra. Studi su diritto ecclesiale e aggregazioni. (Book)

See above, canons 298-329.

605

Luis Navarro (Pierpaolo Cilla, ed.): Il soffio sulla terra. Studi su diritto ecclesiale e aggregazioni. (Book)

See above, canons 298-329.

608

QDE 36 (2023), 464-496: Maria Grazia Colucci: L'Eucaristia centro della casa e della comunità di vita consacrata (can. 608, seconda parte). (Article)

C. examines the development of the present canon 608, demonstrating how the present law has evolved from the CIC/17 so that there is a duty and a right to have a chapel in each religious house, and to encourage the reservation of the Blessed Sacrament in that chapel. She situates this change in the context of renewed Eucharistic theology to ensure that the Eucharist is at the heart of the life of a religious community. She traces through history the question of reservation of the Blessed Sacrament, and outlines the way in which the legal rules surrounding reservation have changed. On the basis of these changes she considers reservation for secular institutes, the order of virgins, and societies of apostolic life, and looks at the rules surrounding private chapels and oratories, considering the possibility of chapels with reservation in all these settings. She concludes with an examination of the possibility of tabernacles in domestic settings (especially in the light of the experience of the Covid pandemic) to allow more ready access to the Blessed Sacrament.

618

IusM XVII/2023, 33-63: Agnès Sory: Quelques aspects juridiques de l'exercice du pouvoir du supérieur religieux "in spiritu servitii". (Article)

Among the elements defined by the Legislator to qualify the power of religious superiors, that of its exercise *in spiritu servitii*, placed at the *incipit* of canon 618, and the recommendation to respect the person, stand out as fundamental characteristic elements. The real power is a service, of the institution and of the people. This universal conviction, commonly affirmed both by the holders of power and by those for whom it is exercised, to the point of abusing it, is rich in legal implications that must be grasped in order to avoid the risk of a moralizing spiritualism, devoid of concrete effects. In fact, if this principle of authority as a service to people is never publicly contested, several attitudes are symptomatic of a misunderstanding of its real scope. S. aims to identify legal aspects whose faithful observance will make the exercise of authority the expression of a community search for the will of God and the place of respect for the person as stipulated by canon 618.

627

QDE 36 (2023), 448-463: Alfredo Rava: Il governo degli istituti di vita consacrata in tempo di Covid-19. (Article)

R. reviews the response of the competent Dicastery for religious institutes to requests made by such institutes during the time of the Covid pandemic for permission to hold chapter and council meetings by virtual means rather than in person. He analyses the Dicastery's consistent preference for in-person meetings and their willingness to prolong terms of office beyond their normal limits when such meetings were impossible. He then traces the response of the Dicastery to repeated requests for online meetings and the cautious permissions that were given for these, and the methodology required for voting at them. The article reproduces the relevant circular letters of the Dicastery as an appendix.

631

QDE 36 (2023), 448-463: Alfredo Rava: Il governo degli istituti di vita consacrata in tempo di Covid-19. (Article)

See above, canon 627.

694-704

AC 64 (2023), 132-156: Tribunal suprême de la Signature apostolique: Prot. n. 49 921/14 CA – N. – *Dimissionis (X – Congregatio pro Institutis vitae consecratae et Societatibus vitae apostolicae) coram Mussinghoff, 17 juin 2016; Emmanuelle Vaillant: Commentaire.* (Sentence and comment)

This case before the Apostolic Signatura concerns the dismissal of X, a religious priest. X completed his noviciate and was ordained on 22 September 2009. He was appointed moderator of a parish assigned to his congregation. After two weeks he was accused of abusing a minor. He received an indult of absence. He was subsequently asked to vacate the parochial house. X appealed on the basis of an *Exclaustrationsvertrag*, a civil document that gave him the right to negotiate with his abbot. The abbot of Y (where he was attached) proceeded to have him dismissed in accordance with canon 699 §1. X submitted a recourse to the Congregation for Institutes of Consecrated life and Societies of Apostolic Life, which confirmed the decision of dismissal. The Signatura upheld the Congregation's decision. In his comment on the case, V. highlights irregularities in the formation, ordination, and pastoral assignment of X. The Signatura held that the *Exclaustrationsvertrag* conflicted with X's duty of obedience. Art. 7 of the *motu proprio Competentias quasdam decernere* (11 February 2022) modified the provisions of canons 699 §2 and 700. The *motu proprio Expedit ut iura* (3 April 2023) raised from 10 days to 30 days the period when a person could have recourse to the competent authority (cf. canon 700). The Signatura held that the decree of dismissal must state clearly and adequately the reasons for dismissal.

694-704

Ius Comm XII (2024), 135-171: Supremum Signaturae Apostolicae Tribunal: Sentencia definitiva, 13 abril 2018. De la revocación de la expulsión del Instituto religioso; Juan Manuel Cabezas Cañavate: Comentario. (Sentence and comment)

A religious sister was expelled from her order by decree of her superior general, for pertinacious disobedience in serious matters. The sister had recourse to the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, which ordered that the decree of expulsion should be rescinded. The superior general brought the case before the Apostolic Signatura, which considered that there had not been a just cause to justify the Congregation's rescission of the decree of expulsion, nor any violation of the

law or prejudice caused to the religious sister in issuing the decree. In his comment on the case, C.C. looks at the legislation on the expulsion of solemnly professed religious, and at the question of obedience in religious life.

694-704

SCL XVIII (2023), 241-273: Thomas Kulandaisamy: Navigating Recourse to the Apostolic Signatura for Challenging Administrative Decrees approved/issued by the Dicasteries of the Roman Curia, with emphasis on the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life in the Cases of Dismissal of Religious. (Article)

See below, canon 1445.

695

Per 113 (2024), 142-163: Supremum Tribunal Apostolicae Signaturae: Sententia definitiva coram Sandri, diei 17 martii 2020 in una Dimissionis, prot. n. 53835/17 CA. (Sentence)

In 2015, the superior general of a society of apostolic life set up a commission to investigate the behaviour and financial affairs of a certain region of the society. This intervention provoked a protest by 13 members of that region. The superior general then sought some information about the members and concluded that a good number of them ought to be dismissed from the society. One of them was accused of concubinage (in the sense of canon 1395 §1) and he reacted to the accusation by signing a letter along with the other 12 members under investigation, as well as sending in a defence on his own behalf, taking exception to the proof presented to him. The decree of dismissal from the society of apostolic life was issued and subsequently confirmed by the then Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. The individual at the centre of the case sought recourse first to the Congregation and then to the Apostolic Signatura, which concluded with a definitive sentence in which it stated that there was no violation of the law on the part of the society or the Congregation, either in procedure or in the making of the decision. (See following entry)

695

Per 113 (2024), 164-190: Gianpaolo Montini: La dimissione da una società di vita apostolica per concubinato (can. 695). Commento alla

sentenza definitiva della Segnatura Apostolica nella causa prot. n. 53835/17 CA. (Comment)

(See previous entry.) M., the Promoter of Justice in this case before the Apostolic Signatura (prot. n. 53835/17 CA), offers a critical analysis of various aspects of the definitive judgment, e.g., the number of judges (four in this particular case), the issuing of canonical warnings and dismissal in accordance with canon 695, the presentation of the accusation and evidence in accordance with canon 695 §2, the correct understanding of the term “concubinage”, abuse of power, and the role of the superior general in this particular case. M. sees this case as evidence of progress in the jurisprudence of the Apostolic Signatura in the very serious matter of dismissal of a member from a society of apostolic life.

696-700

IC 64/127 (2024), 295-348: Supremo Tribunal de la Signatura Apostólica. Decreto sobre la expulsión de una religiosa, de 22 de junio de 2006; Sentencia sobre la expulsión de una religiosa, de 26 de enero de 2008; Gerardo Núñez: Signatura Apostólica y expulsión de una religiosa: derecho de defensa y fin del litigio por conciliación entre las partes. (Documents and comment)

N. comments on two decrees of the Apostolic Signatura that deal with the same object: the legitimacy of a decree of expulsion of a nun from her Institute. The first decree is dated 22 June 2006, the second 26 January 2008. Concerning the 2006 decree, the Signatura studied the itinerary of the administrative act of expulsion and the requirements that needed to be met for it to be valid in form and substance. With regard to the procedure, it found that the steps taken both by the Institute and by the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life corresponded with the procedure set out in canons 696-700 (the old version of canon 700 then in force). As for the substance, the Signatura considered that there were serious and justified reasons for the expulsion. In the course of the process before the Signatura, between June 2006 and December 2007, a conciliatory agreement was reached between the Institute and the nun by which the Institute reincorporated her, on condition that she behave well for one year. As a result of the agreement, the nun relinquished the recourse before the Signatura, which then asked the Dicastery if it withdrew its own involvement in the recourse and if the Dicastery confirmed the reincorporation agreement and its revocation of the decree of expulsion. The Institute maintained that, since the nun was back in the Institute, there was no longer any basis for the recourse

and asked that it not be pursued. The Dicastery, however, maintained that the decree of expulsion being appealed against was its own, not that of the Institute; and since that decree was confirmed by the first decision of the Signatura, the process continued. Accordingly the Signatura examined: 1. with regard to the decree of 2006, whether the nun's right of defence (*contradictorium* and technical assistance of a lawyer) was respected during the expulsion procedure under canons 696-700; and 2. with regard to the decree of 2008, a) which decree was the object of the appeal to the Signatura and who was its author; and b) whether the agreement between the Institute and the nun (reintegration into the Institute, withdrawal by the nun of her recourse before the Signatura, revocation by the Institute of its decree of expulsion) rendered ineffective the ratification of the decree of expulsion which had been issued by the Dicastery and confirmed by the Signatura in its first decision. Ultimately the Signatura decided that the litigation process had not been terminated, and confirmed its own 2006 decree deciding that the recourse was not to be admitted as lacking *fumus boni iuris*. N. analyses the two decrees of the Signatura from the perspective of the essential aspects of the right of defence and the reasons for the end of litigation before the Apostolic Signatura, especially through conciliation between the parties.

700

Comm 55 (2023), 59-60: Pope Francis: Lettera Apostolica in forma di Motu Proprio con la quale vengono modificati i termini di ricorso del membro dimesso da un Istituto di Vita Consecrata, 2 aprile 2023. (Document)

Since experience has shown that the procedure for dismissing religious has not always been applied correctly, both the CIC/83 and the CCEO are revised so as to give the dismissed religious thirty days instead of ten in which to have recourse to the competent authority, and it is not necessary first to seek withdrawal by the authority issuing the decree as intimated in canon 1734.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

835

QDE 36 (2023), 416-431: Massimo Mingardi: I diritti e doveri inerenti la vita liturgica e spirituale dei fedeli in tempo di pandemia e la loro tutela ecclesiale. (Article)

M. looks at how the spiritual rights and duties of the faithful connected with liturgical life were dealt with during the Covid pandemic. With respect to the Eucharist he treats of the Sunday obligation, the right to attend Mass, and means of receiving Communion; with respect to reconciliation, the opening to the third form of the Rite; he touches on the other sacraments and funerals and pastoral visiting; and he offers a reflection on the family as a privileged place for the spiritual life.

838

Comm 55 (2023), 99-101: Pope Francis: *Rescriptum ex Audientia Ss.mi* circa l'implementazione del Motu Proprio "*Traditionis custodes*", 20 febbraio 2023. (Document)

This rescript confirms dispositions made in the *Responsa ad dubia* on 4 December 2021, clarifying several points in the motu proprio *Traditionis custodes*, reserving several dispensations to the Holy See.

838

J 80 (2024), 1-51: Sean T. Doyle: *Traditionis custodes*: Ecclesiological Difficulties. (Article)

The motu proprio *Traditionis custodes* reordered the law on celebrating the pre-conciliar Roman liturgical rites. This legislative change, seemingly intended to lead to a "single and identical prayer" or unique liturgical expression of the Roman Rite, relies on an ecclesiological justification concerning the unity and communion of the Church. An analysis of the motu proprio and its elaborations in the light of a "three-tier" ecclesiological model rooted in the documents of the Second Vatican Council shows that there is no Church whose unity and communion in this model are tied to the existence of a unique liturgical expression. Rather, the legislation's justification relies on a pre-conciliar ecclesiological outlook that posits the existence of Churches

defined by rites such as a “Church of the Roman Rite”. Due to this reliance, the norms have far-reaching negative consequences for the Roman Rite and the wider Church. Legislative actions on liturgical issues within the Latin Church must have a broader ecclesiological context, and the past and present experiences of the other Churches in the Catholic communion show that a vast liturgical diversity already exists in the Church and does so without harm to Catholic unity.

838

J 80 (2024), 53-83: Vincent W. Woo: The Celebration of Daily Mass with No Faithful Present after Vatican II. (Article)

See below, canon 906.

838

J 80 (2024), 85-119: Anthony Vanberkum: An Act of Christ and the Church: The Order of Mass with the Participation of Only One or No Minister. (Article)

A minor innovation of the 1970 *Missale Romanum* was its inclusion of two distinct Orders of Mass: the *Ordo Missae cum populo* and the *Ordo Missae sine populo*. Both of these *ordines* remain in the current *Missale Romanum*, with a few alterations. This duplication of *ordines Missae* was a novelty in three respects. First, the *Consilium* for the reform of the liturgy interpreted *Sacrosanctum Concilium* to call for a division of forms of Mass based on the presence or absence of the participation of the people, rather than on the presence or absence of singing, as had been the case previously. Second, the *Missale Romanum* as revised by Pope Pius V had used the same rubrics regardless of the size of the congregation, focusing rather on the role of the server. Third, the new *Institutio generalis Missalis Romani* lays out specific rubrics for the priest celebrating alone, something which previously had not been provided for in any substance. These rubrics do, however, still require further elaboration to be made practical. V. applies the principles discerned from the revision process leading to the *Ordo Missae sine populo* to arrive at an interpretation of the current rubrics for a priest who celebrates Mass alone.

838

REDC 79 (2022), 15-44: Pierre-Marie Berthe: L'usage du missel romain de 1962 après *Traditionis Custodes*: Un débat à poursuivre. (Article)

The *motu proprio Traditionis custodes* (16 July 2021) deeply modifies the rules concerning the use of the 1962 Roman Missal within the Latin Church: in particular, the provisions of the *motu proprio Summorum pontificum* (7 July 2007) and the Instruction *Universae Ecclesiae* (30 April 2011). B. looks at the juridical status of the ancient Roman rite, henceforth subject to a new indult, and the canonical framework proposed to groups celebrating this liturgy. He then deals with a number of as yet unresolved questions: the discretion to administer the sacraments using books prior to the 1970 reform; the possibility of celebrating Mass exclusively according to the *vetus ordo*; the training of clergy in the ancient rite; and the special situation of the Society of Saint Pius X. In B.'s view this is an invitation to continue the debate on all these matters, in the light of canon 214 (the right to worship according to one's own rite) and basic principles of Catholic unity.

840

EIC 64 (2024), 209-221: Lucien Nanama: Valutazione delle doppie intenzioni e dell'intenzione predominante nella validità dei sacramenti. (Article)

N. analyses "intention" in its peculiar relationship with sacramental validity, with the aim of understanding what, juridically speaking, is the minimum intention required in the person of the minister and in the adult recipient for a sacrament to be effective. He critically analyses the complex issue of double intentions and the principle of predominant intention.

844

EIC 64 (2024), 223-243: Bartosz Trojanowski: Le assoluzioni delittuose (valide e invalide) nel nuovo diritto penale canonico. (Article)

See below, canons 1379*-1381*.

BOOK IV, PART I, TITLE I: BAPTISM

849

Maison-Dieu, 316 (June 2024), 115-138: Bruce T. Morrill: Discipliner le rite romain du baptême : une analyse de l'idéologie et des réactions aux déclarations d'invalidité. (Article)

M. examines recent controversies concerning the validity of certain baptisms, particularly in the United States. He considers the Vatican's directives addressing improper implementations of the baptismal rite to have sparked confusion and conflict among clergy and laity, reflecting deeper ideological divisions within the Church. He views these events as part of a broader power struggle over sacramental theology, ecclesiastical authority, and the identity of baptized individuals. (The article appeared initially in *Worship* 98 [April 2024], 131-150 under the title *Disciplining the Roman Rite of Baptism: An Analysis of the Ideology of and Reactions to Declarations of Invalidity*.)

849-878

AnC 20 (2024) 1, 33-49: Zbigniew Janczewski: Nowatorskie ujęcie dyscypliny sakramentów wtajemniczenia chrześcijańskiego w „Kodeksie prawa kanonicznego” z 1983 roku (*An innovative approach to the discipline of the sacraments of Christian initiation in the 1983 Code of Canon Law*). (Article)

J. examines the differences between the CIC/17 and the CIC/83 regarding the regulation of the sacraments of Christian initiation, focusing on the abundant post-conciliar legislation. By comparing the two Codes directly, one can clearly see the innovative approach to the sacraments adopted after Vatican II, as compared to the solutions to be found from around the beginning of the 20th century.

868

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

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

879-896

AnC 20 (2024) 1, 33-49: Zbigniew Janczewski: Nowatorskie ujęcie dyscypliny sakramentów wtajemniczenia chrześcijańskiego w „Kodeksie prawa kanonicznego” z 1983 roku (*An innovative approach to the discipline of the sacraments of Christian initiation in the 1983 Code of Canon Law*). (Article)

See above, canons 849-878.

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

897-958

AnC 20 (2024) 1, 33-49: Zbigniew Janczewski: Nowatorskie ujęcie dyscypliny sakramentów wtajemniczenia chrześcijańskiego w „Kodeksie prawa kanonicznego” z 1983 roku (*An innovative approach to the discipline of the sacraments of Christian initiation in the 1983 Code of Canon Law*). (Article)

See above, canons 849-878.

906

J 80 (2024), 53-83: Vincent W. Woo: The Celebration of Daily Mass with No Faithful Present after Vatican II. (Article)

In many large gatherings of priests, seminaries, and formation houses, daily concelebration among priests has become the default option in recent decades. A canonical question arises. Can a priest who has daily access to a concelebrated Mass legitimately choose to celebrate alone due to his devotion to the Eucharist? Contrary to the prevalent misconception that Vatican II aimed at eliminating private Mass through the promotion of concelebration, canon 904 encourages priests to offer daily Masses even when the faithful cannot be present. Canon 906 allows priests to celebrate Mass alone for a just and reasonable cause. Canon 902 stipulates that a priest has the complete freedom to offer Mass individually. This article shows that it is licit for a priest to celebrate alone even if there is a concelebration available, as long as the concelebration does not take place simultaneously in the same church or oratory. A Mass celebrated even without the participation of the faithful remains the centre of the entire Church and the heart of priestly existence. The canonical right of a priest to celebrate alone, based on Vatican II's teachings on daily Mass in the life of a priest, must be safeguarded.

915

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

Del P. explores the significance of the concept of scandal in sacramental practice. Moral and canonical tradition and systematization of the Code of Canon Law offer significant evidence of the concept's influence; however, they must contend with the obfuscation brought about by a postmodern mentality. In deciphering the constituent elements of *scandalum* del P. highlights the intrinsic connection between social harm and justice, the objective nature of prejudice, and the performative influence of deviant conduct. In the sacramental sphere, the defence of conscience and right intention is imposed by the very sacredness of the action itself, promoting the full, active, and conscious participation of all. The loss of the communal and supportive influence of the liturgy induces a solipsistic protagonism of the faithful and an undue privatization of worship. Continuity and coherence between doctrine, discipline, and practice seems to be the surest and most reliable guarantee of the heritage of celebration and pastoral *bonum agere*.

933

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

See above, canon 915.

934

QDE 36 (2023), 464-496: Maria Grazia Colucci: L'Eucaristia centro della casa e della comunità di vita consacrata (can. 608, seconda parte). (Article)

See above, canon 608.

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

983

IE XXXVI (2024), 311-328: Pierre Laffon de Mazières – Dominique Le Tourneau: Le secret de la confession et le secret professionnel des prêtres dans les accords bilatéraux Saint-Siège – États. (Article)

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

983-984

FThC XII (2023), 109-132: Goran Jovicic: Mandatory reporting legislation and the seal of confession in light of the prevention of child abuse and religious freedom – Part III. (Article)

For the first two parts of this article, see *Canon Law Abstracts*, nos. 129, p. 77, and 131, p. 77. Here J. presents several cases where States impose mandatory reporting legislation in the case of abuse of minors. While the Catholic Church has made significant progress in creating safe environments for minors and vulnerable adults in the last two decades, a serious threat to the inviolability of the seal of confession is posed by recently enacted legislation in certain English-speaking common law countries. While the Church is willing to cooperate with social institutions and with the police in the prevention of abuse, a problem arises when a confessor or spiritual director becomes aware of child abuse in the internal forum: in the confessional or even in spiritual direction. J. reflects on the history and theology of the seal of confession, showing that we must turn to the Scriptures, Church Fathers, Councils, and the penitential practice of the early Church to search for the origins of the confidentiality of confession.

983-984

J 80 (2024), 151-196: Michael J. Mazza: Is the Internal Forum under Attack? The Status of the Sacramental Seal and the Internal Forum in Church and State in the USA. (Article)

In recent years, the sacramental seal and the internal forum have been subjected to numerous attacks in both the mainstream media and in State legislatures. Arguments are made with increasing frequency that “secrecy”

has no place in modern society, at least when respecting “confidential communications” means certain heinous crimes may go unreported. Nevertheless, respect for the contents of the internal forum is a long-established principle of morality and canon law, and its importance in the life of the Church cannot be ignored. M. begins with an examination of the current civil laws of the United States regarding confidential communications made to clergy. He then considers the relevant moral and legal principles, including recent and important relevant guidance from the Holy See. Finally, he concludes with a review of three specific areas in which the balance between sharing necessary information and protecting the internal forum are especially imperative: abuse reporting systems, seminary formation programmes, and document retention policies and practices.

990

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

See above, canon 915.

BOOK IV, PART I, TITLE VI: ORDERS

1029

IE XXXVI (2024), 63-88: Marco Mastroianni: Psicologia e formazione dei candidati al sacerdozio: un approccio giuridico. (Article)

See above, canon 235.

1051

IE XXXVI (2024), 63-88: Marco Mastroianni: Psicologia e formazione dei candidati al sacerdozio: un approccio giuridico. (Article)

See above, canon 235.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

Comm 55 (2023), 103-107: Pope Francis: Udienza al Tribunale della Rota Romana in occasione dell'inaugurazione dell'Anno Giudiziario, 27 gennaio 2023. (Address)

In his address to the Roman Rota, Pope Francis takes as his theme God's plan in creating man and woman and establishing their mutual love in marriage as the foundation of the family. Marriage is a challenge. There are difficult times. Love is a commandment as well as a gift. It creates a bond. It is a good, and a good that spreads itself in a joy and lived holiness.

1055

Comm 55 (2023), 131-135: E. Peña Parra: Omelia di S.E.R. Mons. Edgar Peña Parra della S. Messa di inaugurazione del anno giudiziario del Tribunale della Rota Romana, 27 gennaio 2023. (Homily)

In his homily for the Rota's new judicial year P. reflects on the importance of perseverance, a word that implies labour, and to some an unwelcome image. Perseverance has two focal points: remembrance of the beginning and hope for the future. P. draws attention to the parable of the mustard seed and hidden growth.

1055

IE XXXVI (2024), 89-126: Miguel Ángel Ortiz: La pastorale matrimoniale dopo *Amoris Laetitia* come accompagnamento familiare. (Article)

The publication of the *Catechumenal Pathways for Married Life* provides an opportunity to take a look at marriage pastoral care under the present pontificate. The Pope states that it is a duty of justice for Mother Church to devote time and energy to the preparation of those whom the Lord calls to such a great mission as the family. The challenges of marriage pastoral care concern the seriousness of preparation – from childhood onwards – as a way of preventing failures and nullities, and the accompaniment of the faithful on the path to holiness in marriage and the family. The different moments of family pastoral care (preparation, healing, evangelization) are to be seen as

an expression of the accompaniment offered by the Church – pastors, families, tribunals – to realize one's vocation. O. focuses on marriage preparation, the accompaniment of wounded couples, and the discernment of the possible nullity of a marriage that has been celebrated.

1055-1129

Ius Comm XII (2024), 77-97: Carmen Peña: El derecho matrimonial canónico 40 años después: evolución legislativa y jurisprudencial ante los retos actuales. (Article)

On the occasion of the 40th anniversary of the promulgation of the CIC/83, P. critically analyses the legislative reforms introduced into the canons of the Code dealing with marriage through the *motu proprio Omnia in mentem* and *De concordia inter Codices*. She also assesses the development of post-1983 Rotal jurisprudence, pointing out that a deeper study needs to be made of the implications of the *bonum coniugum* in cases of simulation, and of the centrality of the *bonum familiae* as a criterion to inspire legislation and administrative and judicial canonical praxis.

1063

Iustitia 15, 1 (2024), 45-64: Sr Leo CHF: Assistance to the Catholic Married Couples by Women Religious: An Analysis based on CCEO and *Amoris Laetitia*. (Article)

See above, CCEO canon 783.

1083

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

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

1083-1123

AnCrac 53 (2021), 143-168: Piotr Kroczek – Przemysław Kisiel – Paweł Ulman: Examining the Family in the Light of Marriage Annulment as a New Research Perspective. (Article)

The authors propose a new research perspective, allowing for an in-depth reflection on the condition of contemporary marriages and families. Their method is to analyse the condition of the institution of marriage through the prism of the process of marriage nullity declarations. The proposed research perspective is based on an interdisciplinary approach, taking into account the broad context in which, in their opinion, the functioning of the contemporary institution of marriage should be considered.

1086

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

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

1089

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

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

1095

AC 64 (2023), 115-129: Frédéric Fermanel: Sortir de l'inévitable canon 1095: opportunités et choix méthodologiques. (Article)

F. draws on Rotal jurisprudence. In a 1986 sentence *coram* Serrano, the Rota held that immaturity was so deeply rooted in the psyche of a person as to be

a cause of simulation. In a 1987 case *coram* Stankiewicz, a similar point was made. However, there are contrasting opinions at the Rota. A “quality of the person” (canon 1097 §2) may relate to a psychological disorder. It may also be “the quality of the other party” referred to in canon 1098. A sentence *coram* Defilippi linked a psychic weakness to a susceptibility to “force or grave fear” (canon 1103).

1095

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

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

1095

IM 35 (2024), nr 1, 127-153: Bartosz Nowakowski: Biegły w sprawach o nieważność małżeństwa spowodowanych zaburzeniami nastroju – jeszcze dwa objaśnienia (*Expert in cases of nullity of marriage caused by mood disorders – two more explanations*). (Article)

N. discusses two aspects of the function of an expert in cases of invalidity of marriage caused by mood disorders. In the first part, he deals with the technical aspects of an expert’s opinion in diagnosing mood disorders, including a personal examination of the parties to the trial and an evaluation of the acts of the case. In the second part he highlights the most common problems in the material and formal construction of expert conclusions, and provides solutions to these difficulties.

1095 2°

IE XXXVI (2024), 227-263: Tribunale Apostolico della Rota Romana: Kingstonien – Nullità del matrimonio – Grave difetto di discrezione di giudizio (can. 1095, n. 2) – Sentenza definitiva in seconda istanza – 7 maggio 2020 – Davide Salvatori, *Ponente*, con commento di Sebastián

Frias, Incapacità di origine culturale. Un commento alla sentenza coram Salvatore del 7 maggio 2020. (Sentence and comment)

Lack of discretion of judgement is a juridical-anthropological concept developed by the Rotal jurisprudence of the last century, which involves three elements of the human act: a correct cognitive faculty, sufficient critical capacity, and sufficient internal freedom. Adequate critical capacity is absent when there is insufficient maturity of judgement to weigh up the essential rights and duties of marriage. Internal freedom is considered sufficient if the will is not intrinsically determined in a single direction, so that the person is able to act or not act in different ways. In order for a person to contract a valid marriage, it is also necessary that he or she possess an integral cognitive capacity in the psychological, philosophical, and moral spheres. The culture of contemporary Western societies may influence the cognitive capacity, causing the person in question to be seriously psychologically immature. Psychological or psychiatric expertise must prove this serious immaturity and must be in conformity with the acts and circumstances of the case. The Rotal judgment leans heavily on the thought of Viktor Frankl concerning noögenic neurosis.

1095 2°-3°

IM 35 (2024), nr 1, 5-29: Margaret Koterba: Concept of noögenic immaturity according to the rotal jurisprudence. (Article)

K. delves into the “noögenic immaturity” concept introduced by Mgr Grzegorz Erlebach, judge at the Roman Rota, in a post-sentence reflection. Stemming from Viktor Frankl’s work, this concept expands the understanding of psycho-affective immaturity within the context of matrimonial consent. Erlebach outlines the criteria for this psycho-affective immaturity, emphasizing its dual assessment involving both the noetic and psychic dimensions. K. explores the challenges in judicial evaluation, urging a nuanced approach considering divergent value systems among tribunal experts. She also enquires into the sources, factors, and ethical considerations surrounding noögenic immaturity. Additionally, she suggests reevaluating legal and ethical systems in the digital age and raises questions about its potential extension to other grounds for matrimonial nullity. Overall, her discussion invites a deeper exploration of the intricate interplay between the person’s system of values and psychological dimensions in the assessment of marital consent.

1095 3°

IM 35 (2024), nr 1, 229-249: Wojciech Góralski: *Incapacitas assumendi* (kan. 1095 KPK/83) w świetle wyroku Roty Rzymskiej c. Da Costa Gomes z 17 lipca 2023 roku (*Incapacitas assumendi [can. 1095 CIC/83] in the light of the judgment of the Roman Rota c. Da Costa Gomes of 17 July 2023*). (Article)

G. comments on a Rotal sentence in a case involving inability to assume the essential obligations of marriage on account of dependent personality disorder.

1108

IM 35 (2024), nr 1, 31-94: Jan Krajczyński: Proces o stwierdzenie nieważności małżeństwa z muzułmaninem. Analiza porównawcza wybranych przepisów o małżeństwie właściwych dla cywilizacji chrześcijańskiej i cywilizacji islamskiej (*The process of declaring the nullity of marriage with a Muslim. Comparative analysis of selected marriage laws applicable to Christian and Islamic civilizations*). (Article)

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

1108

RMDC 29/1 (2023), 133-144: R.P.D. Josepho Sciacca: Nulidad de matrimonio. Bratislavién-Tyrnavién. Defecto de forma canónica. (Sentence)

A marriage celebrated under the CIC/17 was found by the Rota not to be invalid for defect of form where the marriage certificate was signed by the wrong priest, and where there was doubt as to whether the appropriate delegation had been made. It is for the petitioner to prove the lack of a grant of delegation; in the absence of such proof the marriage is presumed to be valid. In the circumstances of the particular case recourse could not be made to common error.

1108-1109

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

1111

RMDC 29/1 (2023), 133-144: R.P.D. Josepho Sciacca: Nulidad de matrimonio. Bratislaven-Tyrnavien. Defecto de forma canónica. (Sentence)

See above, canon 1108.

1111-1112

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

1116

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

1124-1129

SCL XVI (2021), 101-133: Sunil Kumar D’Souza: Changing Attitude of the Church Towards Mixed and Disparity of Cult Marriages. (Article)

D’S. reflects on the sacramental nature of Christian marriage; the general understanding of mixed marriages; mixed marriages in the Bible and in the teaching of the Church Fathers and the early Councils; the early and high Middle Ages; the period following the Reformation; the CIC/17 and canonical provisions up to Vatican II; mixed marriages in and after Vatican II; the CIC/83 and CCEO; and canonical form for mixed marriages outside the Catholic Church.

1124-1129

VJTR 88 5/24, 374-391: Aloysius Enemali: Marriage Between A Baptised Catholic And A Baptised Non-Catholic. Implications for Ecumenism. (Article)

A mixed marriage – one between a Catholic and a baptized non-Catholic – is a veritable avenue for ecumenism if entered into with a sincere and honest

heart by the parties. E. investigates the situations involving mixed marriage that could bring about Christian unity. He discusses the laws governing the celebration of mixed marriages, points out some of the challenges, and suggests how in a mixed marriage situation, admirable initiatives such as the avoidance of expressions, judgements, and actions that could make mutual relations difficult, together with dialogue, praying together, and cooperation in social works, could be utilized by the parties in order to foster Christian unity.

1127

AC 64 (2023), 61-71: Gregor Prichodko: Des normes orientales prévalant en terre latine: le motu proprio *De concordia inter codices*. (Article)

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

1132

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

See above, canon 915.

1151-1155

REDC 79 (2022), 587-640: Carlos Hurtado de Mendoza: La mediación y la reconciliación ante la violencia de pareja en la separación canónica y la exclusión de las víctimas de control coercitivo del proceso *brevior*. (Article)

The article highlights the need to distinguish between different types of violence in the context of marital breakdown, and the alternatives available to spouses in a violent marital relationship. In particular it looks at mediation and reconciliation, and at the way in which victims of coercive control are excluded from the *processus breviar*.

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

1176-1185

SCL XVI (2021), 293-322: William D’Britto: Dust to Ashes? The Problem of Disposing the Cremated Remains. (Article)

D’B. looks at the history of Church pronouncements on cremation and the disposal of ashes, and examines the 2016 Instruction of the Congregation for the Doctrine of the Faith *Ad resurgendum cum Christo* from a canonical perspective.

1184

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

See above, canon 915.

1190

Comm 55 (2023), 124-125: Dicastery for Legislative Texts: Risposte particolari. (Reply)

The Dicastery clarifies that while reliquaries may be put on display in a museum as an object of art, any relic contained therein should be removed and entrusted to the diocesan Ordinary. A reliquary containing a relic may be used only as an object of devotion in a suitable place of worship. It is not appropriate to substitute a copy of the relic as this could confuse the faithful, and although well intentioned, introduces an element of falsehood.

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

1211

IC 64/127 (2024), 223-263: Massimo del Pozzo: El significado del escándalo en la disciplina sacramental. (Article)

See above, canon 915.

1222

Ap XCIII (2020), 207-226: Supremum Signaturae Apostolicae Tribunal: Sententia definitiva *Reductionis in usum profanum ecclesiae*; Cristian Begus: La presunzione di legittimità dell’atto amministrativo. (Sentence and comment)

See above, canon 124.

1247

QDE 36 (2023), 416-431: Massimo Mingardi: I diritti e doveri inerenti la vita liturgica e spirituale dei fedeli in tempo di pandemia e la loro tutela ecclesiale. (Article)

See above, canon 835.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1255

Comm 55 (2023), 34-35: Pope Francis: Lettera Apostolica in forma di Motu Proprio *Il diritto nativo* circa il patrimonio della Sede Apostolica, 20 febbraio 2023. (Document)

This motu proprio clarifies the provisions of the Code on the right to acquire temporal goods, making clear that in the case of the Holy See all assets belong to the Holy See in a unitary way and not in an exclusive way to individual Curial institutions or entities.

1269

Comm 55 (2023), 124-125: Dicastery for Legislative Texts: Risposte particolari. (Reply)

See above, canon 1190.

1273

IE XXXVI (2024), 195-225: Supremo Tribunale della Segnatura Apostolica: Prot. n. 30315/99 CA, *Iurium*, 28 giugno 2003 (sentenza definitiva), con commento di Fabio Vecchi, *Evoluzioni ecclesiologiche e permanenza del primato di regime nel Romano Pontefice*, «supremo amministratore dei beni ecclesiali». (Sentence and comment)

In a conflict between two closely linked associations over property, in which the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life intervened, the Signatura decided that the Congregation had violated the law in “imposing” on the associations a solution as to who should have title to the disputed property: only the Roman Pontiff is the supreme administrator and steward of all ecclesiastical goods. The case also raised the question of the extent to which the wishes of the testator-founder of the two associations were to be respected.

1274

IusM XVII/2023, 9-31: Jean Olivier Nke Ongono: The Difficulty of Adequate Sustenance of Clerics in Mission Lands and the Way Forward. (Article)

See above, canon 281.

1279

Ap XCIII (2020), 229-265: Paolo Gherri: Amministrazione e gestione dei beni temporali della Chiesa: apporti teoretici per una concettualizzazione canonistica. (Article)

The growing attention to the administration of ecclesiastical goods, and to the concerns to which it gives rise, continues to find no adequate theoretical support in canonical science, especially in the distinction between the administration and management of such goods. It is difficult today for canonists to distinguish adequately between the two concepts, especially when it is a question of transparency, controls, and accountability. After setting out the canonical framework, G. highlights the main conceptual elements that could be usefully drawn from civil law doctrine and civil science on the subject, starting with various legal institutions proper to Italian law.

BOOK VI: PENAL SANCTIONS IN THE CHURCH

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

1311*

J 80 (2024), 197-226: Brecht Crabbe: In Search of a Theology of Canonical Penal Law: An Interpretation of Canon 1311 §2 Through Pope Francis's Writings on Mercy and Justice. (Article)

Pascite gregem Dei is not only a significant reform of Book VI but also a landmark in the Church's theological understanding of her own penal law. However, a clear theology of penal canon law is still lacking today. C. seeks to help fill this gap by understanding the new canon 1311 §2* through Pope Francis's writings on mercy and justice. According to Pope Francis, justice is served when law is not self-referential but serves its higher purposes. For penal canon law, canon 1311 §2* demonstrates what its higher purposes are: restoration of justice, reform of the offender, and repair of scandal. Moreover, each of these three penal aims is rooted in mercy, according to the Pope. A shift is happening in legal doctrine. The restoration of justice is increasingly understood as being aimed towards compensation for victims. Some canon lawyers even seem to believe that this penal aim is the most important of all. In addition, this theological interpretation of the three penal aims reforms our understanding of mercy. Mercy is not, as was sometimes suggested, a "soft" penal law or mere leniency towards the offender. Rather, it is the proportionate fulfilment of all three penal aims of canon 1311 §2*. This is demonstrated by many other canons in the new Book VI, which often refer back to these same penal aims.

1311*

QDE 37 (2024), 85-119: Gianfranco Ghirlanda: Dimensione morale del delitto e funzione redentiva della pena. (Article)

G. outlines the philosophical and theological basis of the anthropology which underlies his position, and the ecclesiological foundation of law in the Church. He then offers an account of the obligatory quality of ecclesial law as the expression of the link between the moral and the legal order. He goes on to distinguish between sin and delict, and suggests that the condition for any delict to be a sin is the grave imputability of the act. The Church's native

and proper right to have penal law is based on the redemptive value of penal action on the offender, which aims at the conversion of the wrongdoer as well as the good of individuals and the community: the penalty imposed on a wrongdoer aims at integrating both the common good and his own good. Discernment of the just penalty balances justice in the higher perspective of canonical equity which aims at the salvation of souls. G. suggests that mercy is the attitude which should characterize the bishop's care for the wrongdoer; at the same time, the penalty selected can help heal the wound the wrongdoing has caused in both the community and the wrongdoer.

1311*-1399*

SCL XVI (2021), 31-69: Valère Nkouaya Mbandji: The Revised Book VI of the CIC/83: Major Changes and Issues Not Addressed. (Article)

M. highlights some important elements of the revised Book VI, including the obligation to initiate penal procedures and apply penalties and the reduction of the discretionary power of the ecclesiastical authority; a readjustment of the threefold purpose of canonical penal sanctions; the reclassification of various sexual offences; the delict of abuse of ecclesiastical power, office or function, and culpable negligence; delicts concerning financial malfeasance; the delict of abandonment of the sacred ministry by a cleric; the codification of three offences against the sacraments; and prescription and suspension of criminal action. Issues unresolved by the revised Book VI include the appropriateness of criminal prescription in cases of sexual abuse, *latae sententiae* penalties, and suitable forms of reparation for unjustly caused damage, other than monetary settlements or apologies. There is also some unclear terminology, such as “outstanding and malicious offences” and “special gravity”.

1313*

ADC 13 (diciembre 2023), 19-48: José Luis Sánchez-Girón Renedo: Otras Novedades relevantes en el Texto reformado del Libro VI. (Article)

See below, canon 1362*.

1319*

ADC 13 (diciembre 2023), 19-48: José Luis Sánchez-Girón Renedo: Otras Novedades relevantes en el Texto reformado del Libro VI. (Article)

See below, canon 1362*.

1321*

AnC 20 (2024) 1, 51-69: Daniel Klimkiewicz: Historyczno-prawna analiza domniemania niewinności w prawie kanonicznym (*A historical and legal analysis of the presumption of innocence in canon law*). (Article)

K. discusses the presumption of innocence from a historical and legal perspective, from Roman law up to the current legal regulations. The 19th-century humanization of criminal law contributed to the legal definition of the principle of the presumption of innocence. The legal system of the Catholic Church advocated the presumption of intentional guilt (pre-Code period and under the CIC/17), then the presumption of guilt (CIC/83). It was not until the 2021 reform of Book VI that the validity of the presumption of innocence was emphasized (can. 1321 §1*). This procedural principle had been provided for in documents outside the Code, such as the 2020 *Vademecum on certain points of procedure in treating cases of sexual abuse of minors committed by clerics* and *Vos estis lux mundi*.

1321*

IC 64/127 (2024), 109-162: Andrea d'Auria: La presunción de inocencia en el derecho penal canónico. Cuestiones problemáticas abiertas. (Article)

The revised canon 1321 §1 states: “Any person is considered innocent until the contrary is proved.” D’A. examines the historical background to the presumption of innocence, as a key to interpreting procedural guarantees; the onus of proof; the right and duty to answer well-founded and documented accusations; the principle of *in dubio pro reo*; the obligation of a judge who cannot establish moral certainty regarding guilt to issue a sentence of acquittal, and whether there is a right of acquittal; the presumption of imputability compared to the presumption of innocence; some procedural consequences of the principle of presumption of innocence (the *notitia criminis* and the prior investigation; the obligation of secrecy and confidentiality); the “administrativization” of criminal proceedings; precautionary measures; informing the accused in order to protect the right of

defence with regard to the accusations made; the need to achieve moral certainty; extenuating circumstances; the suspensive effect of a recourse or appeal; the *Vademecum* of the Dicastery for the Doctrine of the Faith; admonitions and penal recourses; and some concluding considerations.

1321*

QDE 37 (2024), 85-119: Gianfranco Ghirlanda: Dimensione morale del delitto e funzione redentiva della pena. (Article)

See above, canon 1311*.

1321*

REDC 79 (2022), 161-219: Pedro Martín Rodríguez: Estudio comparado del tratamiento de la presunción de inocencia en el derecho civil español y canónico. (Article)

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

1329*

IM 35 (2024), nr 1, 207-227: Krzysztof Marek Kielpiński: Sprawca konieczny w przestępstwie usiłowania zawarcia małżeństwa przez duchownego. Czy prawo kościelne zabrania sprawcy koniecznemu zawarcia małżeństwa kanonicznego? Studium przypadku (*The perpetrator necessary in the crime of a cleric attempting to contract marriage. Does Church law prohibit a perpetrator from entering into a canonical marriage? Case study*). (Article)

The offence of attempted marriage by a cleric is one of the most serious offences in the canon law system, for which the legislator lays down the penalty of a *latae sententiae* suspension and, if the perpetrator fails to improve, other penalties, not excluding dismissal from the clerical state. K. presents a case study on the canonical situation of the woman in an attempted marriage by a cleric, for which there are no studies in canonical literature. The position of the woman is complex, because with the recent reform of Book VI, whereby the restriction of suspension to clerics was removed (cf. the new canon 1333 §1*), her status changed. K. argues that the woman is now subject to the same punishment as the cleric (canon 1329 §2*), and cannot therefore enter into a canonical union.

1333*

IM 35 (2024), nr 1, 207-227: Krzysztof Marek Kielpiński: Sprawca konieczny w przestępstwie usiłowania zawarcia małżeństwa przez duchownego. Czy prawo kościelne zabrania sprawcy koniecznemu zawarcia małżeństwa kanonicznego? Studium przypadku (*The perpetrator necessary in the crime of a cleric attempting to contract marriage. Does Church law prohibit a perpetrator from entering into a canonical marriage? Case study*). (Article)

See above, canon 1329*.

1336*-1338*

RMDC 29/1 (2023), 33-88: Iván Plata Valencia – Mario Medina Balam: Las penas expiatorias en el Nuevo Libro VI. (Article)

The authors examine the principles and criteria that guided the revision of Book VI, especially in relation to expiatory penalties. They also highlight the criteria to be taken into account in choosing the expiatory penalties to be imposed, pointing out the novelty introduced by the legislator that such penalties may also be applied to the laity, more and more of whom exercise some function, position, ministry, or stable office within the Church.

1341*

J 80 (2024), 227-261: Quintijn Mauer: The Discretionary Authority of the Diocesan Bishop in the Penal Law of the *CIC*: A Legal Historical Perspective (1917-2021). (Article)

The discretionary authority granted to the diocesan bishop in the Church's penal law has undergone historical and legal development during the timeframe 1917-2021. This can be demonstrated through legal historical analyses of canon 2214 §2 of the *CIC/17* and its "replacements": canon 1341 of the *CIC/83* and canon 1341* of the new penal law of 2021. In these canons, the universal legislator grants the diocesan bishop discretionary authority in canonically irregular situations in his own particular Church. In general, it can be said that the most substantial discretionary authority of the diocesan bishop can be found in the penal law of the *CIC/83*. In both theory and practice, this discretionary authority led to an impediment in the application of the Church's penal law. A similar impediment did not exist in the Church's penal law in the *CIC/17*. The alterations made in the reform of 2021 have, in theory,

taken away most obstacles with regard to the functionality of the Church's penal law.

1349*

Per 113 (2024), 43-80: Damián G. Astigueta: La proporzionalità nel codice: una norma, un principio e un sistema. (Presentation)

The recent reform of Book VI of the Code, promulgated by the Apostolic Constitution *Pascite gregem Dei*, modified the text of canon 1349 so that it now contains an explicit reference to the principle of proportionality. In a presentation to the annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University in Rome, A. demonstrates that, while this clause is an innovation, it does not actually signify anything really new in the canonical tradition. He traces the principle of proportionality in the doctrine of the State, showing its roots in the Nicomachean Ethics of Aristotle and presenting its constituent elements, before considering how the same principle is expressed in canon law. So, canon 1349 is not just a norm of law but an expression of a normative principle that guides the application of other laws, especially in relation to the imposition of penalties.

1362*

ADC 13 (diciembre 2023), 19-48: José Luis Sánchez-Girón Renedo: Otras Novedades relevantes en el Texto reformado del Libro VI. (Article)

The changes made in the reform of Book VI of the Code of Canon Law regarding the prescription of criminal actions entail a new, longer prescription period for many delicts. In this, the principle of non-retroactivity of the most unfavourable criminal law should be taken into account. Regarding the penal precept, the reformed text, like the previous one, does not explicitly state the need for a penal process to impose or declare the penalty established in the precept. Various considerations could lead one to think about the possibility of doing so without a process, or without following the process entirely, which could clash with questions of principle and with other legal provisions. Other novelties of interest in the reformed text are also pointed out in the article.

1376*

Per 112 (2023), 647-688: Marcelo Gidi: Analisi dogmatico-concettuale del can. 1376 §1 2°: interesse protetto e fatto lesivo. (Presentation)

Canon 1376* §1 2° is part of a new canon in the revised Book VI of the Code, dealing with the punishment of those guilty of a variety of offences concerning ecclesiastical goods and their administration. In this presentation to the Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, G. focuses on this part of the new canon 1376* which deals with those who, without the consultation, consent, permission, etc., prescribed by law, alienate ecclesiastical goods or carry out acts of administration. Following an analysis of the interpretative context of the canon which includes the mission of the Church, the norm of law, the administration of goods, and the good to be safeguarded by the norm, G. proceeds to a detailed reading of the text of the new law.

1376*-1377*

SCL XVI (2021), 15-30: John A. Renken: Delicts of Financial Malfeasance in the Revised Penal Law. (Article)

Allegations of financial mismanagement of Church property are frequent, reflecting grave violations of trust and calling for accountability. Pope Francis, in his 2021 reform of penal law in *Pascite gregem Dei*, faces financial malfeasance head on. He establishes new canons concerning financial malfeasance, and he strengthens with modifications other existing canons concerning financial malfeasance delicts. For several of these delicts he establishes a prescription period of seven years (longer than the “default” period of three years for most delicts in the 1983 Code and the revised law: see canon 1362 §1). He “mandates” that all these delicts be prosecuted so that the unity of the Church is reflected. Frequently, the penalty is to be individualized from among the expiatory penalties listed in canon 1336 §§2-4. The revised penal law is proposed by Pope Francis to be an instrument to restore justice, reform the offender, and repair scandal, as he repeats several times (canons 1311 §2; 1341; 1343; 1345). It thus promotes the good of the entire Church and that of each of its members.

1379*-1381*

EIC 64 (2024), 223-243: Bartosz Trojanowski: Le assoluzioni delittuose (valide e invalide) nel nuovo diritto penale canonico. (Article)

T. examines valid and invalid sacramental absolutions and their penal implications in the Church. In the first part he analyses absolutions that are considered invalid, focusing on the attempted absolution of an accomplice in an act against the sixth commandment and simulated sacramental absolution. He studies reasons for invalidity related to the minister, the form, or the minister's lack of intention. In the second part he explores absolutions which are valid but are nevertheless considered offences. He looks at absolution of those who cannot receive the sacraments, including the absolution of a person who has falsely accused a confessor of solicitation, and the prohibited *communicatio in sacris*, in addition to the cases provided for in canon 844. Finally, he studies the issue of simony in the celebration of the sacrament of penance. He provides an overview of juridical and theological issues related to sacramental absolution, offering a critical analysis of canonical practice. He synthesizes issues related to invalidity, criminal actions, and simony, thus contributing to a deeper understanding of the dynamics of penance in the Church.

1380*

SCL XVI (2021), 15-30: John A. Renken: Delicts of Financial Malfeasance in the Revised Penal Law. (Article)

See above, canons 1376*-1377*.

1383*

SCL XVI (2021), 15-30: John A. Renken: Delicts of Financial Malfeasance in the Revised Penal Law. (Article)

See above, canons 1376*-1377*.

1384*

EIC 64 (2024), 223-243: Bartosz Trojanowski: Le assoluzioni delittuose (valide e invalide) nel nuovo diritto penale canonico. (Article)

See above, canons 1379*-1381*.

1390*

EIC 64 (2024), 223-243: Bartosz Trojanowski: Le assoluzioni delittuose (valide e invalide) nel nuovo diritto penale canonico. (Article)

See above, canons 1379*-1381*.

1393*

SCL XVI (2021), 15-30: John A. Renken: Delicts of Financial Malfeasance in the Revised Penal Law. (Article)

See above, canons 1376*-1377*.

1394*

IM 35 (2024), nr 1, 207-227: Krzysztof Marek Kielpiński: Sprawca konieczny w przestępstwie usiłowania zawarcia małżeństwa przez duchownego. Czy prawo kościelne zabrania sprawcy koniecznemu zawarcia małżeństwa kanonicznego? Studium przypadku (*The perpetrator necessary in the crime of a cleric attempting to contract marriage. Does Church law prohibit a perpetrator from entering into a canonical marriage? Case study*). (Article)

See above, canon 1329*.

1398*

ADC 13 (diciembre 2023), 49-75: Antonio Rella Ríos: La legalidad de la aplicación de las penas y las Facultades Especiales concedidas a la Congregación para el Clero. (Article)

Since 2009, the Dicastery for the Clergy has made use of special faculties to apply the penalty of dismissal from the clerical state and other perpetual penalties. The original motive – that of providing an adequate and speedy response to scandalous cases – has resulted at times in serious violations of procedural guarantees. R. describes some particular cases where the procedures followed go against canon law.

1398*

Canonist 15/1 (2024), 73-77: Justin Glyn: Boundaries and Belonging, Protection and Power: From Care Objects to Companions. (Article)

G. discusses how the term “vulnerable person” should be understood. None of us, he suggests, is an object of care but each of us is a collaborator in the vineyard of the Lord to the limits of our capacities. Effective protection lies in a model of safeguarding which recognizes all of us as brothers and sisters, all both sometimes in need of protection and sometimes able to provide it.

1398*

Canonist 15/1 (2024), 96-137: George S. Mukuka: “Reporting a Delict”: The Vatican Summit on the Protection of Minors in the Church of 21-24 February 2019, and the Contents of *VELM*, Article 3, §§1-2. (Article)

M. examines how the theme of reporting a delict was articulated in the presentations at the 2019 Vatican Summit on the Protection of Minors in the Church and the contents of *Vos estis lux mundi* (2019), art. 3, §§1-2. The obligation of reporting a delict was maintained in the definitive version of *Vos estis lux mundi* in 2023.

1398*

Comm 55 (2023), 48-58: Pope Francis: Lettera Apostolica in forma di Motu proprio *Vos estis lux mundi* (Aggiornato), 25 marzo 2023. (Document)

At the conclusion of the three-year approval *ad experimentum* of the norms established in *Vos estis lux mundi* in 2019, a revised final form is given to this legislation concerning the delicts mentioned in canon 1398* and the way they are handled. It took effect on 30 April 2023, replacing and abrogating the wording of the original version of 7 May 2019.

1398*

Comm 55 (2023), 139-141: F. Iannone: “Accanto alle persone più deboli e indifese”, Intervista all’arcivescovo Filippo Iannone, prefetto del

Dicastero per i Testi Legislativi, circa il nuovo motu proprio “*Vos estis lux mundi*”, 25 marzo 2023. (Interview)

This interview was published in *L'Osservatore Romano* on 25 March 2023, pp. 8-9. The Prefect of the Dicastery for Legal Texts answers questions on the most significant changes in the wording of *Vos estis lux mundi*. The term “vulnerable persons” has been made more specific as “those who habitually have imperfect use of reason” – the principle being a lack of capacity to defend themselves. The motu proprio also identifies the heads of lay international associations as answerable for their members in a way similar to heads of institutes of consecrated life and societies of apostolic life. The general requirement for Ordinaries to have “stable systems” in place is made more concrete by speaking of dedicated organisms or offices to which people can have access. Asked about how far provisions have been realized on the ground, he answers that it is not yet possible to provide a detailed response.

1398*

Comm 55 (2023), 142-143: C. Scicluna: “Legge universale della Chiesa”, Intervista all’arcivescovo Charles Scicluna, segretario aggiunto del Dicastero per la Dottrina della Fede, circa il nuovo motu proprio “*Vos estis lux mundi*”, 25 marzo 2023. (Interview)

This interview was published in *L'Osservatore Romano* on 25 March 2023, p. 10. The Secretary of the Dicastery for the Doctrine of the Faith states that the reference in *Vos estis lux mundi* to “international associations” of its nature includes ecclesial movements and realities recognized by the Holy See. The reference to offices indicates not simply places where people can be welcomed and heard but also the provision of care for them.

1398*

Iustitia 15, 1 (2024), 65-101: Domy Thomas: Novelties in *Vos Estis Lux Mundi* 2023. (Article)

T. points out the changes presented in *Vos estis lux mundi* 2023 as compared with the previous version of 2019.

BOOK VII: PROCESSES

1400

Comm 55 (2023), 108-111: Pope Francis: Discorso ai partecipanti al Corso di formazione per gli operatori del diritto, promosso dal Tribunale della Rota Romana, 18 febbraio 2023. (Address)

In his address to those taking part in a formation course organized by the Roman Rota, Pope Francis reflects on the relationship between law and evangelization. They can be contrasted, and yet someone who is a legal functionary rather than a pastor fails to fulfil the right of the people to be evangelized. The work involves attention to norms but must never lose sight of persons and their rights. Walking with someone, accompanying them, is part of a synodal vision of the Church.

1400

Comm 55 (2023), 318-331: E. Peña Parra: “Il Tribunale della Rota Romana: Ascolto, Discernimento, Pronuncia”, Discorso di S.E.R. mons. Edgar Peña Parra, in occasione dell’Inaugurazione dell’Anno accademico 2023-2024 dello Studio Rotale, 9 novembre 2023. (Address)

In an address to those attending the study school of the Roman Rota, P. looks at the process of reaching a judgment from the perspective of the Synodal process. The administration of justice is about accompaniment. To reach a judgment, one must first listen to the evidence, and then practise discernment. An accumulation of material does not suffice. One must search for the truth, evaluate the proofs, and reach moral certainty. Finally, a reasoned decision must be made and declared showing how this has been reached. This has an educative role and is one of the reasons why the decisions of the Rota have importance in providing guidance to other tribunals.

1421

Per 112 (2023), 689-699: Lorenzo Mancini: L’esercizio della potestà giudiziale nella Chiesa da parte dei fedeli laici. Sviluppo e interpretazione della normativa canonica. (Summary of doctoral thesis)

M. considers the exercise of judicial power by lay people in the Church. He traces the practice and law of the Church from apostolic times to the present,

placing the limits to the exercise of judicial power by the laity within the broader context of communion in the Church.

1423

J 80 (2024), 121-149: Scott D. Valentyn: The Interdiocesan Tribunal: Dying Institution or Possible Solution? (Article)

An examination of the history and development of interdiocesan tribunals reveals their implementation for more than 80 years as a means by which to ensure the proper administration of justice in the processing of causes. In order for this proper administration to occur, tribunals must be populated with ministers whose expertise in the matters to be adjudicated and availability to devote adequate time and energy to the process truly qualifies them for this grave task. The current scarcity of ministers with adequate knowledge of penal law, especially on the level of the particular Church, is an obstacle to justice in the processing of penal causes with expedience and accuracy. By combining the ministers and resources of multiple dioceses, interdiocesan penal tribunals could contribute to the removal of this obstacle in the future.

1445

AnC 20 (2024) 1, 71-93: Przemysław Michowicz: Quando una autorità si appella a sé stessa: l'ipotesi del giudicato del Supremo Tribunale della Segnatura Apostolica. (Article)

M. looks at the basis upon which the Supreme Tribunal of the Apostolic Signatura recognizes the authority of a previous sentence of the Signatura itself, decided by a different panel of judges, asking whether what is at play is the *stare decisis* typical of common law legal systems, or the *ex auctoritate* argument.

1445

SCL XVIII (2023), 241-273: Thomas Kulandaisamy: Navigating Recourse to the Apostolic Signatura for Challenging Administrative Decrees approved/issued by the Dicasteries of the Roman Curia, with emphasis on the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life in the Cases of Dismissal of Religious. (Article)

K. analyses the procedural intricacies involved in seeking recourse to the Apostolic Signatura against administrative decrees issued or approved by the

Dicasteries of the Roman Curia. Special focus is given to the Dicastery for the Institutes of Consecrated Life and Societies of Apostolic Life, particularly in cases of dismissal. He addresses both straightforward and complex questions encountered during such recourse. He defines the specific subject of recourse and examines the legal standing required to initiate it. Additionally, he delves into the question of legal costs and the significant role of procurator-advocates (*patroni*), who act as intermediaries between the Apostolic Signatura and the parties involved. He also explores issues related to subordinate decrees or precepts that may arise during the protracted recourse process. These insights are based on practical experiences with the Dicastery and with the Apostolic Signatura, providing a comprehensive guide for navigating these challenging administrative procedures. K. aims to assist practitioners and scholars in understanding and effectively handling the procedural complexities of recourse to the Apostolic Signatura.

1446

Ap XCIII (2020), 319-383: Francesca Lando: La necessità di attività previe al processo canonico come ricostruzione della verità dei fatti in un contesto dialogico educativo. (Article)

L. looks at the need for activities prior to the canonical process. Such activities potentially allow for the avoidance or suitable preparation of the canonical case. In this regard she analyses the topic of conflicts in the ecclesial sphere, specifically in matrimonial, administrative, and penal matters. Canon 1446 §1 imposes on all the faithful the obligation, with due regard for justice, to ensure that disputes among the People of God are as far as possible avoided, and are settled promptly and without rancour. In matrimonial matters, arts. 2-5 of the Procedural Rules of the *motu proprio Mitis iudex Dominus Iesus* – which regulate the pre-judicial or pastoral inquiry – provide the most relevant innovation regarding mediation as a concrete juridical-pastoral tool for assisting families in crisis. In the administrative sphere, the main normative reference is canon 1734, concerning recourses against administrative decrees. In penal matters, canon 1717, in the context of the *praevia investigatio*, is of special importance. L. concludes with a concrete proposal to try to facilitate greater awareness with respect to the topics considered in this reflection.

1446

REDC 79 (2022), 587-640: Carlos Hurtado de Mendoza: La mediación y la reconciliación ante la violencia de pareja en la separación canónica y

la exclusión de las víctimas de control coercitivo del proceso *brevior*.
(Article)

See above, canons 1151-1155.

1455

IE XXXVI (2024), 9-36: Aleksandra Brzemia-Bonarek – Jan Dohnalik: L'utilizzo degli atti di un processo matrimoniale in un procedimento penale canonico. (Article)

See below, canon 1527.

1481

IC 64/127 (2024), 295-348: Supremo Tribunal de la Signatura Apostólica. Decreto sobre la expulsión de una religiosa, de 22 de junio de 2006; Sentencia sobre la expulsión de una religiosa, de 26 de enero de 2008; Gerardo Núñez: Signatura Apostólica y expulsión de una religiosa: derecho de defensa y fin del litigio por conciliación entre las partes. (Documents and comment)

See above, canons 696-700.

1501-1506

REDC 79 (2022), 325-356: João Pedro Serra Mendes Bizarro: A petição inicial. (Article)

The initial petition is the gateway to the litigation process. This article sets out who can present the petition and how; its constituent elements; and its juridical importance and effects.

1504

IM 35 (2024), nr 1, 95-125: Piotr Majer: Odpis wyroku rozvodu cywilnego a przyjęcie pozwu o stwierdzenie nieważności małżeństwa w sądzie kościelnym (*A copy of the civil divorce judgment and the acceptance*

of a claim for declaring the nullity of marriage in the Church tribunal).
(Article)

M. analyses the practice of ecclesiastical tribunals in Poland regarding the requirement to attach a copy of the divorce decree to a petition for the declaration of nullity of marriage. Based on the provisions of canon 1504 and the Instruction *Dignitas connubii*, he examines whether there is a formal requirement to present such a document and what are the practical consequences of failure to do so. He includes an interpretation of the Apostolic Signatura, and investigates how documentation from the divorce process can influence decisions in cases concerning the declaration of nullity of marriage.

1520-1524

IC 64/127 (2024), 295-348: Supremo Tribunal de la Signatura Apostólica. Decreto sobre la expulsión de una religiosa, de 22 de junio de 2006; Sentencia sobre la expulsión de una religiosa, de 26 de enero de 2008; Gerardo Núñez: Signatura Apostólica y expulsión de una religiosa: derecho de defensa y fin del litigio por conciliación entre las partes. (Documents and comment)

See above, canons 696-700.

1526

Ap XCIII (2020), 207-226: Supremum Signaturae Apostolicae Tribunal: Sententia definitiva *Reductionis in usum profanum ecclesiae*; Cristian Begus: La presunzione di legittimità dell'atto amministrativo. (Sentence and comment)

See above, canon 124.

1527

IE XXXVI (2024), 9-36: Aleksandra Brzemia-Bonarek – Jan Dohnalik: L'utilizzo degli atti di un processo matrimoniale in un procedimento penale canonico. (Article)

The article attempts to answer the question of whether it is permissible to use acts from the matrimonial nullity process in canonical penal proceedings. Judges in a matrimonial nullity process may find themselves in an apparently

contradictory position between the secrecy of their office and the obligation to contribute to penal canonical proceedings. The authors argue that there does not seem to be an absolute obstacle to transmitting the matrimonial nullity acts for the sake of the ecclesiastical penal process. To avoid the possible risk of breaching secrecy, a part of the acts or a summary may be transmitted. Such a practice respects the privacy of the parties to the matrimonial case as well as the good of the public interest in the resolution of the penal case.

1574

AC 64 (2023), 95-113: Christian Paponaud: L'obligation de recourir à un expert médical selon le canon 1678 §3. (Article)

See below, canon 1678.

1574-1581

IM 35 (2024), nr 1, 127-153: Bartosz Nowakowski: Biegły w sprawach o nieważność małżeństwa spowodowanych zaburzeniami nastroju – jeszcze dwa objaśnienia (*Expert in cases of nullity of marriage caused by mood disorders – two more explanations*). (Article)

See above, canon 1095.

1598

AC 64 (2023), 183-203: Jean-Marc Bahans: La publicité et l'accès aux sentences canoniques. (Article)

See below, canons 1614-1615.

1598

J 80 (2024), 263-309: Tribunal of the Roman Rota: 1. Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis sententiae et Admissionis appellationis*, B. 8/2022, February 10, 2022; 2 Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis decreti*, B. 30/2023, March 2, 2023; Mario Ferrante: Violation of Constitutive Procedural Laws and Injury to the Right of Defense. (Decrees and comment)

See below, canon 1620 7°.

1598

SCL XVI (2021), 135-171: Merlin Rengith Ambrose: Publication of the Acts: Problems and Prospects (can. 1598). (Article)

A. analyses the meaning of the term “publication of the acts”; the background to canon 1598; the objective of the publication of the acts; the juridical implications of canon 1598 §1; the fine line between publication and confidentiality/secret; the untoward consequences of the non-publication of the acts; and the right to propose additional proofs. He points out that acts *sub secreto* cannot be used to motivate the sentence or to reach *certitudo moralis*.

1608

SCL XVI (2021), 247-292: Innasi Amalraj: *Ex actis et probatis*: Substance and Source of Moral Certitude. (Article)

A. examines the meaning and content of “*ex actis et probatis*” in canon 1608 §2; the juridical nature of *ex actis et probatis*; the juridical significance of *ex actis et probatis*; and the canonical significance of *ex actis et probatis*.

1614-1615

AC 64 (2023), 183-203: Jean-Marc Bahans: La publicité et l'accès aux sentences canoniques. (Article)

After a reflection on public accountability in the protection of human rights, and situations of secrecy or confidentiality in relation to private good (the protection of the dignity of persons) and the public or common good (good order in social affairs, including the beneficial exercise of public responsibilities), B. looks at the provisions of the CIC/83 dealing with the publication of sentences. Canon 1614 states: “A judgment is to be published as soon as possible, with an indication of the ways in which it can be challenged”. Canon 1634 §1 provides that a party pursuing an appeal is to attach a copy of the judgment and indicate the reasons for the appeal. The *Ratio Procedendi* of *Mitis Iudex* states that a party who expressly wishes to have no information regarding a case thereby forfeits his or her right to obtain a copy of the sentence, but can be informed of the decision (art. 13). The 2020 *Vademecum on Certain Points of Procedure in Treating Cases of Sexual Abuse of Minors Committed by Clerics*, no. 141, provides that a penal decree, which falls under the secret of office, is to be made known in its entirety to the accused. B. argues that canon 1615 provides a legal basis for providing this information to a victim who gives evidence as an injured party. Canon

1598 §1 provides that in cases concerning the public good “the judge can decide that, in order to avoid very serious dangers, some part or parts of the acts are not to be shown to anyone”.

1608

IE XXXVI (2024), 293-309: Elvio Ancona: La ricerca della verità nel processo. La lezione dell’Aquinate. (Article)

A. sets out the relevance of Aquinas’s doctrine of *adaequatio*, illustrating its contribution to the contemporary debate on the knowability of the truth in trials. In combination with the reflection on the *certitudo probabilis* of testimonies, this doctrine allows us to combine the awareness that in the judicial field, as in any variable and contingent matter, we cannot reach absolute certainties, with the belief that we can nevertheless know what is most likely to have actually occurred.

1620 7°

J 80 (2024), 263-309: Tribunal of the Roman Rota: 1. Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis sententiae et Admissionis appellationis*, B. 8/2022, February 10, 2022; 2 Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis decreti*, B. 30/2023, March 2, 2023; Mario Ferrante: Violation of Constitutive Procedural Laws and Injury to the Right of Defense. (Decrees and comment)

The decrees of the Roman Rota under comment deal with two distinct cases that, however, have in common a restriction of the parties’ *ius defensionis* so serious as to cause the irremediable nullity of both appealed decisions, *ex canon 1620, 7°*. The main motivation underlying both decrees is the violation of the *ius defensionis* caused by *contra legem* procedural decisions unfortunately made in the judgments prior to the appeal to the Roman Rota. In particular, the decrees analyse two distinct hypotheses in which the injury of the right of defence is so evident and prejudicial as to result in the definitive suppression of the defensive prerogatives recognized to the party, causing the irremediable nullity of the final decision. The first case involved the failure of the first instance tribunal (wrongly applying the provisions of canon 1598) to publish an expert report sought *ex officio*, so that the respondent was denied the opportunity to view the expert report and was thus unable to defend himself with respect to the conclusions reached by the report. In the second case an appeal tribunal, hearing a case which had received a negative decision at first instance, wrongly issued a decree according to canon 1680 §2 (post-

Mitis Iudex) in favour of the bond, using the abbreviated confirmation procedure. The Rota explained that the provision in question can only be used in respect of sentences declaring the nullity of marriage. A decree confirming a negative sentence that necessarily has to be referred for an ordinary examination is null and void: both because such a decree would exceed the subjective and material jurisdiction of the appellate court, and because the failure to carry out the fundamental procedural rules such as the concordance of the doubt and the possibility of presenting new proofs would result in an undue and substantial restriction of the right of defence, and a total lack of *contradictorium*.

1634

AC 64 (2023), 183-203: Jean-Marc Bahans: La publicité et l'accès aux sentences canoniques. (Article)

See above, canons 1614-1615.

1671-1691

Canonist 15/1 (2024), 3-12: Pope Francis: Address to the Officials of the Tribunal of the Roman Rota for the Inauguration of the Judicial Year, 25 January 2024. (Article)

In his annual address to the Rota, Pope Francis focuses on the theme of discernment in the field of marriage nullity cases. The address is accompanied by a commentary from Peter Blayney.

1671-1691

IM 35 (2024), nr 1, 179-205: Tomasz Galkowski: Instrukcja „Studia prawa kanonicznego w świetle reformy procesu małżeńskiego”. Pomoc czy bariera w procesie? (Instruction “The Study of Canon Law in the light of the Reform of the Matrimonial Process”. Help or barrier in the process?). (Article)

The aim of the reform of the marriage nullity process was to streamline the procedure, by removing the need for a second sentence and introducing the possibility of a *processus brevior coram episcopo*, or even of a process with only one judge. Apart from structural elements, the Pope indicated the need for closer assistance from persons directly and indirectly employed in broadly understood judicial activity. This is related to their qualifications and

knowledge of canon law. G. sets out the advantages and shortcomings of formation courses for tribunal workers as presented in the Instruction *The Study of Canon Law in the light of the Reform of the Matrimonial Process* of 3 May 2018.

1673

Per 112 (2023), 689-699: Lorenzo Mancini: L'esercizio della potestà giudiziale nella Chiesa da parte dei fedeli laici. Sviluppo e interpretazione della normativa canonica. (Summary of doctoral thesis)

See above, canon 1421.

1674

REDC 79 (2022), 325-356: João Pedro Serra Mendes Bizarro: A petição inicial. (Article)

See above, canons 1501-1506.

1678

AC 64 (2023), 95-113: Christian Paponaud: L'obligation de recourir à un expert médical selon le canon 1678 §3. (Article)

Recourse to a medical expert may arise in relation to any ground of nullity, not just canon 1095. The role of the expert is to interpret facts presented during the instruction of a case. *Dignitas connubii* (DC) sets out norms for the suitability of an expert (no. 205). It is for the judge to assess the juridical implications of an expert's evidence. In cases relating to canon 1095, the mental state of the party concerned must be clearly established by the evidence (cf. canon 1574). It is necessary to establish whether the mental state is so serious as to prevent the party from acting with sufficient freedom and understanding (cf. DC, no. 209). The role of the expert is to clarify the facts of the case. Canon 1678 §3 includes an exception clause, "unless it is clear from the circumstances that it would be useless to do so". Is a judge competent – by way of a *presumptio hominis* – to conclude that problematic behaviour arises from a serious psychic disturbance? If the party was under the influence of alcohol or drugs at the time of the consent, this needs to be clearly documented in the acts.

1680

J 80 (2024), 263-309: Tribunal of the Roman Rota: 1. Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis sententiae et Admissionis appellationis*, B. 8/2022, February 10, 2022; 2 Decree *coram Salvatori, Nullitatis matrimonii; Prael.: Nullitatis decreti*, B. 30/2023, March 2, 2023; Mario Ferrante: Violation of Constitutive Procedural Laws and Injury to the Right of Defense. (Decrees and comment)

See above, canon 1620 7°.

1680

RGDCDEE 64 (2024): Marc Teixidor: Perfiles de la apelación meramente dilatoria del Can. 1680, § 2 *cic a la luz de la reciente jurisprudencia de la Rota Romana (2016-2021)*. (Article)

One of the novelties of the 2015 reform of the ordinary process of matrimonial nullity was canon 1680 §2, by which, when an appeal against a *pro nullitate* sentence is manifestly presented as merely dilatory, the court of appeal can reject the appeal and confirm the sentence of the first instance. T. analyses the interpretation that the jurisprudence of the Roman Rota has given to different questions in relation to this new mechanism (procedural morphology, challenging options, motivation, partial confirmation...). He also analyses the jurisprudential doctrine which maintains that in order to verify the merely dilatory nature of the appeal, it is not enough to limit oneself to the subjective intentions or the motives put forward by the appellant, because the sentence must be examined in relation to all the case material, in order to reach the moral certainty required for confirmation.

1683-1687

AC 64 (2023), 75-94: Gian Paolo Montini: Le procès plus bref devant l'évêque diocésain: état des lieux depuis le motu proprio *Mitis Iudex Dominus Iesus*. (Article)

The shorter nullity process introduced in *Mitis Iudex* is an exceptional procedure, used in 3.8% of cases in France from 2016 to 2019. When the *libellus* is presented to an interdiocesan tribunal, the judicial vicar refers it to the diocesan bishop indicated in the *libellus*. The bishop may set up a diocesan tribunal (in place for such cases). In a Rotal address on 25 November 2017 Pope Francis outlined the procedure to be followed. The bishop must reach moral certitude, based on the evidence and his reading of the acts. The

sentence must give reasons for the judgment, indicating the right of appeal. The article concludes with an extensive bibliography.

1683-1687

REDC 79 (2022), 587-640: Carlos Hurtado de Mendoza: La mediación y la reconciliación ante la violencia de pareja en la separación canónica y la exclusión de las víctimas de control coercitivo del proceso *brevior*. (Article)

See above, canons 1151-1155.

1695

REDC 79 (2022), 587-640: Carlos Hurtado de Mendoza: La mediación y la reconciliación ante la violencia de pareja en la separación canónica y la exclusión de las víctimas de control coercitivo del proceso *brevior*. (Article)

See above, canons 1151-1155.

1707

AnCrac 54 (2022), 229-253: Mateusz Sajkowski: Źródła i rozwój instytucji domniemanej śmierci współmałżonka w prawie kanonicznym do XV wieku (*The sources and development of the institution of the presumed death of a spouse in canon law until the 15th century*). (Article)

S. investigates the origins and subsequent evolution, in the first millennium and in the Middle Ages, of the institution of the presumed death of a spouse in canon law, which is currently governed by canon 1707 of the CIC/83.

1713-1715

IC 64/127 (2024), 295-348: Supremo Tribunal de la Signatura Apostólica. Decreto sobre la expulsión de una religiosa, de 22 de junio de 2006; Sentencia sobre la expulsión de una religiosa, de 26 de enero de 2008; Gerardo Núñez: Signatura Apostólica y expulsión de una religiosa: derecho de defensa y fin del litigio por conciliación entre las partes. (Documents and comment)

See above, canons 696-700.

1717

ADC 13 (diciembre 2023), 77-108: Oscar Giovanni Gracías Ramos: El derecho de defensa en la práctica canónica penal. (Article)

The practice of penal procedure has, as a necessary basis, the right of defence of the accused. G.R. analyses some elements which influence the exercise of the right of defence in penal proceedings: the interpretation of the norm, procedural expertise, and the content of the right of defence.

1717

Ap XCIII (2020), 319-383: Francesca Lando: La necessità di attività prelieve al processo canonico come ricostruzione della verità dei fatti in un contesto dialogico educativo. (Article)

See above, canon 1446.

1717-1719

IE XXXVI (2024), 127-166: Francesco Salvatore Rea: *Investigatio praevia* e diritto di difesa dell'indagato attraverso il filtro del giusto processo penale. Criticità di sistema e analisi *de iure condito*. (Article)

The attention that canonical penal law has attracted in recent years as a result of the scandal of sexual abuses, culminating in the reform of Book VI of the CIC/83, has constituted a driving force for analysing the stability of the procedural apparatus of the Church with respect to the demands coming from modern secular legal systems. The phase most exposed to deficits in terms of guarantees seems to be that of the preliminary investigation, since the suspect is deprived of some of the basic protections imposed by the trappings of a fair trial: the right to a lawyer, a degree of dialogue with the authority bringing the proceedings, and a procedural knowledge of the charges against him or her. R. points out the need for functional solutions to enrich the institution of the preliminary investigation with legal coherence and procedural guarantees.

1717-1731

Canonist 15/1 (2024), 59-72: Brendan Daly: Rights of Alleged Victims in Canon Law. (Article)

Within the Catholic Church, the issue of rights of victims in canon law is being discussed, and proposals are being made to ensure victims' rights are

upheld. D. refers to two recent seminars in which the status of victims' rights in canon law was analysed and recommendations made for better procedures and standards. He argues that there needs to be a concerted effort in all areas of the Church to ensure the provision and upholding of victims' rights. This requires a widespread knowledge and understanding of penal processes. For justice to be achieved for victims, and for justice to be seen to be done, victims must be cared for, represented and enabled to fully exercise their rights in all preliminary investigations, penal trials, and extrajudicial processes.

1734

Ap XCIII (2020), 319-383: Francesca Lando: La necessità di attività previe al processo canonico come ricostruzione della verità dei fatti in un contesto dialogico educativo. (Article)

See above, canon 1446.

EXCHANGE PERIODICALS

- Analecta Cracoviensia
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de
Derecho Canónico
- Anuario de Derecho
Canónico
- Apollinaris
- Bogoslovni vestnik
- The Canonist
- Claretianum ITVC, new series
- 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

AC	L'Année Canonique, Paris – Most Rev. Dr John McAreevey, Co. Down.
ADC	Anuario de Derecho Canónico, Valencia – Abstracts supplied by publisher.
AnC	Annales Canonici, Krakow – Abstracts supplied by publisher.
AnCrac	Analecta Cracoviensia, Krakow – Abstracts supplied by publisher.
Ap	Apollinaris, Rome – Abstracts supplied by publisher.
BV	Bogoslovni vestnik, Ljubljana – Abstracts supplied by publisher.
Canonist	The Canonist, Journal of the Canon Law Society of Australia and New Zealand, Sydney – Editor.
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.
Iustitia	Iustitia: Dharmaram Journal of Canon Law, Bangalore – Abstracts supplied by publisher.
Ius Comm	Ius Communis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.
IusM	Ius Missionale, Pontificia Università Urbaniana, Vatican City – Abstracts supplied by publisher.

Abbreviations, Periodicals, and Abstractors

J	The Jurist, Washington – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
Maison-Dieu	La Maison-Dieu: Revue d'études liturgiques et sacramentelles, Paris – Editor.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
RGDCDEE	Revista General de Derecho Canónico y Derecho Eclesiástico del Estado (online publication: https://www.iustel.com/) – Abstracts supplied by publisher.
RMDC	Revista Mexicana de Derecho Canónico, Pontifical University of Mexico – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
SCL	Studies in Church Law, Bangalore – Editor.
VJTR	Vidyajyoti Journal of Theological Reflection, Delhi – Abstracts supplied by publisher.

ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- Armando José GUTIÉRREZ ARGÜELLO: *On the Juridic Implications of Excluding Undocumented Catholic Men without a Valid Employment Authorization under the Laws of the United States from the Ministry of the Presbyterate in the Territory of the Latin Dioceses of the United States of America*, Dissertationes: Series Canonica 64, EDUSC, Rome, 2022, 620pp., ISBN 979-12-5482-091-9 (reviewed by William J. King in J 80 [2024], 323-324)
- Peter THUMMA: *A Vibrant Parish*, Manya, Chennai, 2021, 173pp. (reviewed by Arokiaraj Satis Kumar in SCL XVI [2021], 323-326)
- Judith HAHN: *The Language of Canon Law*, Oxford University Press, New York, 2023, 248pp, ISBN 9780197674246 (reviewed by Luke Beckett in ELJ 26 [2024], pp. 106-107)
- Thomas M. IZBICKI: *Ministry to the Sick and Dying in the Late Medieval Church*, The Catholic University of America Press, Washington, DC, 2023, vii + 238pp., ISBN 9780813237350 (reviewed by Anthony Vanberkum in J 80 [2024], 317-318)
- C. M. JOSEPH: *Pastoral Canon Law*, Chennai, 2021, 490pp. (reviewed by Arokiaraj Satis Kumar in SCL XVI [2021], 327-329)
- Henry Ansgar KELLY: *Criminal-Inquisitorial Trials in English Church Courts: From the Middle Ages to the Reformation* (volume in Kenneth PENNINGTON (ed.) *Studies in Medieval and Early Modern Canon Law*), The Catholic University of America Press, Washington, DC, 2023, ix + 471pp, eISBN 978-0-8132-3738-1 (reviewed by Brian T. Austin in J 80 [2024]), 316-317)
- K. J. KESSELRING – Tim STRETTON: *Marriage, Separation, and Divorce in England, 1500-1700*, Oxford University Press, Oxford, 2022, 195pp., ISBN 9780192849953 (reviewed by Charles George in ELJ 26 [2024], pp. 219-221)

- Petar POPOVIĆ: *Natural Law and Thomistic Juridical Realism: Prospects for a Dialogue with Contemporary Legal Theory*, The Catholic University of America Press, Washington, DC, 2022, xii + 307pp., ISBN 978-0813235509 (reviewed by V. Bradley Lewis in J 80 [2024], 311-313)
- Chad RIPPERGER: *The Limits of Papal Authority over the Liturgy*, Sensus Traditionis Press, Keenesburg, CO, 2023, 217pp., ISBN 979-8868065729 (reviewed by Vincent W. Woo in J 80 [2024], 321-322)

BOOKS RECEIVED

- Merlin Rengith AMBROSE: *Reform of the Roman Curia. The Salient Features of "Praedicate Evangelium"*, St Pauls, Mumbai, 2023, 115pp., ISBN 978-93-92340-88-8 [see above, canon 360]
- Merlin Rengith AMBROSE (ed.): *Aggiornamento in Canon Law. Theory and Praxis*, Conference of Catholic Bishops of India, Bangalore, 2024, 252pp., ISBN 978-81-19664-54-2 (hardbound), 978-81-19664-32-0 (paperbound) [see above, General Subjects (*Compilations*)]
- Luis NAVARRO (Pierpaolo Cilla, ed.): *Il soffio sulla terra. Studi su diritto ecclesiale e aggregazioni*, EDUSC, Pontificia Università della Santa Croce, Facoltà di Diritto Canonico (Subsidia Canonica 48), 2024, 314pp., ISBN 979-12-5482-260-9 [see above, canons 298-329]