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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*

**LJ 193 (2024), 111-127: Peter Collier: Clergy discipline in the Church of England.** (Article)

Clergy of the Church of England are currently liable for any alleged misconduct through complaints made under the Clergy Discipline Measure 2003, which is about to be replaced by the Clergy Conduct Measure. The new Measure will provide three separate tracks for grievances, for misconduct less than serious, and for serious misconduct. There is also the potential that the new Measure will be able to address criticisms of the way risk assessments are carried out in safeguarding cases which is currently often done without findings of fact being made.

**Verg 18 (2024), 35-49: Igor Kilanowski: The evolution of canon law in the Church of England: from the Act of Supremacy to the *Canons of the Church of England*.** (Article)

K. explores the axiological, theological, and doctrinal underpinnings of canon law in the Church of England, alongside the historical development of Anglican legal philosophy. He includes references to State law, acknowledging its impact on the Anglican community. He offers a historical analysis of the formation of modern canon law in the *Canons of the Church of England*, and concludes by emphasizing the importance of ecclesiastical communities having autonomy in shaping their own laws, free from external influences.

### *Ecclesiology*

**J 80 (2024), 597-622: Jeannine Marino: A Synodal Approach to Pastoral Planning: A Path Towards Co-Responsible Governance or a “Merely” Consultative Waste of Time? A Case Study in One Archdiocese.** (Article)

M. examines the nature of consultation in the Church, specifically the decision-making process, and focuses on the difference between decision-making and choice-making. Understanding such difference is key for productive, fruitful consultation and good governance practices in the Church.

Drawing upon Father John Beal's teachings, she examines five attitudinal barriers that prevent consultation, and six possible solutions to these barriers.

**RDC 74/1 (2024), 9-31: Alphonse Borras: Quelles sont les réformes institutionnelles à opérer pour une Église authentiquement synodale? (Article)**

B. looks at the institutional reforms needed following the celebration of the XVI Ordinary General Assembly of the Synod of Bishops, whose theme was "For a Synodal Church: Communion, Participation, Mission". He does so on the basis of the Final Document of the Synodal Assembly, which Pope Francis endorsed and approved.

**SC 58 (2024), 639-686: Dawid Pietras: Institutions of Supplied Jurisdiction in the Society of Saint Pius X. A Canonical Analysis. (Article)**

The Society of Saint Pius X (SSPX), as a canonically irregular community operating within the Latin Church, has established its own institutions of judicial and administrative power. The SSPX authorities have justified these institutions by indicating the situation of the Catholic Church after the Second Vatican Council and maintaining that they operate with supplied jurisdiction. The institutions issue sentences and conduct administrative acts for the faithful who are adherent to the SSPX. As a result, the Society has established alternative power structures for its faithful to follow instead of the official ecclesiastical authorities.

**VJTR 88 9/24, 647-665: Merlin Rengith Ambrose: Lay Participation Empowered. Juridical Insights from *Instrumentum Laboris*. (Article)**

A. comments on the *Instrumentum laboris* issued on 9 July 2024 in preparation for the second session of the XVI Ordinary General Assembly of the Synod of Bishops in October 2024, focusing on the possible revision of canonical provisions to promote increased cooperation and co-responsibility of the lay faithful.

**VJTR 88 12/24, 905-925: Merlin Rengith Ambrose: The Final Document of the Synod on Synodality. A Canonical Reading. (Article)**

Pope Francis approved the Final Document of the Synod on Synodality, choosing to implement its conclusions directly rather than issuing a traditional

post-synodal Apostolic Exhortation. A. analyses the Final Document from the perspective of canon law and emphasizes its implications for synodality. He also analyses the importance of strengthening, modifying, and introducing new canonical provisions related to lay ministries, participatory bodies, decentralization, and consultation. Additionally, he examines the establishment of mechanisms to promote a culture of accountability and transparency, the missionary role of the Roman Curia, formation in the seminary, and the involvement of women.

**Arulselvam Rayappan: Synodality in the Law and Life of the Church.**  
(Book)

In this collection of articles R. examines how canon law supports and structures synodality in Church governance. He explores how legal frameworks promote shared responsibility, ensuring that bishops, priests, and laity collaborate in decision-making while respecting hierarchical authority. Key themes include: 1. canon law as a guide: rather than restricting participation, Church law provides a framework for communion and mission; 2. authority and collegiality: bishops are called to exercise leadership as a service, incorporating synodal principles while remaining faithful to canonical norms; 3. lay and clerical cooperation: canon law encourages structured participation through diocesan synods, episcopal conferences, and consultative bodies. R. argues that synodality is not merely a pastoral approach but a canonical reality, essential for a more inclusive, mission-driven, and legally sound Church. (For bibliographical details see below, Books Received.)

***Ecumenism and interreligious dialogue***

**PS LIX 180 (2024), 509-544: Lester E. Mendonsa: Principal Canonical Issues In A Muslim Man - Catholic Woman Marriage.** (Article)

See below, canon 1086.

**QDE 37 (2024), 454-462: Dionisios Papavasileiou: Il giubileo nella tradizione ortodossa.** (Article)

P. acknowledges that the Jubilee theme is scarcely present in Orthodox theology. He examines the Biblical evidence for the theory and practice of the

Jubilee, and identifies some elements in Orthodox liturgy which pick up these themes.

### ***Human rights***

**IC 64/128 (2024), 743-779: Jorge Castro Trapote: Relevancia de la dignidad humana en el derecho canónico. A propósito de la Declaración *Dignitas Infinita* (2-IV-2024).** (Article)

The article examines the legal dimension of human dignity as presented in the Declaration *Dignitas Infinita*. It affirms that human dignity is unique and is equated with fundamental rights, whether understood in its divine-natural aspects or also in its divine-positive dimensions.

**SCL XVII (2022), 49-68: Jesu Pudumai Doss: Human Rights and Fraternity: A Reading of *Fratelli Tutti*.** (Article)

D. presents a reading of *Fratelli Tutti* in the light of the 1948 Universal Declaration of Human Rights, gathering Pope Francis's perspectives on human rights, highlighting his vision of human rights founded on fraternity, and concluding with his clarion call to make human rights real for all in our times.

**VJTR 88 7/24, 487-506: Antony Lawrence: *Dignitas Infinita*. Its Implications for the Church in India.** (Article)

*Dignitas Infinita*, a Declaration on Human Dignity by the Dicastery for the Doctrine of the Faith, published on 8 April 2024, rearticulates the Church's teaching on the inviolable character of human dignity. L. summarizes the document and shares some reflections on certain salient points. He sets out the fundamental principles of the concept of dignity, as elucidated in the Declaration, namely, the fourfold distinction of dignity, its biblical foundations, and development of human dignity in the Church's teaching. He goes on to discuss the grave abuses of human dignity at the global level in our time. Finally, he tries to wake up the Church in India to the ongoing violations of human dignity and rights, showing a few pointers for the way forward.



***Law reform***

**EE 99 (2024), 891-938: Carlos M. Morán Bustos: El estatuto jurídico-procesal de la víctima: la víctima como parte procesal en el proceso penal canónico. (Article)**

See below, canon 1398\*.

**IC 64/128 (2024), 513-555: María J. Roca: La institución del juez legal en la cultura jurídica secular y en la canónica. (Article)**

See below, canons 1408-1414.

**IC 64/128 (2024), 557-611: Fernando Giménez Barriocanal: La gobernanza económica en la Iglesia: Aportaciones del Derecho canónico y propuestas de mejora. (Article)**

See below, canons 1254-1310.

**IC 64/128 (2024), 613-657: Luis Navarro: Respeto y promoción de la iniciativa de las comunidades carismáticas. (Article)**

See below, canons 298-329.

**IM 35 (2024), nr 2, 11-38: Łukasz Pawicki: Skuteczność zgody małżeńskiej. Analiza dogmatyczno-prawna małżeństwa *in fieri* (*The effectiveness of marital consent. Dogmatic-legal analysis of marriage “in fieri”*). (Article)**

See below, canon 1057.

**Per 113 (2024), 431-461: Sunny Kokkaravalayil: Evangelisation – Competence for the Eastern Churches according to *Praedicate Evangelium*. (Article)**

See below, CCEO canons 584-594.

**REDC 80 (2023), 5-51: Carlos Ramiro Alonso García: El error en derecho penal canónico. Una reflexión a propósito de la imposibilidad de**

**considerar el error sobre la edad del menor víctima de abuso sexual (art. 6.1° SST 2021).** (Article)

See below, canons 1323\*-1324\*.

**REDC 80 (2023), 52-74: Nicolás Álvarez de las Asturias: Triunfo del principio del consentimiento en el derecho matrimonial canónico... y sus consecuencias.** (Article)

See below, canon 1057.

### ***Legal theory***

**Comm 56 (2024), 116-118: Pope Francis: Discorso per l'inaugurazione del 954°[sic] Anno Giudiziario del Tribunale dello Stato della Città del Vaticano, 2 marzo 2024.** (Address)

Despite the title, the address to the personnel of the staff of the Tribunal of the Vatican State is that for its 95th year. Pope Francis focuses on the importance of the virtue of courage, in particular the courage of those who are victims of injustice. Without strength and courage, wisdom risks remaining sterile. The robustness of institutions and firmness of administration of justice are demonstrated by serenity, independence, and impartiality in judging. It is not something purely of the temporal order but must be rooted in prayer.

**Comm 56 (2024), 134-137: P. Parolin: Omelia di S.E.R. Card. Pietro Parolin in occasione della S. Messa di inaugurazione del 95° anno giudiziario del Tribunale della Rota Romana, 25 gennaio 2024.** (Homily)

Preaching to the members of the Roman Rota on the Feast of the Conversion of St Paul, Cardinal Parolin likens the event to a lightning strike that completely changed St Paul. He had led a law-abiding life but was inclined to zealotry and intransigence. The encounter with Christ changed his heart and mentality, and he became a great theologian and apostle of the mystery of universal grace. As judges, this invites us to overcome formalism in the application of the law and be aware of the importance of equity. P. cites sayings of Cardinal Jullien, a former Dean of the Rota, and Honorius III's decretal (*Liber Extra* I.36.11), that preserving equity one should incline to the more humane line.

**Comm 56 (2024), 138-141: P. Parolin: Omelia di S.E.R. Card. Pietro Parolin in occasione della S. Messa di inaugurazione del 95° anno giudiziario del Tribunale dello S.C.V., 2 marzo 2024. (Homily)**

P. stresses the importance of justice in the temporal order as a necessary basis for human relationships in society, in the Vatican City as everywhere else. He reflects on the justice of God and the Hebrew concept of *hesed*, and on the parable of the Prodigal Son, or, as he prefers, the Merciful Father. Penalties should be seen, as far as possible, as opportunities for redemption and re-education.

**IC 64/128 (2024), 661-705: Santiago Ildefonso Argüello – José Ignacio Destefanis: Acerca de la concepción de la sociedad en Tomás de Aquino y los modelos jurídico-penales escolásticos. (Article)**

The article explores whether the two existing juridical-penal models in medieval thought – one based on punishment for personal guilt, the other on sanctions for reasons other than personal fault – parallel the fundamental concept of society found in the work of Thomas Aquinas. While the punitive model aligns with the idea of a “minimal state” – one limited to merely maintaining peace among its citizens – another more interventionist penal model also emerges, characterized by a providentialist view of authority, which is far from minimalist. Aquinas appears to argue that both models are not only valid but necessary for the fullness of political life.

**IE XXXVI (2024), 513-539: Petar Popović: *Ius divinum* e il positivismo canonico. (Article)**

To understand the core of legal positivism in canon law, it is not enough to consider only the legal-philosophical criterion based on the question of whether law and its meta-legal contents – such as morality or, in the case of canon law, the divine-salvific reality – are separable or necessarily connected. It is essential to integrate this criterion with another, based on the central thesis of positivism, which holds that all law is humanly established law. P. examines the legal status of the meta-positive content of *ius divinum*, both natural and positive, in the main currents of canonical science during the periods of both codifications. Trends toward canonical positivism can be observed in descriptions of *ius divinum* that make its juridical nature dependent on the reception of its content into canonically established norms or on the social fact of the unanimous practice of those vested with the authority to identify and recognize law within the Church.

**LJ 193 (2024), 139-156: Javier García Oliva – Helen Hall: Vicarious Liability and Enterprise Risk: a Benefit or Jeopardy Centred Approach. (Article)**

The authors examine the evolution and application of the doctrine of enterprise risk (whereby an employer is vicariously liable for torts committed by employees because those torts are risks inherent in, or incidental to, the carrying out of the employer's business). They argue that a jeopardy-centred approach (which focuses on the danger posed to others by entrusting the employee with certain powers or responsibilities) as opposed to a benefit-centred approach (which justifies vicarious liability on the basis that the employer benefits from the employee's work, and therefore should also bear the burden of risks generated in that work) is preferable in general terms, and also that a benefit-centred understanding of enterprise risk raises particular concerns in the context of faith groups.

**REDC 80 (2023), 371-415: Jorge Castro Trapote: El principio de jerarquía normativa y su alcance en el derecho canónico. (Article)**

C.T. presents a study on the foundation, scope, and practical consequences of the principle of normative hierarchy in canon law. Doctrine has primarily focused on the hierarchy of legal norms and administrative norms. C.T. expands the analysis to include the hierarchy of constitutional norms and legal norms. Doctrine generally understands that norms formalizing aspects of the material constitution are constitutional norms. Among these are fundamental rights, the latest development in constitutionalism, which has also been endorsed by the Second Vatican Council and the codification of canon law. C.T. explores the theoretical and technical implications of the principle of hierarchy within the normative system, such as the legislator's subjection to constitutional norms.

**Verg 19 (2024), 97-110: Andrea Stabellini: Environmental law and canon law. *In fieri* Paradigms. Notes for a theory of law. (Article)**

Since the promulgation of the Encyclical *Laudato si'*, there has been an increasing focus on the environmental issue in the ecclesial sphere. S. undertakes a reading of the issue in ecclesial law, attempting to identify doctrinal and legal issues involved in an institutional relationship between canon law and environmental law.

***Relations between Church and State***

**ADC 14 (julio 2024), 21-47: Fabio Vecchi: L'impossibile dialogo tra diritto secolare e canonico circa il modello matrimoniale nell'attuale secolarizzazione culturale e le distonie sulla componente dell'amore. (Article)**

Current marriage laws reveal an irreparable rift between civil and canon law. This shift challenges Europe's legal and philosophical traditions and makes it difficult to define common civil effects for canonically recognized marriages. A cultural crisis has led to the relativization of marriage's essential properties and confusion between law and human emotions. This results in eroding identity markers, reducing anthropological values, dismantling legal institutions, and rejecting natural law. Legal interpretation is increasingly secularized, blurring the lines between politics and law, with harmful consequences for the legal and moral order.

**AnC 20 (2024) 2, 7-12: Piotr KroczeK: Czy na gruncie prawa kanonicznego umowa powierzenia przetwarzania danych może być ustna? Kazus z działalności Kościelnego Inspektora Ochrony Danych (Can a data processing contract be oral under canon law? Case-study on the activities of the Church Data Protection Supervisor). (Article)**

K. addresses the issue of the form of the contract for entrusting the processing of personal data on the basis of canon law. He examines the provisions of canon law and generally applicable law, including the GDPR.

**Comm 56 (2024), 60-64: Pope Francis: Lettera Apostolica in forma di "Motu Proprio" recante modifiche alla Legge sull'ordinamento giudiziario, alla Legge recante disposizioni per la dignità professionale e il trattamento economico dei magistrati ordinari del Tribunale e dell'Ufficio del Promotore di giustizia e al Regolamento Generale del Fondo Pensioni, 27 marzo 2024. (Document)**

In the light of experience, this motu proprio introduces various modifications applying to the professional status and remuneration of magistrates of the Tribunal of the Vatican City State and the Office of the Promoter of Justice.

**Comm 56 (2024), 65-66: Pope Francis: Lettera Apostolica in forma di “Motu Proprio” “Fratello sole”, 26 giugno 2024. (Document)**

Following the Encyclical *Laudato si’* and the accession of the Holy See to the UN Convention on Climate Change on 6 July 2022, Pope Francis instructs the Presidents of the Governatorate of the Vatican City State and of the Administration of the Patrimony of the Holy See to put in place the structures necessary to provide solar power to cover the entire electrical needs of the Vatican City State and engage in appropriate negotiations with the authorities of the Italian State.

**Comm 56 (2024), 67: Pope Francis: Decreto relative alla pubblicazione di provvedimenti normativi nello S.C.V., 16 gennaio 2024. (Document)**

Prior to the existing method of promulgating laws applying to the Vatican City State – public display at three designated sites and eventual publication in *Acta Apostolicae Sedis* – a sealed copy is to be deposited in the Vatican legal archive. Such laws take effect immediately.

**Comm 56 (2024), 108-109: Pope Francis: *Rescriptum ex audientia SS.mi* circa i limiti e le modalità dell’ordinaria amministrazione; Allegato al *Rescriptum ex audientia SS.mi* del 4 marzo 2024, Risoluzioni riunione Consiglio per l’Economia 28 febbraio 2024, 4 marzo 2024. (Documents)**

This rescript gives concrete application of the motu proprio on extraordinary administration by mandating its promulgation within the Vatican City State. The attachment of resolutions provides greater flexibility according to the capacity of each entity, raising the level at which authorization is required to €500,000, and also giving more detailed guidance on how the financial basis is to be calculated.

**Comm 56 (2024), 126-133: Office of the Auditor General: Procedura in materia di segnalazioni ai sensi dell’art. 7 dello Statuto dell’Ufficio del Revisore Generale, 24 gennaio 2024. (Document)**

These procedural norms address the obligations arising from the adhesion of the Holy See to the UN Convention against Corruption to report financial irregularities and abuses. They deal with the question of who is to report, what they are to report, and how. The document then sets out phase by phase how the procedure should unfold.

**Comm 56 (2024), 146-147: Vatican City State: Dichiarazione di Intenti tra Santa Sede e Governo della Repubblica Italiana circa l'Ospedale Pediatrico Bambino Gesù, 8 febbraio 2024. (Document)**

In accordance with the provisions of the Concordat between the Holy See and Italy, this Declaration of Intent sets out a framework for the transfer to a new site of the Bambino Gesù Hospital in Rome. The existing site at the S. Onofrio complex is not suitable for future development, and the site of the former Carlo Forlanini Hospital would be an adequate replacement.

**Comm 56 (2024), 148-156: Vatican City State: N. DCLII. Decreto del Presidente del Governatorato dello S.C.V. recante “Disposizioni speciali in materia di affidamento dei contratti pubblici relativi all’acquisizione di servizi, furniture, lavori e opere per il Giubileo 2025”, 22 aprile 2024. (Document)**

This decree makes provision for the commercial contracts needed to prepare for the 2025 Jubilee Year, in terms of services, equipment, labour and works.

**Comm 56 (2024), 157-179: Vatican City State: N. DCLVII. Decreto della Pontificia Commissione per lo S.C.V. con il quale viene promulgato il Regolamento Generale sulla protezione dei Dati personali, 30 aprile 2024. (Document)**

This decree promulgates the General Data Protection Regulation for the Vatican City State. The 28 articles set out general definitions and principles, transfer of data, those responsible for the protection of data, data handling, data subject rights, and the procedure for making claims.

**Comm 56 (2024), 180-181: Vatican City State: N. DCLIX. Decreto del Presidente della Pontificia Commissione per lo S.C.V. riguardante i “Servizi doganali e transito delle merci”, 8 maggio 2024. (Document)**

Customs and transit arrangements are placed under the direct control of the organs of governance.

**EIC 64 (2024), 319-330: Michele Madonna: Un «diritto inalienabile alla bellezza». Conferenza Episcopale Italiana e beni culturali. (Article)**

M. examines the action of the Italian Bishops' Conference for the protection of cultural heritage of religious interest. He looks in particular at the norms issued by the Bishops' Conference, collaboration with public authorities, the role of the National Office for Ecclesiastical Cultural Heritage, and religious tourism.

**EIC 64 (2024), 331-351: Girolamo Sciullo: I beni culturali di interesse religioso nell'ordinamento italiano. (Article)**

S. discusses the origins and development of "cultural goods of religious interest" in Italian law, and mentions some of the present-day challenges: digitalization and reproduction; intangible cultural heritage; the link between cultural heritage and landscape heritage; financing; and the permanence of the "artistic legibility" of the cultural asset.

**EIC 64 (2024), 387-406: Anna Gianfreda: Lo statuto internazionale dei beni culturali di interesse religioso dichiarati "patrimonio dell'umanità": aspetti di rilievo ecclesiasticistico. (Article)**

Starting from a reconstruction of the legal framework for the international protection of cultural heritage, G. focuses on the status of cultural heritage of religious interest in the regulatory and soft law sources developed within the UNESCO system, with the aim of highlighting its peculiarities in terms of management systems and innovative perspectives for study and research represented by the experiences of religious cultural itineraries.

**EIC 64 (2024), 407-434: Antonio G. Chizzoniti: I beni culturali nelle intese con le confessioni religiose diverse da quella cattolica in Italia. (Article)**

All agreements with religious denominations in Italy have dedicated attention to religious cultural heritage, but with different forms and methods. C. analyses this legislation and focuses on the projects developed by some religious denominations, paying particular attention to archives, libraries, museums, and environmental heritage, including at a regional and local level.



**EIC 64 (2024), 449-465: Simona Attollino: Patrimonio ecclesiastico e crimini. Condivisione, responsabilità e misure di tutela. (Article)**

A. focuses on the recovery of illegally acquired religious assets and the prevention of their circulation, from an Italian criminal law perspective.

**EIC 64 (2024), 493-506: Giulia Mazzoni: Nuove forme di valorizzazione e fruizione del patrimonio culturale e ambientale religioso. Notazioni di prospettiva tra diritto dello Stato, diritto della Chiesa e normativa pattizia. (Article)**

Religious cultural heritage has recently gained more attention, especially in areas that have not been deeply studied before. As efforts to preserve this heritage grow, there is increasing interest in how it connects with local economic development and environmental protection. Inspired by the Faro Convention, there is also a shift in how people understand and approach cultural heritage. During this time of change, the Church continues to play a key role. Making Church heritage more accessible, while also meeting spiritual needs and promoting human development, poses real challenges. However, religious tourism is emerging as a promising way to bring more value and visibility to this heritage. This growing form of tourism – supported by laws – has encouraged stronger cooperation between the Church and civil authorities. These partnerships are often formalized through national and regional agreements and can be seen in local projects such as religious or ecclesial cultural parks.

**EIC 64 (2024), 507-523: Patrizia Piccolo: Riproduzione dell'arte sacra per fini pubblicitari. (Article)**

Many of the Church's cultural assets are sacred. These include places and objects designated for divine worship. They are protected and regulated by the CIC/83 and by agreements between the Church and the civil authorities. Reproduction of these goods for advertising purposes is also regulated at State and episcopal conference level. Illicit use of sacred goods for advertising purposes is punishable by the competent authority.

**EIC 64 (2024), 525-536: Rita Benigni: Il patrimonio culturale valdese. Tutela e valorizzazione dell'identità storica, morale e materiale di una comunità religiosa. (Article)**

B. examines how Waldensian cultural heritage is protected by the civil law.

**EIC 64 (2024), 537-550: María Fernández-Arrojo: La gestione dei beni culturali della Chiesa cattolica in Spagna: il caso della Moschea-Cattedrale di Cordova. (Article)**

F.-A. analyses the management of ecclesiastical cultural assets in Spain, focusing on the Mosque-Cathedral of Córdoba. She examines the legal complexity, debates on ownership and management, and the effectiveness of the current system.

**EIC 64 (2024), 551-570: Caterina Zanini: La Procuratoria di San Marco e la sua basilica. Competenze e limiti tra Otto e Novecento in ragione delle esigenze del culto e dell'arte: la graduatoria dei valori alla luce del diritto della Chiesa. (Article)**

Z. addresses the work of the *Fabbriceria* – the body responsible for taking care of the administration and maintenance of St Mark's Cathedral in Venice, which became a Procuratorate by royal decree in 1931. She examines emblematic cases in the 19th and 20th centuries, and the composition, competences, and attributions of the *Fabbriceria*.

**EIC 64 (2024), 571-589: Davide Dimodugno: Dalle chiese “chiuse” alle chiese “a porte aperte”: un confronto tra casi veneziani e torinesi. (Article)**

D. examines and compares some cases of closure and reuse of Catholic churches in Venice and Turin, reflecting on a strategy to move from “closed” churches to “open-door” churches. This will be possible by framing them among common goods and emphasizing their intrinsic intangible cultural value.

**ELJ 26 (2024), 259-275: Konrad Dyda: Power and its exercise in the Vatican City State. (Article)**

The problem of relations between Church and State has existed from the very beginnings of Christianity and has evolved over centuries. The dominant model today is one of separation between the State and religious communities. In the context of the Catholic Church, the Vatican City State remains the only exception to this principle. D. examines the tensions inherent in the way in which the Roman Pontiff, as head of the Vatican City State, exercises both religious and secular power, and how rule of law principles operate to constrain the operation of power as between the various organs of this State.

**IM 35 (2024), nr 2, 141-158: Michał Poniatowski: Konkordatowa zasada współdziałania na rzecz obrony i poszanowania instytucji małżeństwa (*Concordat principle of cooperation to defend and respect the institution of marriage*). (Article)**

P. analyses the concordat principle of cooperation for the defence and respect of the marriage institution within the Polish legal order.

**QDE 37 (2024), 324-352: Angelo Ciarafoni: Gli enti ecclesiastici operanti nel Terzo settore: nuovi adempimenti legali e preservazione della loro natura confessionale. (Article)**

C. examines the legal and canonical questions raised by recent Italian State legislation on Third Sector organizations, and looks at how these might be resolved to enable the continued function of Church organizations.

**RGDCDEE 66 (2024): Ana María Vega Gutiérrez: La prohibición de los matrimonios infantiles y precoces en los países latinoamericanos: un balance de los derechos en juego. (Article)**

V.G. analyses the legislative reforms on the age of marriage undertaken by numerous countries in the Ibero-American community. The prohibition of child marriages requires a balance between the rights at stake – the freedom to marry, and the protection of minors – in order to assess whether the interference is appropriate, necessary, and proportional. In the light of the reasons set out in the paper, V.G. assesses the legal nature of the age of marriage, conceived as a legal presumption of natural capacity for marriage. She considers that, in many cases, the practice of child marriages is a problem

of lack or defect of marital consent due to violence, fear or total simulation, but in others it is due to structural causes to which legal systems should give a more coherent and comprehensive response, tackling the problems that underlie these harmful practices.

**RGDCDEE 66 (2024): Juan González Ayesta: El caso *Hosanna-Tabor* y la confirmación de la excepción ministerial en Estados Unidos: una mirada en perspectiva sobre su supuesta influencia en la jurisprudencia del Tribunal Europeo de Derechos Humanos. (Article)**

In 2012, the Supreme Court of the United States recognized the constitutional validity of the doctrine of the ministerial exception in *Hosanna-Tabor*. The Court limited its scope to employment discrimination, leaving open the question of the application of the doctrine in other areas. G.A. considers that an examination of the judgments of the European Court of Human Rights since then reveals no change in the Court's approach to disputes between religious employees and employers.

**SC 58 (2024), 479-515: James A. Bock, Jr.: Juridic Persons, Associations and the First Amendment of the U.S. Constitution. (Article)**

B. presents an introduction and overview of the US First Amendment and its unique protections for entities known as juridic persons and associations of the Christian faithful. He then highlights several examples of unique challenges and legal risks that these entities face in the United States, provides a jurisprudential response, and gives some practical recommendations.

**Stato, Chiese e pluralismo confessionale 12/2024: Davide Dimodugno: *Requiescat in loco sacro*: prime riflessioni sull'uso delle chiese cattoliche come colombari tra esigenze della Chiesa e complessità delle normative regionali. (Article)**

See below, canon 1176.

**Davide Dimodugno: La gestione e il riuso delle chiese cattoliche in una prospettiva comparata – Un'indagine tra Belgio, Francia e Italia. (Book)**

See below, canon 1222.

## ***Religious freedom***

**EE 99 (2024), 1007-1066: Irene María Briones Martínez: Reconocimiento y garantía de la asistencia religiosa en centros penitenciarios de un Estado de cooperación: España. Particular referencia al secreto religioso.** (Article)

Many studies focus on the need to guarantee religious freedom in prisons, regardless of the Church-State relationship and despite the perception that incarcerated individuals experience a total loss of rights. In Spain, religious assistance is a service provided by ministers of worship, with the State acting as an intermediary, to individuals in public custody. This is made possible through a legislative framework rooted in the Constitution, which upholds religious freedom within a social State governed by the rule of law and cooperation. Public authorities are mandated to eliminate obstacles to ensure that rights and freedoms are real and effective, with equal treatment before the law. Religious assistance upholds human dignity, serving as a pillar of political order, social peace, and the legal system.

**ELJ 26 (2024), 276-297: John Witte, Jr: Faith in school: balancing no establishment and free exercise of religion guarantees in American education.** (Article)

American schools are governed by a complex latticework of federal, state, and local laws and regulations, many of them tailored specifically to primary, secondary, or higher education. But all schools are subject to the same First Amendment guarantee that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof”. This constitutional guarantee of religious freedom has produced a substantial body of case law. Nearly one-third of the United States Supreme Court’s cases on religious freedom – 74 out of its 247 cases reported from 1815 to 2023 – have addressed issues of religion and education. All but six of these cases were decided after 1940, the year the Court first began to apply these guarantees to state and local governments alongside “Congress”; and for each Supreme Court case, there are scores of lower federal court and sometimes state court cases that add further nuance and amplification. W. summarizes, and critically analyses, this ever-evolving jurisprudence.

**VJTR 88 7/24, 525-538: Felix Machado: Freedom of Religion. (Address)**

Given here is the address of Archbishop Emeritus Felix Machado to the All India Catholic Union, Goa, in August 2020. Respect for human dignity finds one of its expressions in religious freedom. It is the duty of the State to safeguard, protect, and defend all the rights whenever and wherever they are trampled upon. We should together uphold religious freedom for all. To prevent others from freely professing their religion is tantamount to jeopardizing our own. The Catholic Church is very attached to safeguarding this freedom which must always be able to find a place within the framework of a country's legislation and practice.

***Social issues***

**EE 99 (2024), 1067-1108: Simone Rosati: Ecología integral y bienes comunes. Interconexiones entre historia, magisterio de la Iglesia y derecho. (Article)**

R. aims to establish a connection between Pope Francis's social teaching on integral ecology and civil doctrine on public resources. Using the historical-legal method, she seeks to foster a renewed dialogue between civil and canon law on a subject that is inherently interdisciplinary – namely, the relationship between humanity and the world.

**IC 64/128 (2024), 707-742: Jorge Salinas Mengual: Ciencia, salud y derecho: ¿tres dimensiones irreconciliables en la nueva legislación española sobre transexualidad? (Article)**

Science, health, and law are three dimensions that must be interconnected when legal frameworks regulate issues that may impact human life and physical integrity. One area where this interdisciplinary approach is particularly necessary is transsexuality, as gender self-determination in young people can lead to irreversible and harmful health effects. The new Spanish law on this issue disregards reports from various consultative, judicial, and scientific bodies. Instead, it adopts an approach that, in relation both to legal gender changes and to gender transition procedures for minors over 16 years old, ignores scientific warnings, potentially leading to negative health consequences.

## HISTORICAL SUBJECTS

### *1st millennium*

**AnC 20 (2024) 2, 13-41: Karolina Mazur: Historyczny rozwój zasady domniemania niewinności (*Historical development of the principle of the presumption of innocence*).** (Article)

M. discusses the principle of presumption of innocence, providing its definition, scope, and function. She describes the historical development of the presumption of innocence, beginning with Roman law, then through the Middle Ages, the Modern Era, the Enlightenment, and up to the present day. She goes on to present the process of formation of the principle of presumption of innocence in pre-partition Poland, during the period of partition, and after independence.

**AnC 20 (2024) 2, 59-76: Marek Story: Konsekwencje zabójstwa w świetle ksiąg pokutnych. A co jeśli jego ofiarą była osoba duchowna? (*The consequence of murder in the light of penitential books. What if the victim was a clergyman?*)** (Article)

Penitential books written in the era of late Christian antiquity and the early Middle Ages are testimony to the development of penitential practice in the Church. S. not only emphasizes that the position of the Catholic Church regarding murder has been precisely defined for centuries and is one of strong condemnation, but also addresses the question of the consequences faced by a person who committed murder, especially if the victim was a clergyman. He asks what impact the status of the perpetrator and the circumstances surrounding the murder would have had on the penance given, and the different treatment of intentional and accidental murders.

**FCan XVIII/2 (2023), 103-128: Miguel Falcão: Notas sobre a história do Direito Canónico.** (Article)

F. presents and comments on a recent work on the History of Canon Law, offering observations based on the conception of law of the Roman jurists, for whom law was an art aimed at achieving justice in concrete cases. In this sense, the History of Canon Law helps to avoid legal positivism and any form of legalism. This conception of law was maintained in medieval canon law,

starting with Gratian's Decree, emphasizing the jurisprudence of the Popes, who resolved emerging issues over time. This approach, for example, contributed to the resolution of the Western Schism. With the Council of Trent and the increasing difficulty of keeping track of the growing number of pronouncements – similar to the evolution of civil law towards legalism – there arose a need to compile norms for the prompt resolution of problems. This process led to the promulgation of the Code of Canon Law, first in 1917 and later in 1983 and 1990. By presenting various perspectives on the evolution and significance of canon law, F. seeks to encourage an understanding of canon law as a means of ensuring justice in addressing issues within the life of the Church – whether in matrimonial proceedings, conflicts of interest between the faithful and ecclesiastical institutions, problems arising from ecclesiastical institutions themselves, or the prosecution of offences.

**RDC 74/1 (2024), 93-119: Karolina Mazur: Le principe de la présomption d'innocence. Une analyse juridico-historique. (Article)**

M. discusses the presumption of innocence in historical and legal terms, starting with Roman law, then through the Middle Ages, the modern era, the Enlightenment and up to the present day. Both Roman and canon law began to permeate the secular legal order thanks to the work of jurists, canonists, and Popes from the 13th to the 18th centuries, while the 19th century humanization of criminal law contributed to the legal definition of the presumption of innocence, which is still in force today.

**SCL XVII (2022), 133-168: Merlin Rengith Ambrose: Procedural Rights in the Roman Law and *Corpus Iuris Canonici*. (Article)**

A. studies some of the legal provisions which enshrined the procedural rights of the parties and their juridical evolution in the epoch of Roman law, the early Church, and the era of the *Corpus Iuris Canonici*.

**Verg 18 (2024), 19-34: Álex Corona Encinas: “Si ratione lex constat”. Natural Law and Christian Views on Military Service in Tertullian's *De corona militis*. (Article)**

C.E. examines Tertullian's views on military service by Christian individuals on the basis of his work *De corona militis*. Beyond his reflections on idolatry, Tertullian focuses on the arguments concerning natural law and reason as the



foundation for the incompatibility between Christian faith and military service. In his analysis of a specific case, Tertullian addresses the issue of why wearing laurel crowns would not be appropriate for Christians, and links the Roman army to the exposure to pagan customs and practices that are contrary to Christianity. At the same time, C.E. argues that the text should not be viewed as an (anachronistic) critique of the Roman political power from the modern perspective of a separation between political and religious spheres. Rather, it might be understood as a questioning of the military institution itself. It offers insights into the search for recognition on the part of Christian communities and highlights the complex relationships between Christianity and the Roman authorities before the turning point of the early fourth century.

**Verg 18 (2024), 145-165: Alejandro Valencia Virosta: The instrumentalization of the crime of blasphemy in the persecution of the Jews during the Middle Ages. (Article)**

With the aim of achieving religious unity in the kingdom of Spain, different laws were passed in both civil and canonical jurisdictions. One of the crimes introduced was blasphemy, which was sometimes used as an ideological weapon to appease dissidence and achieve religious unification both in the Visigothic kingdom and in the Crown of Castile.

### ***Classical period***

**AnC 20 (2024) 2, 13-41: Karolina Mazur: Historyczny rozwój zasady domniemania niewinności (*Historical development of the principle of the presumption of innocence*). (Article)**

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

**FCan XVIII/2 (2023), 103-128: Miguel Falcão: Notas sobre a história do Direito Canónico. (Article)**

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

**IE XXXVI (2024), 563-589: Thierry Sol: La collaborazione tra il vescovo e il capitolo nell'età delle elezioni. (Article)**

Extensive studies have already been conducted on the dynamics of collaboration between the bishop and his priests in the classical era of canon law. S. provides a summary as a starting point for further research, and focuses on the role of the chapter between the 11th and 14th centuries. The cathedral chapter emerges as a “senate” of the bishop and plays a central role in the diocesan organization, intervening in pastoral and administrative matters during the vacancy of the episcopal see. This body, with its own juridical personality, represents the diocesan Church and participates in the selection of the bishop through a system of capitular election.

**RDC 74/1 (2024), 93-119: Karolina Mazur: Le principe de la présomption d'innocence. Une analyse juridico-historique. (Article)**

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

**RDC 74/1 (2024), 141-163: Pierre-Marie Berthe: Les sermons de saint Thomas d'Aquin répondent-ils aux normes actuelles de l'Église catholique sur la prédication? (Article)**

In the 13th century, the Church already established preaching standards, but such directives of a juridical and pastoral nature were considerably amplified in later times, as witnessed by the norms set out in the CIC/17 and the CIC/83. B. addresses the question of whether St Thomas Aquinas's preaching was compliant with the principles followed today or whether it corresponds to an outdated approach. That preaching is preserved in two series of *reportationes*: on the one hand the *Collationes* on the Our Father, Hail Mary, Creed, and the Decalogue; and on the other, 23 sermons delivered to an academic audience and gathered together by Fr L.-J. Bataillon from various handwritten collections. On the basis of an analysis of the sources, manner of preaching, and sermon topics, B. concludes that St Thomas's sermons are compliant with the requirements of current law.

**RDC 74/1 (2024), 165-188: Frédérique Cahu: La production du livre juridique à Angers au Moyen Âge. (Article)**

C. demonstrates that the production of the manuscripts of the *Decretales* of Gregory IX is attested at Angers in a university context at the Dominican

convent and in a monastic context at the Saint-Aubin Abbey in Angers. The decoration reveals close links with the artistic production of Angers and the local conciliar legislation. Manuscript 379 of the municipal library of Angers illustrates the political, liturgical, and juridical convictions of Nicolas Gellent (1261-1291), while Guillaume Le Maire may have been the one who commissioned manuscript 376 of the municipal library of Angers, produced between 1310 and 1320.

**SCL XVII (2022), 133-168: Merlin Rengith Ambrose: Procedural Rights in the Roman Law and *Corpus Iuris Canonici*. (Article)**

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

**Verg 18 (2024), 145-165: Alejandro Valencia Virosta: The instrumentalization of the crime of blasphemy in the persecution of the Jews during the Middle Ages. (Article)**

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

### ***16th-19th centuries***

**AnC 20 (2024) 2, 13-41: Karolina Mazur: Historyczny rozwój zasady domniemania niewinności (*Historical development of the principle of the presumption of innocence*). (Article)**

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

**BV 84 (2024), 305-316: Ivan Milotić – Ivan Obadić: Nascita degli archivi pubblici nell'intreccio tra diritto civile e canonico nel XVI secolo. (Article)**

The introduction of the public archive requirement in the Papal States in 1588, established by the Constitution *Sollicitudo pastoralis officii*, was not merely the result of a legal decree issued by the Roman Pontiff, but rather a turning point in Western history. This act, both in its principle and in its conceptual significance, represents an early foundation of organized public archival activity. Despite many adaptations and changes, its core purpose and relevance remain intact to this day. The decree reflects the historical context in which it was issued – shaped as it was by social, political, economic, and

cultural factors – while also demonstrating a universalizing effort towards standardization, formalization, and legal structuring of archival processes. The goal was to preserve materials and ensure that they remained accessible and searchable when needed. The article examines the key determinants behind the issuance of *Sollicitudo pastoralis officii*, as well as the forces, challenges, and circumstances that led to its adoption at the end of the 16th century. It also situates the decree within the broader reforms of Pope Sixtus V, known as the Sistine Reforms.

**FCan XVIII/2 (2023), 51-84: João Vergamota: A nomeação dos párocos na legislação da Monarquia Constitucional portuguesa. (Article)**

V. analyses the various legislative provisions of the Portuguese Constitutional Monarchy (1820-1910) relating to the appointment of parish priests, in particular the Decree of 2 January 1862, which aroused strong protest from the ecclesiastical hierarchy, which felt stripped of its authority in this and other matters by the regalist policies of successive liberal governments.

**FCan XVIII/2 (2023), 103-128: Miguel Falcão: Notas sobre a história do Direito Canónico. (Article)**

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

**RDC 74/1 (2024), 33-68: Amaury Montjean: La législation synodale de Saint François de Sales: une *renovatio* tridentine d'un modèle paraclétique. (Article)**

Bishop of Geneva between 1602 and 1622, Saint Francis de Sales is a key figure in the post-Tridentine reformation of the Church. Among the means (particularly juridical) at his disposal, the diocesan synod seems to be particularly effective, in conjunction with the pastoral visit. In view of the growing influence of Protestant synods, particularly in the region of Chablais, Francis de Sales wanted to restore this ancient juridical institution to a leading role in his own episcopal legislative practice. Thus, the core of the Salesian synod is modelled by the concluding principle of the CIC/83, the *salus animarum*. The synod does not only say how the Church should be structured, but more fundamentally, unfolds the direction of her journey. Nowadays, canons 465 and 466 seem to be the nearest witnesses of this Salesian insight.

**RDC 74/1 (2024), 93-119: Karolina Mazur: Le principe de la présomption d'innocence. Une analyse juridico-historique. (Article)**

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

**REDC 80 (2023), 123-160: Justo García Sánchez: La recepción del derecho romano en un proceso civil castellano instado en la Real Chancillería de Valladolid: años 1605-1609. (Article)**

G.S. examines a civil trial in Castile, where following the death of the diocesan bishop, the priest whom the bishop had appointed as vicar general and chief magistrate of the five towns under his temporal jurisdiction brought an action against the bishop's estate for unpaid wages. The claim was contested by the bishop's relatives, who were beneficiaries under his will. Roman law is evident throughout the trial, influencing both terminology and the structure of the judicial ruling in its formal and substantive aspects.

**REDC 80 (2023), 161-188: Julio García Martín: Intentos para unificar el catecismo y los libros de oraciones en China y reinos adyacentes en el segundo tercio del s. XIX. (Article)**

The catechism and the prayer book were valuable and useful tools in the initial evangelization and in preserving the faith of the faithful in the Eastern missions, which were generally entrusted to religious orders and missionary institutes. The ecclesiastical superiors of these organizations had established their own catechisms, which differed from one vicariate to another. In the second third of the 19th century, the Congregation *de Propaganda Fide* attempted to establish a common catechism by consulting the Apostolic Vicars, but given the disparity of opinions did not take any decision.

### ***1917 Code***

**Ius Comm XII (2024), 215-228: Lluís Martínez Sistach: El derecho de asociación de los cristianos en el Código de Derecho Canónico de 1917. (Article)**

M.S. presents a study on the right of association in the first codification of canon law. The regulation of associations in canon 684 of the CIC/17 reflected the concept of the Church as a perfect juridical society. The work of drafting that Code initially included a distinction between public and private

associations; however, this distinction was ultimately omitted, and canon 684 only recognized associations either erected or approved by Church authority. This seemed to place the initiative for forming associations exclusively in the hands of the hierarchy. The central focus of the article is the explanation of another category – associations recommended by the Church. Were these the same as the approved associations mentioned in canon 684? M.S. sets out the differing doctrinal interpretations on this matter, offering conclusions that highlight the existence of a dual system of associative initiatives in the CIC/17. Lay faithful could establish associations merely recognized by the Church, which, in pastoral practice, led to two types of associations: ecclesiastical ones, either erected or approved by Church authority, and lay associations that were simply recognized.

**Ius Comm XII (2024), 275-323: Johnny Esteban Li Mesias: El ejercicio de la potestad del superior en la vida consagrada. (Article)**

See below, canon 596.

***20th century***

**AnC 20 (2024) 2, 13-41: Karolina Mazur: Historyczny rozwój zasady domniemania niewinności (*Historical development of the principle of the presumption of innocence*). (Article)**

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

***Second Vatican Council and revision of the CIC and CCEO***

**Clar ITVC n.s. 15, 64 (2024), 499-511: Michele Miraglia: Brevi considerazioni a margine del dibattito sull'ecclesiasticità dei beni temporali della Chiesa. Qualche opportuna chiarificazione a partire dal contributo della Giurisprudenza del Tribunale della Rota Romana. (Article)**

M. examines the contribution of the Roman Rota to the elaboration of the canons on the current Code of Canon Law on temporal goods.

**Comm 56 (2024), 182-207: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Recognoscendo: Coetus Studiorum “De Normis Generalibus”: VI sessione, 25-30 gennaio 1971 “Quaestio proposita: Compositio canonum *De Instructionibus, De Decretis, et De Statutis*”; Voti dei consultori. (Report)**

First Álvarez Menéndez sets out his *votum* on the external form of acts of the Apostolic See. Previous consultations had considered various general matters such as the nature of laws, custom, computation of time, and structuring or systematization. The Commission now turns its attention to the external form these may take. Terminology has been very varied: letters, decrees, privileges, etc. Authors such as Stickler, Maroto, and Lijdsman had categorized these in various ways, historically and according to their external formalities. Lijdsman sets out four criteria: manner (written or oral); ambit (general or particular); occasion or material (decrees, *motu proprio*s, apostolic letters, declarations, etc.); and external form (bulls, briefs, letters, chirographs – i.e. personally written). The report then sets out current terminology including that used for the documents of Vatican II. Wilhelm Bertrams then presents his views on instructions, decrees, and statutes. Instructions should be used only to explain how laws are to be executed, not to modify them. Decrees should be seen as in some way time-limited or experimental rather than permanent or definitive, and issued by higher authority. Statutes are for a particular community. Finally, Klaus Mörsdorf comments on a number of draft general norms already approved.

**Comm 56 (2024), 208-267: Ex Actis Pontificiae Commissionis Codici Iuris Canonici Orientali Recognoscendo: Coetus “De Clericis et De Magisterio Ecclesiastico”; Coetus Specialis “De Clericis et Laicis”: Sessione del 28 febbraio – 12 marzo e 10-11 ottobre 1983: Prot. N. 1210/83/2, Proposte della segreteria per la *denua recognitio* dello schema *De clericis et laicis*. (Report)**

Commenting on draft canons on clergy and laity, the secretary considers that these lack juridical rigour and have much material of a theological or exhortatory nature, which should be pruned. He also considers it too Western in language and not taking on board sufficiently the Eastern tradition. In the light of the various criticisms received along these lines, recommendations are offered individually for improvements on the 109 draft canons in this section.

**FCan XVIII/2 (2023), 103-128: Miguel Falcão: Notas sobre a história do Direito Canónico.** (Article)

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

**IM 35 (2024), nr 2, 65-93: Rafał Borowy – Radosław Gosiewski: Uwagi Trybunału Roty Rzymskiej do projektu kanonów o przeszkodach małżeńskich z 1975 roku** (*Comments of the Tribunal of the Roman Rota on the draft canons on matrimonial impediments from 1975*). (Article)

This study examines the comments of the Tribunal of the Roman Rota on the draft canons on matrimonial impediments contained in the 1975 *Schema documenti pontificii quo disciplina canonica de Sacramentis recognoscitur*. The project was divided into general norms on matrimonial impediments, impedient impediments, and diriment impediments.

**L 65 (2024), 433-438: Francesco Simone: La connessione inscindibile tra il Concilio Ecumenico Vaticano II e il Codice di Diritto Canonico del 1983.** (Article)

S. shows how the CIC/83, promulgated over 40 years ago by Pope John Paul II, is a mature fruit of the Second Vatican Council. The legislative text has incorporated, as the interventions of the pontiffs underline, the ecclesiological physiognomy of Vatican II, and the instances and ferments of renewal that appeared in the post-Council period, demonstrating how in theological reflection the idea developed of a “de-theologization” of law and a “de-juridicization” of theology. S. describes the guiding principles of the reform and the sources of the Code.

**21st century**

**QDE 37 (2024), 392-404: Davide Salvatori: Le bolle di indizione dei guibilei del terzo millennio: struttura, teologia e peculiarità.** (Article)

S. examines the three Bulls of Indiction for Jubilee Years since 2000, showing how each handles the traditional material of such bulls theologically as well as structurally. Doing so enables him to highlight the particular emphases of *Spes non confundit*, notably its stress on pilgrimage and on other signs and actions of hope.



## CODE OF CANONS OF THE EASTERN CHURCHES

### **CCEO 140-145**

**ELT 20 (2024), 11-52: Sunny Kokkaravalayil: The Impact of *Yogam* of St Thomas Christians on the Ecclesial Governance of the Syro-Malabar Church.** (Article)

K. examines how far the heritage of *yogam* of the St Thomas Christians has found itself in the new institutions of the Syro-Malabar Church. In the ancient Church of the St Thomas Christians of India, the laity had a prominent position in the administration of the Church. The institution called *yogam*, in which laity and clergy participated with equal rights, had decision-making power on important matters regarding Church administration. As a result of Latinization, the power of *yogam* declined over the years and nearly disappeared from that Church. *Yogam*, with its ancient power, has not been resuscitated in the present law of the Syro-Malabar Church. The present Eastern Code has only permitted its partial restoration at parish level, and accordingly, the Syro-Malabar Church has restored it in its particular law, albeit with limited power. However, its fuller and adapted restoration at all Church levels is yet to be accomplished, for which it is necessary to know the advantages of *yogam* and the resources of the Catholic Church to reconcile with it.

### **CCEO 172**

**ELT 20 (2024), 11-52: Sunny Kokkaravalayil: The Impact of *Yogam* of St Thomas Christians on the Ecclesial Governance of the Syro-Malabar Church.** (Article)

See above, CCEO canons 140-145.

### **CCEO 187**

**VJTR 88 11/24, 823-836: Edison Yohannan: “Profession of Faith” in the *Munus* of the Laity From a Juridical Perspective.** (Article)

Christian faith is both personal and ecclesial. The faith is to be professed by the Christian faithful which binds them together in union with the head, its members, and the body of the Church. Laity, the non-ordained members of the Church, exercise this *munus* or function or office according to the juridical

requirements mentioned in the Codes which are found in the context of the “teaching office” besides the communal proclamation in the liturgy. Y. mentions various canonical provisions of the profession of faith and its praxis in an Indian context.

## **CCEO 192**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See below, CCEO canon 390.

## **CCEO 202**

**ELT 20 (2024), 81-101: Varghese Palathingal: Inter Ecclesial Assembly of Catholic Bishops of India. (Article)**

The Catholic Bishops’ Conference of India is an inter-ecclesial assembly consisting of three different episcopal bodies of three Churches *sui iuris* in the Catholic communion. In the context of global immigration people move from one place to another irrespective of caste and creed, religion and nationality. The same applies to Christian faithful belonging to different Churches *sui iuris*, which entails spiritual and pastoral care on the part of the pastors. Hence the need for an effective and efficacious coordination of the activities concerning supra-ritual and national and common issues in a given territory. Of primary concern are the communion of Churches, the collegiality of bishops, unity in diversity, and pastoral needs and challenges. P. sets out the challenges and prospects outlined by the Catholic Bishops’ Conference of India.

## **CCEO 235-242**

**ELT 20 (2024), 11-52: Sunny Kokkaravalayil: The Impact of *Yogam* of St Thomas Christians on the Ecclesial Governance of the Syro-Malabar Church. (Article)**

See above, CCEO canons 140-145.

**CCEO 272-275**

**ELT 20 (2024), 11-52: Sunny Kokkaravalayil: The Impact of *Yogam* of St Thomas Christians on the Ecclesial Governance of the Syro-Malabar Church. (Article)**

See above, CCEO canons 140-145.

**CCEO 295**

**ELT 20 (2024), 11-52: Sunny Kokkaravalayil: The Impact of *Yogam* of St Thomas Christians on the Ecclesial Governance of the Syro-Malabar Church. (Article)**

See above, CCEO canons 140-145.

**CCEO 295**

**ELT 20 (2024), 53-80: George Thekkekara: The Palliyogam Procedure Rules of the Syro-Malabar Church Twenty-Five Years After. (Article)**

The significance of evaluating the existing norm of the Syro-Malabar Church on the parish assembly gains relevance when considered against the backdrop of its historical practices. Canon 295 of the CCEO explicitly mandates particular laws to legislate on suitable councils within the parish for addressing pastoral and financial matters. In response to this directive in the Eastern Code, the synod of bishops of the Syro-Malabar Major Archiepiscopal Church promulgated the “*Palliyogam*–Procedure Rules”. These rules govern and regulate various aspects concerning the councils operating within the parish structure. T. looks in detail at their content and applicability.

**CCEO 322**

**ELT 20 (2024), 81-101: Varghese Palathingal: Inter Ecclesial Assembly of Catholic Bishops of India. (Article)**

See above, CCEO canon 202.

## **CCEO 390**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

As a consequence of canonical accommodations on the part of the Apostolic See, both the Eastern Catholic and Latin Churches in the United States are now being served by married presbyters, some with families. The provisions in both Codes are general, and necessitate *ad hoc* decision-making by bishops, leading to potential inequity and injustice. To address this, a system of best practices is needed for evaluating candidates; determining appropriate offices and functions for married presbyters; defining the role of spouses in the formation, ordination, and appointment process; and addressing issues of remuneration, housing, and benefits. F. aims to clarify certain canonical principles, identify key issues, and propose potential options.

## **CCEO 584-594**

**Per 113 (2024), 431-461: Sunny Kokkaravalayil: Evangelisation – Competence for the Eastern Churches according to *Praedicate Evangelium*. (Article)**

K. examines the relationship between the Dicastery for Eastern Churches (OD) and the Dicastery for Evangelization (DE) with particular emphasis on the role of the Eastern Churches themselves in the work of evangelization. He carefully presents, analyses, and critiques the relevant articles of *Praedicate Evangelium* concerning each of the Dicasteries (articles 55-60 for DE and articles 82-87 for OD). In order to avoid any conflict of interest, he suggests a clearer formulation of the relevant norms found in the Apostolic Constitution.

## **CCEO 937**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See above, CCEO canon 390.

## **CCEO 1021**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See above, CCEO canon 390.

## **CCEO 1152**

**SC 58 (2024), 559-599: Sunny Kokkaravalayil: The Revised Penal Law of the Eastern Catholic Churches. (Article)**

See below, CCEO canons 1401-1467.

## **CCEO 1303-1311**

**IE XXXVI (2024), 615-654: Supremo Tribunale della Segnatura Apostolica: Prot. n. 50399/15 CG, *Petitionis restitutionis in integrum contra decretum rotale*, 18 giugno 2016 (sentenza definitiva) [il testo e la traduzione], con commento di Marc Teixidor: *Alcune note in merito ad una decisione di restituzione in integro contro un decreto rotale. Commento alla sentenza coram Stankiewicz del 18 giugno 2016 (Prot. N. 50399/15 CG)*. (Sentence and comment)**

T. comments on a case in which an intereparchial tribunal declared one of its own decisions null and issued a new decision, which was later confirmed by a decree of the ordinary tribunal of the patriarchal Church. The woman respondent appealed to the Rota, which declared the decisions of the lower tribunals null and, at the respondent's request, prohibited the petitioner from leaving a certain territory with their daughter without the mother's consent. Against this Rotal decree, the petitioner lodged a plaint of nullity and requested a *restitutio in integrum* before the Apostolic Signatura. The Signatura dismissed the plaint of nullity but admitted to examination the *restitutio in integrum*, which it finally granted on 18 June 2016. The Signatura's decision includes an analysis of the respondent's right of appeal, the Rota's jurisdiction, and the validity of the decisions contained in the Rotal decree.

## **CCEO 1326**

**IE XXXVI (2024), 615-654: Supremo Tribunale della Segnatura Apostolica: Prot. n. 50399/15 CG, *Petitionis restitutionis in integrum***

***contra decretum rotale*, 18 giugno 2016 (sentenza definitiva) [il testo e la traduzione], con commento di Marc Teixidor: *Alcune note in merito ad una decisione di restituzione in integro contro un decreto rotale. Commento alla sentenza coram Stankiewicz del 18 giugno 2016 (Prot. N. 50399/15 CG)*. (Sentence and comment)**

See above, CCEO canons 1303-1311.

## **CCEO 1401-1467**

**SC 58 (2024), 559-599: Sunny Kokkaravalayil: The Revised Penal Law of the Eastern Catholic Churches. (Article)**

This study is a comparative analysis of the revised penal law of the Eastern and Latin Catholic Churches. There are striking similarities between these revised penal laws due to their common sources, but there are also dissimilarities, mainly because the revision commission integrated the revised norms into the existing vision, framework, structure, terms, and canon numbers of the CCEO, leaving intact the internal harmony of the already existing Code. K. finds that this revision of the canons corresponds to the needs of the Eastern Churches and is coherent with the spirit of the penal law of those Churches as envisaged by the codifiers of the CCEO.

## **CCEO 1442**

**SCL XVII (2022), 211-244: Tharigopala Lourdusamy: Desecration of the Blessed Eucharist: A Juridical Study in the Light of Can. 1382 §1 of CIC 1983. (Article)**

See below, CIC canon 1382\*.

## **CCEO 1473**

**AC 65 (2024), 39-53: Bruno Gonçalves: Mesures disciplinaires, mesures conservatoires et sanctions pénales. (Article)**

See below, CIC canon 1722.

## CODE OF CANON LAW BOOK I: GENERAL NORMS

### 8

**Comm 56 (2024), 67: Pope Francis: Decreto relative alla pubblicazione di provvedimenti normativi nello S.C.V., 16 gennaio 2024.** (Document)

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

### 17

**Canonist 15/2 (2024), 156-174: Judith Hahn: A Right Understanding – Understanding Your Rights? Conflicts of Interpretation in Canon Law.** (Article)

H. examines the ambiguity inherent in legal language, particularly within canon law, and explores how interpretation is necessary to resolve it. She compares textualism and contextualism, revealing the tensions between different schools of thought on legal meaning. She highlights how cultural and legal traditions – such as Anglo-American and continental systems – impact the interpretation of universal Church laws. She argues that canon law must acknowledge the subjective dimension of human action and recognize interpretation as a critical and context-sensitive legal practice.

### 22

**IE XXXVI (2024), 459-491: Jorge Otaduy: Colaboración y deber jurídico de denuncia de las autoridades eclesásticas ante las autoridades civiles.** (Article)

The *motu proprio Vos estis lux mundi* affirms that its norms on reporting and prosecuting child abuse operate alongside State laws, particularly regarding civil reporting obligations (cf. art. 20). O. explores the consequences of this deference to State law, especially where it may conflict with canonical principles such as the sacramental seal, which lacks legal protection in some countries. Other concerns include cooperation with civil authorities, such as sharing canonical trial records. Ultimately, the Church's duties depend on national legislation; for example, Spanish law does not impose a legal obligation on individuals or Church authorities to report abuse.

## 31-34

**Per 113 (2024), 299-320: Anthony Ekpo: Is there a canonical path towards a juridical remedy for general administrative acts? (Note)**

E., Undersecretary of the Dicastery for Promoting Integral Human Development, notes that the CIC/83 provides for remedies against singular administrative acts (cf. canons 35-38) by means of administrative recourse, but offers no such remedy for those who believe they have been injured by general administrative acts (cf. canons 31-34). E. explores the possibility of a way forward to deal with the lack of clear procedures. In doing so, he draws on *Praedicate Evangelium*, nos. 181-182, and canon 1732.

## 35

**SCL XVII (2022), 245-279: Peter Hans: Consultation in the Administrative Decision-Making of a Diocesan Bishop: The Law, the Principles and the Praxis. (Article)**

See below, canon 127.

## 87

**Ius Comm XII (2024), 187-213: Dominique Mamberti: Las dispensas de las leyes procesales en el contexto normativo actual. Reflexiones sobre la praxis reciente de la Signatura Apostólica. (Article)**

The Supreme Tribunal of the Apostolic Signatura has exclusive competence to grant dispensations from procedural laws. This authority, confirmed by the Apostolic Constitution *Praedicate Evangelium*, has evolved – following the latest normative updates and recent factual circumstances – into a corresponding administrative praxis, upon which M., Prefect of the Apostolic Signatura, reflects in this article.

## 113-123

**J 80 (2024), 439-468: Nancy Bauer: Ministerial Public Juridic Persons: The Newest Twist on Sponsorship of Apostolic Institutions Founded by Religious Institutes. (Article)**

In the United States, religious institutes initially owned and operated their apostolates directly. By the 1960s-70s, owing to declining numbers of members, and rising costs, many institutes began sponsoring these works



while lay boards assumed operational and financial management. Today, governance is often entrusted to a canonically erected ministerial public juridic person (PJP), which ensures the apostolate's Catholic identity on behalf of the institute. This development reflects a broader ecclesial trend, exemplified by Duluth Benedictine Ministries, established by St Scholastica Monastery in Minnesota, as a model of how PJPs preserve mission continuity amid structural and demographic changes.

### 113-123

**SC 58 (2024), 479-515: James A. Bock, Jr.: Juridic Persons, Associations and the First Amendment of the U.S. Constitution.** (Article)

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

### 116

**Per 113 (2024), 405-430: Ulrich Rhode: Persone giuridiche nell'ambito della vita consacrata.** (Presentation)

See below, canons 573-746.

### 127

**NRT 146 (2024), 390-408: Alphonse Borras: Comment faire évoluer les procédures décisionnelles en Église d'une manière authentiquement synodale?** (Article)

B. asks how decision-making and procedures in the Church can evolve in an authentically synodal way. An exegesis of canon 127 §2, 2°, can open up perspectives for development that is ecclesologically more coherent by assuming the distinction between *decision-making* and *decision-taking*.

### 127

**SCL XVII (2022), 245-279: Peter Hans: Consultation in the Administrative Decision-Making of a Diocesan Bishop: The Law, the Principles and the Praxis.** (Article)

H. examines the need for consultation in the good governance of a particular Church. He seeks to apply the principles of *consilium* and *consensus* prescribed in canon 127 to the practicalities of the bishop's decision-making.

**128**

**EE 99 (2024), 891-938: Carlos M. Morán Bustos: El estatuto jurídico-procesal de la víctima: la víctima como parte procesal en el proceso penal canónico. (Article)**

See below, canon 1398\*.

**129**

**IE XXXVI (2024), 591-613: Armand Paul Bosso: Potestà e uffici: questioni dopo la cost. ap. *Prædicate evangelium*. (Article)**

See below, canon 145.

**129**

**QDE 37 (2024), 137-144: G. Paolo Montini: La potestà ecclesiastica. Lo *status quaestionis*. (Article)**

M. surveys recent debates on the promotion of the role of the laity in the Church today in the light of theories about the origin and nature of ecclesiastical power and its links with the sacrament of orders. He identifies two approaches: one looks to a double origin of ecclesiastical power, the other to a distinction between power and its exercise. He suggests that the tension between these two should not be resolved in too simple a manner.

**129**

**QDE 37 (2024), 182-198: Davide Salvatori: La potestà vicaria della Curia Romana: la presidenza di un'istituzione curiale da parte di un laico secondo *Praedicate Evangelium*. (Article)**

See below, canon 360.

**129**

**VJTR 88 9/24, 647-665: Merlin Rengith Ambrose: Lay Participation Empowered. Juridical Insights from *Instrumentum Laboris*. (Article)**

See above, General Subjects (Ecclesiology).

**131**

**QDE 37 (2024), 145-169: Marino Mosconi: La potestà ecclesiastica nelle Chiese particolari: il vescovo, i presbiteri e gli altri fedeli. (Article)**

M. sets the power of the diocesan bishop in the context of his service of that Church as the guarantor of its ecclesial authenticity. The powers to teach, sanctify, and govern are ordered to this task; M. argues that the bishop cannot, however, exercise them effectively without cooperation. He then looks at the canonical distinctions between vicarious and delegated exercise of power, and relates these to the various bodies that promote co-responsibility in the diocese.

**134**

**QDE 37 (2024), 199-209: Alfredo Rava: Commento al *Rescriptum* di Papa Francesco in deroga al can 588 §2 (18 maggio 2022). (Article)**

See below, canon 588.

**145**

**IE XXXVI (2024), 591-613: Armand Paul Bosso: Potestà e uffici: questioni dopo la cost. ap. *Prædicate evangelium*. (Article)**

“Powers” and “offices” in the ecclesiastical organization are both instruments aimed at serving the institution and individuals. The clear decision to involve the laity at the highest levels of the ecclesiastical governing hierarchy (at both the universal and particular levels) raises doctrinal and practical questions, all of which highlight the need for a proper interpretation of this approach.

**145-196**

**LJ 193 (2024), 157-164: Robert Ombres: Office holders and their Duties and Rights in Catholic Canon Law. (Article)**

The definition and distribution of offices are important legal mechanisms to structure the life and mission of the Church. O.’s article has as its focus clerical office holders, including the duties and rights involved and the provision of offices. In conclusion, O. examines two specific cases: one has to do with avoiding the holding of too many offices by one cleric; the other is to ask if a cleric has the right to be given an office.

## BOOK II, PART I: CHRIST'S FAITHFUL

**208**

**RTL 55 (2024), 1-37, 159-193: Alphonse Borras: Face à la «maladie cléricale», comment assurer une «saine pratique» du ministère dans l'Église catholique? (Article)**

Between 2020 and 2023, the *Revue théologique de Louvain* published a series of articles on the theme of ordained ministries, constituting a “dossier” on the subject which initially focused on “clericalism”. In this two-part article, B. picks up on the main findings of all these articles, which examine the implicit theological positions and the institutional workings that are conducive to problems, if not deviations, linked to abuses of power of all kinds. After a few preliminary remarks, he sets out a fundamental presupposition when dealing with ministries and their implementation, namely that of the primacy of *ecclesia*. He then presents an axiomatic definition of ministries as disposing the Church to its mission. On this twofold basis, he takes up some of the major questions that emerge from the various articles in the dossier: the reference to origins and its authority, the emergence of a priestly terminology, and the sacerdotalization of priests, which will affect the ministerial system and determine a clerical culture. In a forward-looking conclusion, he presents seven requests for thinking about and implementing a “healthy practice” of ministries in the Church at the service of the faithful and their mission in the world.

**208-231**

**REDC 80 (2023), 99-121: Paloma Durán y Lalaguna: Género y religión. (Article)**

The article analyses the situation of women in the Catholic Church. Based on conceptual premises, it examines conciliar and post-conciliar documents to propose some conclusions.

## 215

**Ius Comm XII (2024), 215-228: Lluís Martínez Sistach: El derecho de asociación de los cristianos en el Código de Derecho Canónico de 1917. (Article)**

See above, Historical Subjects (1917 Code).

## 232-264

**REDC 80 (2023), 261-314: Juan Azcárate Casanova: Propuesta para una determinación jurídica de algunos de los elementos que configuran al seminario como institución eclesial formativa. (Article)**

The 2016 *Ratio Fundamentalis Institutionis Sacerdotalis* ("The Gift of the Priestly Vocation") not only fails to clarify many of the undefined juridical concepts found in previous magisterial teaching regarding seminaries but also introduces new elements. A.C. aims to provide a proper canonical definition of four indeterminate juridical concepts found in this document, which he considers essential for defining key aspects of the seminary as a formative institution, thereby ensuring an adequate priestly formation: "sufficient and viable community" (cf. no. 188); "mature vocations" (no. 24); "suitable formative environment" (cf. no. 139); and "formation project or itinerary" (cf. no. 10).

## 269-270

**J 80 (2024), 663-688: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Suspensionis*, prot. n. 27338/96 CA, January 20, 1998; 2. Definitive decree of the College *coram* Davino, [...] *Incid.: Restitutionis in integrum adversus decretum in Congressu diei 20 ianuari 1998 latum, quo recursus non admittitur ad disceptationem*, prot. n. 27338/A/ 96 CA, July 10, 1999; William L. Daniel: A Contentious-Administrative Cause Involving Denied Excardination, Penal Suspension, and an Attempted *Restitutio in integrum* (prot. n. 27338/96 CA). (Decrees and comment)**

See below, canon 1445.

**277**

**SCL XVII (2022), 109-131: Valère Nkouaya Mbandji: Ecclesiastical Celibacy and Sexual Abuse in the Catholic Church. (Article)**

M. studies whether there is a causal link between celibacy and sexual abuse. While there is no direct link between them, the experience of celibacy can become a risk factor where there is a culture of clericalism, accompanied by flaws in the recruitment process and training of candidates, the lack of psycho-affective and sexual maturity of priests and religious, as well as the lack of a healthy relationship and a regular prayer life.

**281**

**ADC 14 (diciembre 2024), 19-56: Fernando Giménez Barriocanal: Normativa canónica y mejora de la gestión diocesana. (Article)**

See below, canons 1259-1298.

**281**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See above, CCEO canon 390.

**290-293**

**Per 113 (2024), 321-334: Matteo Visioli: Perdita dello stato clericale e osservanza del sigillo sacramentale. (Consultation)**

V. considers the question of a priest who has lost the clerical state: is such a person still bound to observe the sacramental seal? If he were to violate that seal after the loss of the clerical state how should he be dealt with? To answer the question, V. examines the clerical state and how it can be lost, the sacramental seal and its observance, and the canonical delicts and sanctions to be imposed where the seal has been violated. He concludes that the obligation to maintain the absolute secrecy and integrity of the sacramental seal remains even though it is not stated explicitly either in the law or in any of the documents by which a priest can lose the clerical state. Indeed, he points out that the wording of canon 292 could be misconstrued to mean precisely the contrary.

## 292

### **AC 65 (2024), 55-74: Denis Baudot: Décider ou non du renvoi de l'état clérical? Une mesure qui interroge. (Article)**

A cleric facing the possibility of dismissal from the clerical state may request voluntary removal from it. It is defined in canon 292. Loss of the clerical state involves loss of incardination. The use of penal prohibitions, which are the only expiatory penalties that can be imposed as *latae sententiae* penalties, avoids the indignity of dismissal, as well as enabling Church authorities to keep some control over the cleric in question. B. considers these and other measures as alternatives to dismissal from the clerical state.

## 295-296

### **Canonist 15/2 (2024), 175-185: Merlin Rengith Ambrose: Juridical Amendments in Canons 295-296: Personal Prelature Revisited. (Article)**

A. explores the recent amendments to canons 295-296 concerning personal prelatures, with particular reference to *Praedicate Evangelium*. He explains how the reforms relocate oversight of personal prelatures from the Congregation for Bishops to the Dicastery for the Clergy, reflecting broader ecclesiological and pastoral shifts in Church governance. He provides historical context, tracing the juridical evolution of personal prelatures from *Presbyterorum ordinis* to *Ut sit* and beyond. He analyses the implications for the structural autonomy and accountability of prelatures, in the light of Pope Francis's vision of synodality, transparency, and mission-oriented Church structures.

## 298-329

### **IC 64/128 (2024), 613-657: Luis Navarro: Respeto y promoción de la iniciativa de las comunidades carismáticas. (Article)**

Charisms in the Church are at the origin of ecclesial movements and new communities. Their regulation requires deep respect for the charism while ensuring their proper integration within the Church. Canonical norms on associations of the faithful have been the primary instrument for this purpose. N. reviews doctrinal and legal developments in this area and analyses trends in the application of legislation. Recent practice and new regulations for some associations show an expansion of the authority's role, which in turn limits the autonomy of charismatic initiatives. N. highlights limitations in the

current norms, which do not fully address the charismatic needs of these movements, and proposes reforms to overcome these challenges.

**298-329**

**J 80 (2024), 501-525: Roch Pagé: Lay Associations of Christ's Faithful and the Church's Response to Allegations of Sexual Abuse. (Article)**

See below, canon 1398\*.

**298-329**

**SC 58 (2024), 479-515: James A. Bock, Jr.: Juridic Persons, Associations and the First Amendment of the U.S. Constitution. (Article)**

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



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

**360**

**BV 84 (2024), 709-720: Andrej Saje: Reforma Rimske kurije kot model prenove za vso Cerkev (*The reform of the Roman Curia as a model of renewal for the entire Church*). (Article)**

S. uses the historical-analytical method to discuss the significance of Pope Francis's Apostolic Constitution *Praedicate Evangelium* (2022) and the reform of the Roman Curia for the universal Church. The foundations of the reform are closely linked to the Pope's vision of the Church, which is reflected in missionary spirit, the synodal journey of all the baptized, the strengthening of communion, and participation in the mission of the proclamation of the Gospel. The Roman Curia is called by its very nature to proclaim the Gospel of God's mercy and to be a model of renewal for the particular Churches. It stimulates the process of growth and pastoral conversion, where a change of mindset and dialogical interpersonal relationships are at the forefront. The Curia is at the service of the Pope, the bishops, and the bishops' conferences. It acts in the name of the Pope and with vicarious power. What stands out in particular is the novelty of the role of the laity, who can now be appointed to the highest leadership positions in the Curia, which will have consequences for local Churches. In terms of decentralization and subsidiarity, changes are visible in the increased powers of the bishops' conferences. The priority given to evangelization and the new role of the laity are the main emphases that link Pope Francis's new Apostolic Constitution to the Second Vatican Council (1962-1965) and constitute a new way of putting it into practice.

**360**

**Comm 56 (2024), 9-53: Pope Francis: Lettera Apostolica in forma di "Motu Proprio" con la quale vengono modificati e integrati il Motu Proprio "sulla trasparenza, il controllo e la concorrenza nelle procedure di aggiudicazione dei contratti pubblici della Santa Sede e dello S.C.V.", del 19 maggio 2020, e le relative "Norme" e "Tutela giurisdizionale", 27 novembre 2023. (Document)**

This motu proprio sets out a series of modifications to the legislation of 19 May 2020 concerning the procedural requirements for transparency, control, and agreement in the adjudication of public contracts made by the Holy See

or Vatican City State. There are 91 articles dealing with the substance, followed by 7 concerning jurisdictional safeguards. The latter appear to be purely corrections to typographical errors, e.g. capitalization or words for numerals.

### **360**

**Comm 56 (2024), 68-69: Pope Francis: Chirografo sulla collaborazione tra i Dicasteri della Curia Romana e la Segreteria Generale del Sinodo, 16 febbraio 2024. (Document)**

Pope Francis explains that the General Secretariat of the Synod exists to help the Bishop of Rome in his pastoral ministry at the service of episcopal collegiality and ecclesial communion. It is distinct from the Roman Curia as an institution at the service of the Synod. Dicasteries of the Roman Curia are to collaborate with the Secretariat according to their specific competences by forming study groups to deepen the themes identified by the 1st Session of the XVI General Assembly of the Synod.

### **360**

**EIC 64 (2024), 293-317: Giuseppe Comotti: Santa Sede e beni culturali. (Article)**

C. traces the historical-juridical evolution of the administration and protection of ecclesiastical cultural assets by the Holy See, both at the level of the international legal system and at the more properly canonical level. He dwells, in particular, on the evolution of the relevant curial structures, outlining their respective areas of intervention and management, up to the most recent changes introduced by the Apostolic Constitution *Praedicate Evangelium*.

### **360**

**QDE 37 (2024), 182-198: Davide Salvatori: La potestà vicaria della Curia Romana: la presidenza di un'istituzione curiale da parte di un laico secondo *Praedicate Evangelium*. (Article)**

S. locates the idea that a lay person might preside over a curial institution in the context of the ecclesiology of collaboration and the notion of the Curia as holding vicarious power which he sees in *Praedicate Evangelium*. He suggests that the Curia works in a synodal manner, but that power is primarily exercised by the one who presides over the institution. *Praedicate*

*Evangelium* explicitly affirms that some Dicasteries cannot be presided over by a lay person, but allows the possibility of other Dicasteries having a lay person at their head.

### **360**

**SCL XVII (2022), 69-107: Michael Noble: The Reform of the Roman Curia. Pope Francis' Apostolic Constitution *Praedicate Evangelium*. (Article)**

N. highlights important changes regarding a new understanding of the Roman Curia, its principles and criteria, as well as general norms on the Roman Curia. For practical reasons and to discuss and outline Pope Francis's vision, N. briefly presents the Dicastery for Evangelization, and outlines changes to the Apostolic Constitution *Pastor Bonus*.

### **360-361**

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

This is a French translation of a popular guide, revised and in second edition, on when and how to have recourse to the Apostolic Penitentiary. It explains the structure of the Apostolic Penitentiary and then provides detailed explanation of its competencies regarding delicts, irregularities, radical sanation of marriages, Mass obligations, cases of doubts in moral and canonical issues, and indulgences. It provides sample letters to be sent to the Apostolic Penitentiary to request its services. It explains its special services for the Eastern Catholic Churches.

### **360-367**

**J 80 (2024), 527-569: Jaclyn O'Brien McEachern: The Holy See's Diplomacy: Scope, Methods, Actors, and Goals. (Article)**

McE. explores the Holy See's multifaceted diplomacy, emphasizing its distinct identity from the Vatican City State, and details its unique methods, actors, and goals. Unlike typical States, the Holy See's diplomacy is rooted in theological and juridical principles rather than in national interests. Its influence is felt primarily beyond the confines of its geographic jurisdiction, as distinct from normal States that wield more power within their borders, and it focuses on moral authority rather than military or economic power. Papal

diplomacy is characterized by its universal, religious, and humanitarian nature, and it seeks to influence international relations through the power of persuasion. The Holy See enjoys a *sui generis* status under international law, enabling it to engage in bilateral and multilateral diplomacy, including at the United Nations, where it enjoys status as permanent observer. McE. shows how these unique structural elements shape the manner in which the Holy See engages with the world diplomatically, focusing on global humanitarian and moral issues and advocating for non-violence, human rights, and social justice.

### **369**

**QDE 37 (2024), 145-169: Marino Mosconi: La potestà ecclesiastica nelle Chiese particolari: il vescovo, i presbiteri e gli altri fedeli. (Article)**

See above, canon 131.

### **375**

**QDE 37 (2024), 145-169: Marino Mosconi: La potestà ecclesiastica nelle Chiese particolari: il vescovo, i presbiteri e gli altri fedeli. (Article)**

See above, canon 131.

### **384**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See above, CCEO canon 390.

### **393**

**SCL XVII (2022), 245-279: Peter Hans: Consultation in the Administrative Decision-Making of a Diocesan Bishop: The Law, the Principles and the Praxis. (Article)**

See above, canon 127.

**394**

**QDE 37 (2024), 353-374: Carlo R.M. Redaelli: *La Caritas diocesana: natura, azione e prospettive*. (Article)**

R. begins with an account of Pope Francis's teaching to Caritas Italia and summarizes the institutional development of that organization, relating it to the developments in diocesan Caritas organizations, and to Italian State law. He then looks at how diocesan Caritas offices are structured today and how they fit into the diocesan Curia. In this latter context he suggests that this curial and diocesan dimension should be developed, and further attention given to working with third parties. Any reform of a diocesan Curia should maintain the specific quality of the Caritas organization, part of which is its teaching function.

**399-400**

**FCan XVIII/2 (2023), 31-50: Francisco Simões: *As visitas "ad limina" como dinamismo de uma eclesiologia praticada*. (Article)**

The *ad limina* visit is one of the oldest elements of the episcopal office, in that it involves communion with the head, the Bishop of Rome. In fact, this juridical institute, whose roots go back to the patristic period, is not just a mere formality, but is a fruitful moment of expression of catholicity and effective ecclesiality. S. looks at how visits are structured today, according to three fundamental criteria: the visit to the Pope, the meeting with the Dicasteries of the Holy See, and one or more moments of a spiritual nature. He attempts to justify the visits from a theological-canonical point of view, precisely as an expression of an ecclesiology of communion.

**399-400**

**QDE 37 (2024), 405-423: Enrico Massignani: «*Videre Petrum*»: il pellegrinaggio giubilare. (Article)**

M. examines the reasons why Rome is such an important pilgrimage destination, especially in a Jubilee Year, linking this with devotion to the places associated with the Apostle Peter. He connects the Jubilee Pilgrimage to Rome with the *ad limina* visits of Bishops, seeing common themes between the two. He then looks at the conditions attached to the Jubilee indulgence, connecting these with his Petrine theme.

## **431-434**

**Ius Comm XII (2024), 327-349: Carlos Torres Muñoz: La provincia eclesiástica y su valor para la evangelización. (Article)**

The ecclesiastical province, an ancient and traditional grouping of particular Churches, offers a challenge for a renewed pastoral governance following the guidelines of Pope Francis on missionary cooperation and synodality, particularly in the social-political context of Spain, geographically divided into autonomous regions.

## **459**

**ELT 20 (2024), 103-124: Mathew Souriamkuzhi: Federation of Asian Bishops' Conferences (FABC) Continental Asian Ecclesial Assembly. (Article)**

The Federation of Asian Bishops' Conferences (FABC) is a voluntary association of episcopal conferences in South, South-East, East, and Central Asia, established for fostering among the members solidarity and co-responsibility for the welfare of the Church and society in Asia, and to promote and defend whatever is for the greater good in those areas. S. looks at the historical context and incidents that led to the formation of the FABC, its statutes and structure, and its different teachings.

## **460**

**Per 113 (2024), 609-637: Florian Mross: Die Entwicklung des Paradigmas der Synodalität auf den Diözesansynoden seit dem CIC 1983. (Article)**

After the promulgation of the CIC/83, several dioceses in Germany celebrated diocesan synods. M. considers various aspects of these experiences of synodality, such as changing statutes, regulations, and procedures, and making a variety of resolutions. He concludes that such synods have been true representative assemblies of the faithful who work together with the bishop in the diocese in order to hand on the faith. Moreover, through the decades, they have developed into bodies that advise the bishop and have contributed to the emergence of synodality as an essential feature of Church life.

**465-466**

**RDC 74/1 (2024), 33-68: Amaury Montjean: La législation synodale de Saint François de Sales: une *renovatio* tridentine d'un modèle paraclétique.** (Article)

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

**469**

**FCan XVIII/2 (2023), 15-30: Juan Ignacio Arrieta: Estructura diocesana y parroquial que inspira “Praedicate Evangelium”.** (Article)

A.'s purpose is to indicate in what measure the reforms introduced by Pope Francis in the Roman Curia and in that of the Vicariate of Rome can inspire diocesan bishops, if they consider it opportune, to bring about possible reforms in their own curiae and in the diocesan organization, following in particular the criteria of synodality and financial control that the Pontiff has considered it necessary to establish in Rome.

**471**

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See below, canon 1371\*.

**492-494**

**ADC 14 (diciembre 2024), 19-56: Fernando Giménez Barriocanal: Normativa canónica y mejora de la gestión diocesana.** (Article)

See below, canons 1259-1298.

**492-494**

**IC 64/128 (2024), 557-611: Fernando Giménez Barriocanal: La gobernanza económica en la Iglesia: Aportaciones del Derecho canónico y propuestas de mejora.** (Article)

See below, canons 1254-1310.

## **503**

**IE XXXVI (2024), 563-589: Thierry Sol: La collaborazione tra il vescovo e il capitolo nell'età delle elezioni.** (Article)

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

## **503-510**

**Comm 56 (2024), 70-107: Pope Francis: Chirografo per l'approvazione dello Statuto e del Regolamento del Capitolo della Basilica Papale di Santa Maria Maggiore, 19 marzo 2024.** (Document)

Following the advice of the extraordinary Commission established on 14 December 2021, Pope Francis decided to relieve the Canons of the Basilica of Santa Maria Maggiore of duties of an economic or administrative nature, and approved a new set of statutes, granting the archpriest the necessary faculties to oversee the transition. The statutes comprise 59 articles with a brief historical preamble. Detailed regulations follow in 52 articles.

## **503-510**

**Comm 56 (2024), 110-111: Pope Francis: *Rescriptum ex audientia SS.mi* circa i Canonici e i Coadiutori del Capitolo di Santa Maria Maggiore, 19 marzo 2024.** (Document)

In the light of the new statutes for the Chapter of the Basilica of S. Maria Maggiore (see preceding entry), this rescript clarifies the rights of honorary canons.

## **515**

**FCan XVIII/2 (2023), 15-30: Juan Ignacio Arrieta: Estructura diocesana y parroquial que inspira “*Praedicate Evangelium*”.** (Article)

See above, canon 469.



**515**

**QDE 37 (2024), 170-181: Giuliano Brugnotta: La potestà ecclesiastica nelle parrocchie: guida delle comunità e vita sacramentale. (Article)**

B. asks whether ecclesiastical power in the parish is exercised solely by the parish priest. He relates this to the notion that the parish priest is entrusted with the pastoral care of the parish, and suggests that the cooperation with the bishop inherent in this notion is the source of the parish priest's power, and that others who cooperate in that pastoral care can also exercise, by way of cooperation, the same ecclesiastical power.

**515**

**QDE 37 (2024), 265-274: Pierantonio Pavanello: Parrocchia, missionarietà e territorio. (Article)**

P. examines the canonical implications of the Instruction of the Congregation for the Clergy *The pastoral conversion of the Parish community in the service of the evangelizing mission of the Church* (20 July 2020). He sets these in the context not just of the social changes that are affecting parishes, but also the canonical changes that may be required by a stress on evangelization in the life of the parish, and the way in which this might have an impact on the territorial aspect of the parish, in which parishioners become not simply the recipients of pastoral care but active agents of evangelization, especially through small communities which P. identifies as essential ingredients of the territorially larger parishes of the future.

**515**

**QDE 37 (2024), 275-294: Massimo Calvi: Reorganizzazione territoriale delle diocesi: un cantiere aperto. (Article)**

C. begins by looking at specific examples of *ad hoc* changes in parishes in the Church in Italy, and sets these in the Italian context. He then examines more systematic plans covering whole dioceses in Italy (Pavia), France (Arras), and Germany (Trier), examining the canonical questions raised by each different plan, and the way in which each seeks to make the parish an entity more fitted for mission.

## **515**

**QDE 37 (2024), 295-320: Francesco Grazian: Parrocchia e territorio. Le circolari del Ministero dell'interno, 20 febbraio 2024, e del Segretario generale della Conferenza episcopale italiana, 21 febbraio 2024. (Article)**

G. begins with a consideration of the problems facing parishes today, identifying as the most important the numerical diminution of communities. He argues that the key defining legal characteristic of the parish is that it is a community, and he seeks to establish a canonical configuration of “pastoral groupings” that are beginning to arise today. The notion of pastoral conversion is particularly important, especially when parishes are being grouped together. In the light of a recent change in Italian law and a response by the Italian Bishops’ Conference, he reviews the various ways in which parishes can be grouped, amalgamated, united, or suppressed, in the light of the possible reasons that could lead to such courses of action, along with the necessary canonical and civil formalities.

## **532**

**ADC 14 (diciembre 2024), 19-56: Fernando Giménez Barriocanal: Normativa canónica y mejora de la gestión diocesana. (Article)**

See below, canons 1259-1298.

## **532**

**IC 64/128 (2024), 557-611: Fernando Giménez Barriocanal: La gobernanza económica en la Iglesia: Aportaciones del Derecho canónico y propuestas de mejora. (Article)**

See below, canons 1254-1310.

## **537**

**ADC 14 (diciembre 2024), 19-56: Fernando Giménez Barriocanal: Normativa canónica y mejora de la gestión diocesana. (Article)**

See below, canons 1259-1298.

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

**573**

**VR 136 4/2024 (monográfico): Gonzalo Fernández Sanz: Las preguntas que nos habitan. Una vida consagrada en búsqueda. (Monograph)**

On the basis of 12 questions F.S. explores the nature of consecrated life, its demands, and its implications, with the aim of provoking reflection and stimulating the search for personal and community responses to the questions posed.

**573-746**

**Per 113 (2024), 405-430: Ulrich Rhode: Persone giuridiche nell’ambito della vita consacrata. (Presentation)**

R. considers the wide variety of public juridical persons in the Church associated with consecrated life. In this presentation to the 4th Central American Colloquium of Canon Law, he first identifies some of the more well-known forms of public juridical person, e.g., religious institutes, societies of apostolic life, and their constituent parts, as well as conferences of major superiors and the so-called “third orders”. Then he moves on to consider public juridical persons that are not so familiar to many canonists, e.g., associations of the faithful on the way to becoming religious institutes or societies of apostolic life, and the institutional apostolic works of religious institutes and societies of apostolic life erected as public juridical persons so that the works may continue to be carried out in the name of the Church.

**578**

**Per 113 (2024), 193-218: Gianfranco Ghirlanda: La *Formula Instituti* della Compagnia di Gesù alla luce del Codice di diritto canonico. (Article)**

Canon 587 requires institutes of consecrated life to have a fundamental code (usually described as the Constitutions) in which the essential elements of the institute identified in canon 578 find expression; these elements make up the patrimony of the institute which consists of “the intentions of the founders, of all that the competent ecclesiastical authority has approved concerning the nature, purpose, spirit and character of the institute, and of its sound

traditions”. In addition to this fundamental code, an institute can have secondary codes which are often described as Directories, Statutes, etc. In this article, G. describes the very particular role that the *Formula Instituti* of the Society of Jesus plays in the life and mission of that religious institute. The text was first inserted into the Bull *Regimini militantis ecclesiae* by which Pope Paul III approved the beginnings of the Jesuits, and was included in a modified form in the Bull of Julius III *Exposcit debitum* of 1550. G. points out that this Formula of the Institute actually contains all the essential charismatic elements set out in canon 578. Thus, for the Jesuits, the fundamental code is not the Constitutions which, he notes, do not require the approval of the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life. In fact, the *Formula Instituti* gives the Jesuits a unique status among religious institutes insofar as they are not simply an institute of pontifical right but an institute of strictly papal right since only the Roman Pontiff himself can make any modification to the Formula.

## 579

**QDE 37 (2024), 232-256: Alfredo Rava: L’ordinario diocesano, gli istituti di vita consacrata e i monasteri di vita contemplativa (alla luce di *Vultum Dei quaerere* e *Cor orans*). (Article)**

R. analyses the relationship between the local Ordinary (especially the diocesan bishop) and institutes of consecrated life. He first looks at how the bishop has a personal task of discerning the charisms of consecrated life that the Spirit stirs up in his diocese, and the necessary task of accompanying groups up to the erection of a religious institute. He then examines the indications in *Apostolorum Successores* about the relationship between the bishop and forms of consecrated life, and offers an overview of *Vultum Dei quaerere* and *Cor orans*, with reference to the impact these have on the role of the diocesan bishop, especially in cases of autonomous monasteries of contemplative life.

## 587

**Per 113 (2024), 193-218: Gianfranco Ghirlanda: La *Formula Instituti* della Compagnia di Gesù alla luce del Codice di diritto canonico. (Article)**

See above, canon 578.

**588**

**QDE 37 (2024), 199-209: Alfredo Rava: Commento al *Rescriptum* di Papa Francesco in deroga al can 588 §2 (18 maggio 2022).** (Article)

R. analyses the rescript of Pope Francis which derogates from the restriction imposed by canon 588 §2 requiring that superiors in so-called mixed religious institutes (those composed of both clerical and lay members) should be clerics. He analyses the scope of the derogation, which is expressly limited to institutes of pontifical right, but whose text applies also to all institutes of consecrated life. He considers the application of the derogation to local superiors, elected major superiors and nominated major superiors, and supreme moderators. He then considers the effect of retaining the force of canon 134 §1, and how this might apply in practical cases.

**596**

**Ius Comm XII (2024), 275-323: Johnny Esteban Li Mesias: El ejercicio de la potestad del superior en la vida consagrada.** (Article)

This article explores the theological and canonical foundations of authority and obedience in consecrated life, highlighting their development from early monasticism to the present. Authority in the Church must be exercised as a form of service – aimed at the *salus animarum* – and never according to secular or purely managerial criteria. The author examines the evolution of these concepts through the CIC/17, the reforms of Vatican II, and their expression in the CIC/83. He concludes by reflecting on current ecclesial and social changes, urging a renewed understanding of authority and obedience to meet today's pastoral and institutional challenges.

**597**

**J 80 (2024), 469-499: Noach Heckel: The Problem of Transgender Identity in the Law of Consecrated Life.** (Article)

In countries where transgender individuals can legally change their gender by self-declaration, religious communities face new challenges. H. accepts the concept of “gender assignment” and explores whether transgender persons can be admitted to religious life. He affirms that the Church bases gender on biological sex. While *Amoris laetitia* distinguishes biological sex from gender roles, it does not separate them entirely. A 2018 Vatican note reportedly states that transgender persons cannot be admitted to novitiate or profession. If someone already professed identifies as transgender, superiors must discern

whether they may remain. H. considers diocesan hermit life to be a possible path under specific conditions.

## **598-601**

**VR 136 4/2024 (monográfico): Gonzalo Fernández Sanz: Las preguntas que nos habitan. Una vida consagrada en búsqueda.** (Monograph)

See above, canon 573.

## **599**

**SCL XVII (2022), 109-131: Valère Nkouaya Mbandji: Ecclesiastical Celibacy and Sexual Abuse in the Catholic Church.** (Article)

See above, canon 277.

## **601**

**Ius Comm XII (2024), 275-323: Johnny Esteban Li Mesias: El ejercicio de la potestad del superior en la vida consagrada.** (Article)

See above, canon 596.

## **602**

**RDC 74/1 (2024), 121-139: Ataa Denkha: Vers une vie communautaire fraternelle épanouie dans les instituts de vie consacrée.** (Article)

D. focuses on fraternal life in religious communities. The key question is whether fraternal life, as it is currently experienced, serves as a source of flourishing and whether canonical norms and magisterial texts on fraternal community life are respected and adapted to the realities on the ground. D. develops a reflection in three parts. The first part presents what the CIC/83 establishes regarding the fraternal life of members of consecrated life and how magisterial texts address it. The second part identifies potential obstacles that may hinder the flourishing of fraternal community life. The third part lists proposals highlighting the key points and necessary tools to move towards this ideal of life.

## **603-604**

**J 80 (2024), 469-499: Noah Heckel: The Problem of Transgender Identity in the Law of Consecrated Life. (Article)**

See above, canon 597.

## **604**

**AnCrac 56 (2024), 31-60: Beata Stypulkowska: Problem odejścia ze stanu dziewic (*Problem of departure from the order of virgins*). (Article)**

S. addresses the issue of leaving the state of consecrated virginity, presenting it in the context of abandoning the service of the charism of virginity. She also discusses the problem of erroneous vocational discernment and its consequences, including a weakened relationship with God. The analysis is based on a catechetical interpretation of Isaiah 62:4-7, as well as theological and canonical reflections. Finally, she formulates formation guidelines for candidates and consecrated virgins, as well as for those responsible for their preparation.

## **605**

**Clar ITVC n.s. 15, 64 (2024), 361-372: Nicola Gerundini: Quale *novitas* per le nuove forme di vita consacrata? Un'ipotesi di lavoro. (Article)**

The originality of the *new forms* of consecrated life consists in the fact that they are groups composed of men and women, clerics and lay people, celibate and married, who follow a particular lifestyle. G. elaborates a further definition of new forms of consecrated life and *ecclesial family*. The new form of consecrated life would be very close to religious life, with the particularity of a general organization that allows multiple states of life to coexist in a single spiritual family. According to G.'s hypothesis, to assume the stable form of consecrated life it is necessary to be baptized and profess the evangelical counsels; but to be chaste, one does not need to be continent, because continence and chastity are not the same thing. In this sense, consecrated life would no longer be reserved only to celibate men and single women but would extend to all the baptized.

**607**

**RDC 74/1 (2024), 121-139: Ataa Denkha: Vers une vie communautaire fraternelle épanouie dans les instituts de vie consacrée. (Article)**

See above, canon 602.

**614-615**

**QDE 37 (2024), 232-256: Alfredo Rava: L'ordinario diocesano, gli istituti di vita consacrata e i monasteri di vita contemplativa (alla luce di *Vultum Dei quaerere* e *Cor orans*). (Article)**

See above, canon 579.

**617-619**

**Ius Comm XII (2024), 275-323: Johnny Esteban Li Mesias: El ejercicio de la potestad del superior en la vida consagrada. (Article)**

See above, canon 596.

**634**

**IC 64/128 (2024), 557-611: Fernando Giménez Barriocanal: La gobernanza económica en la Iglesia: Aportaciones del Derecho canónico y propuestas de mejora. (Article)**

See below, canons 1254-1310.

**634-640**

**Clar ITVC n.s. 15, 64 (2024), 227-253: Lucio Lamberti: Sfide ed opportunità del modello solidale della vita consacrata. Riflessioni per una corretta organizzazione e gestione economica. (Article)**

The economic model of consecrated life offers a sustainable alternative to mainstream systems, drawing from the values of sharing, simplicity, and self-sufficiency found in religious communities and monastic traditions such as the Benedictines. However, today's complexities require a more structured economic approach on account of financial risks, the decline in new vocations, and the aging of members. Religious communities must pursue financial training, establish ethical guidelines for responsible investment, and



maintain transparency in financial reporting. Despite these challenges, they remain crucial to contemporary society by providing support to the vulnerable and promoting values of justice and social solidarity through charitable and educational missions.

## **638**

**EIC 64 (2024), 293-317: Giuseppe Comotti: Santa Sede e beni culturali.** (Article)

See above, canon 360.

## **642**

**J 80 (2024), 469-499: Noah Heckel: The Problem of Transgender Identity in the Law of Consecrated Life.** (Article)

See above, canon 597.

## **678**

**VJTR 88 10/24, 753-771: Nelson (Joel) Soosai Marian: Canonical Dimensions of Subjection of Religious to the Power of the Diocesan Bishop.** (Article)

The term “subjection” in the context of this paper is not used in a negative sense, but denotes the canonical obedience, reverence, respect, esteem, submission, and subordination to the power or authority of the diocesan bishop as mentioned in canon 678 §1, which states: “In matters concerning the care of souls, the public exercise of divine worship and other works of the apostolate, religious are subject to the authority of the Bishops, whom they are bound to treat with sincere obedience and reverence.” M. delves into the implications of this provision.

## **694-704**

**Ius Comm XII (2024), 259-273: Antonio Ciudad Albertos: Expulsión de un religioso de un instituto (cc. 694-704).** (Article)

An examination of the expulsion of a religious from an institute of consecrated life allows us to delve into the profound canonical reforms carried out by Pope Francis throughout his pontificate, particularly in the areas of

consecrated life and penal law. Regarding the first area, there are the reforms related to community life (motu proprio *Communis vita*, 2019), the competences of bishops and major superiors concerning consecrated life (motu proprio *Competentias quasdam decernere*, 2022), and the timeframes for better exercising the rights of consecrated persons (motu proprio *Expedit ut iura*, 2023). The expulsion of a religious also allows us to explore the changes introduced regarding offences in general (Apostolic Constitution *Pascite gregem Dei*, 2021) and offences committed by religious (motu proprio *Recognitum Librum VI*, 2022).

## **694-704**

**Ius Comm XII (2024), 353-380: Supremum Signaturae Apostolicae Tribunal: Sentencia definitiva, 20 abril 1991. Expulsión; Pablo Lamata Molina: Comentario.** (Sentence and comment)

This case from the Apostolic Signatura concerns a dispute between a religious institute and the Dicastery for Institutes of Consecrated Life over the latter's refusal to confirm a decree of expulsion. L.M. highlights its importance on three levels: substantively, it clarifies the proper application of expulsion norms, the authority of superiors, and the rights of perpetually professed members; procedurally, it guides how a Dicastery should assess administrative acts from lower juridical entities; and juridically, it addresses the unresolved question of whether such entities have legal standing to challenge a Dicastery's decisions in the system of canonical recourses.

## **694-704**

**REDC 80 (2023), 315-336: Rufino Callejo de Paz: Las modificaciones del papa Francisco sobre la expulsión de los religiosos: posibles razones y problemática que presentan.** (Article)

Since 2019, three motu proprios have amended canons 694, 699, and 700 (on religious institutes) and canon 729 (on secular institutes), changing the norms on the expulsion of professed religious. These reforms aim to strengthen the authority of institutes in dealing with problematic members. However, C. de P. warns that these changes may compromise the rights and protections of those facing expulsion. The 2023 reform partly addresses this by enhancing defence rights. He calls for careful oversight to ensure that these new provisions are applied justly, avoiding arbitrariness and safeguarding the charity and fairness central to Church law.

## **695**

**Per 113 (2024), 545-570: Ulrich Rhode: Delitti sessuali commessi da membri di istituti di vita consacrata e società di vita apostolica: dimissione, pena e risarcimento.** (Presentation)

The revision of Book VI of the Code of Canon Law significantly expanded who can be held accountable for delicts against the Sixth Commandment. Previously, only clerics could be charged with such delicts under penal law, while non-clerical members of religious institutes or societies were subject only to dismissal procedures under canon 695 §1. With the revised canon 1398 §2, all members of institutes and societies – clerical or not – can now be held accountable in penal law. R. explores this development and the Holy See's subsequent guidance, emphasizing the need for clear coordination between dismissal procedures and penal processes in handling such offences.

## **710-730**

**Ius Comm XII (2024), 229-257: Juan Manuel Cabezas Cañavate: Los Institutos Seculares, una figura canónica revolucionaria y controvertida.** (Article)

C.C. studies the deepest being of secular institutes insofar as they represented a great novelty in consecrated life, a novelty involving certain canonical and theological aspects that have not yet been assimilated by the majority of doctrine. He sets out the most important discussions around the figure of the secular institute, in order that this form of consecrated life which is so important nowadays, and which is called to carry out a mission of great transcendence for the Church and the whole world, should not be forgotten.

## **729**

**REDC 80 (2023), 315-336: Rufino Callejo de Paz: Las modificaciones del papa Francisco sobre la expulsión de los religiosos: posibles razones y problemática que presentan.** (Article)

See above, canons 694-704.

## **BOOK III: THE TEACHING OFFICE OF THE CHURCH**

**760**

**RDC 74/1 (2024), 141-163: Pierre-Marie Berthe: Les sermons de saint Thomas d'Aquin répondent-ils aux normes actuelles de l'Église catholique sur la prédication? (Article)**

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

**767-769**

**RDC 74/1 (2024), 141-163: Pierre-Marie Berthe: Les sermons de saint Thomas d'Aquin répondent-ils aux normes actuelles de l'Église catholique sur la prédication? (Article)**

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

**822-832**

**SCL XVII (2022), 281-321: Sr Mercy John: Canonical Concepts of Social Communication in CIC 1983. (Article)**

J. examines the canons on the means of social communication, and books in particular, looking at the use of media as a right proper to the Church; the responsibility of pastors concerning the media; the current discipline on the prior review of writings censors; publications which openly attack the Catholic religion or good morals; radio and television broadcasts regarding matters of faith and morals; and publications by religious.

**833**

**VJTR 88 11/24, 823-836: Edison Yohannan: “Profession of Faith” in the *Munus* of the Laity From a Juridical Perspective. (Article)**

See above, CCEO canon 187.

## BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

**838**

**J 80 (2024), 623-661: James Bradley: The Note *Gestis verbisque*: Canonical Observations and Commentary. (Article)**

In the light of recent abuses and well-publicized instances of the invalid celebration of the sacraments, the Note *Gestis verbisque* of the Dicastery for the Doctrine of the Faith (25 January 2024) reasserts the Church's perennial teaching and liturgical-sacramental discipline on the words and gestures that together guarantee the validity of the sacraments. B. offers a commentary on *Gestis verbisque* from a specifically canonical-legal perspective, observing how the liturgical and sacramental discipline of the Church conforms both to given theological realities and to maintenance and promotion of justice in the ecclesial society.

**841**

**Comm 56 (2024), 142-145: G. Incitti: "Prospettive canonistiche", La nota *Gestis verbisque* del Dicastero per la Dottrina della Fede, di Giacomo Incitti, canonista della Penitenzieria Apostolica, 17 giugno 2024. (Article)**

Commenting on the Note *Gestis verbisque*, I. points out that sacraments are a gift from God entrusted to us by the Church, not our possession, and the faithful are entitled to receive them as presented by the Church. Canonical studies see the necessary unity of divine and human elements, some immutable, others historically conditioned. Baptism is a right and the source of rights, an irreversible gift from God. What does a "right" mean in this context? The right to the sacraments is not absolute. There are requisites on the part of the faithful and the minister, for example when it comes to receiving Communion. Some practices deprive people (e.g. those with sickness or disability) without good cause. The same applies to demanding a fee or restrictions based on public order, e.g. during the Covid-19 pandemic.

**841**

**J 80 (2024), 623-661: James Bradley: The Note *Gestis verbisque*: Canonical Observations and Commentary. (Article)**

See above, canon 838.

## BOOK IV, PART I, TITLE I: BAPTISM

877

**BV 84 (2024), 351-363: Stanislav Slatinek: Disforija spola in pravica do pravnega priznanja spola oz. do spremembe spola: dileme kanonskega prava (*Gender dysphoria and the right to legal recognition of sex or gender reassignment: dilemmas of canon law*). (Article)**

In recent years, the incidence of gender identity disorder (gender dysphoria) among young people has increased worldwide. The causes of this trend are unclear and raise difficult questions about how to respond compassionately, ethically, and effectively. Expert studies recommend watchful waiting together with counselling, while some authors argue that medical procedures are necessary and that the right to legal recognition of sex or gender reassignment must be respected. The sharp rise in the use of hormones and sex operations in young people is therefore at the centre of a heated debate, causing uncertainty among lawyers, canonists, parents, and doctors about what is best. S. aims to present the most pressing dilemmas of canon law regarding gender dysphoria.

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

944

**QDE 37 (2024), 210-231: Marco Billeri: La processione eucaristica per le vie pubbliche e le direttive diocesane (can. 944). (Article)**

B. examines both paragraphs of canon 944. He looks at why the Corpus Christi procession is the only procession whose regulation remains in the CIC/83, examining the theological and ecclesiological reasons which led to this, along with the historical importance of the procession. The first paragraph also includes a reference to the judgement of the diocesan bishop about the feasibility of such a procession, and this is reviewed, leading into an examination of the way the second paragraph empowers the diocesan bishop to issue regulations about both Eucharistic and other processions and how these relate to liturgical law. B. includes a note on Italian civil law requirements for processions.

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

**983**

**IE XXXVI (2024), 459-491: Jorge Otaduy: Colaboración y deber jurídico de denuncia de las autoridades eclesiásticas ante las autoridades civiles.** (Article)

See above, canon 22.

**983**

**Per 113 (2024), 321-334: Matteo Visioli: Perdita dello stato clericale e osservanza del sigillo sacramentale.** (Consultation)

See above, canons 290-293.

**983-984**

**EE 99 (2024), 1007-1066: Irene María Briones Martínez: Reconocimiento y garantía de la asistencia religiosa en centros penitenciarios de un Estado de cooperación: España. Particular referencia al secreto religioso.** (Article)

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

**983-984**

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See below, canon 1371\*.

**992-997**

**QDE 37 (2024), 424-433: Andrea Migliavacca: Giubileo del 2025 e indulgenza.** (Article)

M. reviews the main themes concerning indulgences, as analysed in a 1999 article in QDE. He then looks at the particular elements concerning

indulgences of the Bull of Indiction *Spes non confundit*, and the conditions attached to receiving an indulgence.

## **992-997**

**QDE 37 (2024), 434-453: Eugenio Zanetti: Un giubileo anche per chi vive in situazione matrimoniale difficile o irregolare? (Article)**

Z. begins with the idea that no one is excluded from the grace of the Jubilee Year, and asks how this grace might be open to those in difficult or irregular marriage situations, using the metaphor of a pilgrimage for such people's return to the Church. He sees indulgences as a means of grace for situations of this kind, recalling that partial indulgences are available even to those who cannot fulfil all the requirements for a plenary indulgence, especially the need for confession and Communion. In the light of the teaching of *Amoris laetitia* he looks at how the conditions surrounding the necessary state of mind for an indulgence can be approached, and how the practical actions required for the indulgence can become a path to a partial indulgence.

## **992-997**

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

See above, canons 360-361.



## BOOK IV, PART I, TITLE VI: ORDERS

**1024**

**BV 84 (2024), 351-363: Stanislav Slatinek: Disforija spola in pravica do pravnega priznanja spola oz. do spremembe spola: dileme kanonskega prava (*Gender dysphoria and the right to legal recognition of sex or gender reassignment: dilemmas of canon law*). (Article)**

See above, canon 877.

**1024**

**REDC 80 (2023), 99-121: Paloma Durán y Lalaguna: Género y religión. (Article)**

See above, canons 208-231.

**1024**

**RTL 55 (2024), 494-516: Justine Manuel: La ritualisation comme outil de subordination des femmes dans l'Église: analyse du sacrement de l'ordre catholique. (Article)**

M. questions whether the restriction of ordination to males contributes to “the establishment of a hegemonic order ... and the subordination of women”.

**1041**

**BV 84 (2024), 351-363: Stanislav Slatinek: Disforija spola in pravica do pravnega priznanja spola oz. do spremembe spola: dileme kanonskega prava (*Gender dysphoria and the right to legal recognition of sex or gender reassignment: dilemmas of canon law*). (Article)**

See above, canon 877.

**1044**

**BV 84 (2024), 351-363: Stanislav Slatinek: Disforija spola in pravica do pravnega priznanja spola oz. do spremembe spola: dileme kanonskega prava (*Gender dysphoria and the right to legal recognition of sex or gender reassignment: dilemmas of canon law*). (Article)**

See above, canon 877.

## BOOK IV, PART I, TITLE VII: MARRIAGE

**1055**

**MFS 30 (2024), 202-225: Christian Blumenthal – Cornelia Dockter – Judith Hahn – Klaus von Stosch: Roman Catholic Marriage: A Case Study in the Theory of Ambiguity.** (Article)

The authors endeavour to explain how “ambiguity” has shaped Catholic doctrine on marriage. They view the history of Catholic marriage as a process in which dogma and law have worked hand in hand to strengthen the Catholic identity while allowing for many – legally controlled and constrained – exceptions to the idea of indissoluble marriage. In the light of *Amoris laetitia*, published in 2016, they interpret the current discussion about Catholic marriage as an exemplary indicator of the crucial identity test which, as they see it, the Church is currently undergoing.

**1057**

**ADC 14 (julio 2024), 21-47: Fabio Vecchi: L'impossibile dialogo tra diritto secolare e canonico circa il modello matrimoniale nell'attuale secolarizzazione culturale e le distonie sulla componente dell'amore.** (Article)

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

**1057**

**IM 35 (2024), nr 2, 11-38: Łukasz Pawicki: Skuteczność zgody małżeńskiej. Analiza dogmatyczno-prawna małżeństwa *in fieri* (*The effectiveness of marital consent. Dogmatic-legal analysis of marriage “in fieri”*).** (Article)

Marriage *in fieri* – that is, in the act of being contracted – is unique among the sacraments in being a legal act in canonical terms. It can thus be examined using the general theory of canonical legal acts, distinguishing between two types of constitutive ineffectiveness: a marriage that is non-existent (*matrimonium inexistentis*) and one that is null (*matrimonium nullum*), though existing. Its constitutive elements can be analysed at two levels: the essential (*ad existentiam*), required by divine or natural law, and the productive (*ad*

*validitatem*), established by the legislator. These distinctions underlie canonical norms and inform remedies such as dispensation and convalidation.

## 1057

**REDC 80 (2023), 52-74: Nicolás Álvarez de las Asturias: Triunfo del principio del consentimiento en el derecho matrimonial canónico... y sus consecuencias.** (Article)

Echoing the title of an article published in REDC in 1990 by Rudolph Weigand, this study aims to complement his historical analysis and make some proposals for the present. Á. expands the historical analysis by highlighting the two main negative consequences of the triumph of the principle of consent: the narrowing of the field of reflection, and certain systematic difficulties. The proposal for the present arises from the real challenges the Church faces today in presenting the Gospel of marriage in a convincing manner within the framework of the currently existing canonical structures.

## 1059

**IM 35 (2024), nr 2, 159-173: Rafał Kamiński: Piecza nad małoletnim dzieckiem oraz obowiązki alimentacyjne wobec niego w wyroku c. Caberletti z dnia 4 kwietnia 2017 roku (*Custody of a minor and maintenance obligations towards him in the judgment c. Caberletti of 4 April 2017*).** (Sentence and comment)

K. analyses one aspect of a Rotal judgment, concerning custody of and maintenance obligations towards a minor. The marriage in question took place in Lebanon, where marriages are celebrated only in a religious form, following the law of the religious confession to which the spouses belong. The first instance tribunal included in its judgment provisions regarding custody of the minor, and ordered the father to pay alimony in respect of the child. In the Rotal judgment, what is particularly interesting is not the decision itself, but the legal justification on which it is reached.

## **1061**

**Per 113 (2024), 347-363: Giovanni Iacono: La consumazione del matrimonio alla luce della definizione dell’oggetto del consenso: prospettiva fenomenologica e sistematica.** (Summary of doctoral thesis)

See below, canon 1142.

## **1073-1094**

**IM 35 (2024), nr 2, 65-93: Rafał Borowy – Radosław Gosiewski: Uwagi Trybunału Roty Rzymskiej do projektu kanonów o przeszkodach małżeńskich z 1975 roku (*Comments of the Tribunal of the Roman Rota on the draft canons on matrimonial impediments from 1975*).** (Article)

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

## **1083**

**RGDCDEE 66 (2024): Ana María Vega Gutiérrez: La prohibición de los matrimonios infantiles y precoces en los países latinoamericanos: un balance de los derechos en juego.** (Article)

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

## **1086**

**PS LIX 180 (2024), 509-544: Lester E. Mendonsa: Principal Canonical Issues In A Muslim Man - Catholic Woman Marriage.** (Article)

Marriage is a covenant, an irrevocable sacred bond which establishes the totality of conjugal love. In a marriage between a Muslim man and a Catholic woman, the differences of faith, the conflict of laws, and the spiritual education of children are canonical issues and sources of tension which could ultimately disrupt the totality of conjugal living. The premarital period for the Muslim man and the Catholic woman offers them a precious time to discern their marital decision and vocation for marriage. M. raises some of these essential elements for discernment from a canonical viewpoint.

## 1095

**IM 35 (2024), nr 2, 39-63: Kinga Szymańska: Pandemia Covid-19 a zdrowie psychiczne: nowy kontekst w procesach o stwierdzenie nieważności małżeństwa (*The Covid-19 pandemic and mental health: a new context in nullity proceedings*). (Article)**

S. addresses the impact of the Covid-19 pandemic on individual mental health, and the question of whether it could affect the validity of a canonical marriage. She concludes that Covid-19 could have a destructive impact on consensual capacity, and could give rise to one or more of the grounds listed in canon 1095.

## 1095

**RDC 74/1 (2024), 69-91: Vincenzo Fasano – Anna Sammassimo: Incapacité à donner le consentement et rôles de l’expert dans le procès matrimonial plus bref. (Article)**

F. and S. comment on the incapacity to give marital consent and the role of the expert in the shorter matrimonial process. They start from the definition in canon 1055 that the marriage covenant is ordered to the well-being of the spouses and to the procreation and upbringing of children, and that, between the baptized, it has been raised to the dignity of a sacrament. Marital consent is presented as essential and irreplaceable, needing to be conscious and free from any constraint or violence. Touching on the theological, moral, psychological, and legal aspects of marital consent, the authors highlight its importance in the constitution of marriage, which cannot be replaced by any other form of human agreement. They then describe the crucial role of experts in the process of determining the incapacity to give valid consent during the briefer process for declarations of matrimonial nullity.

## 1095 2°

**IC 64/128 (2024), 783-836: Sentencia del Tribunal de la Rota Romana «coram» Salvatori, de 15 de marzo de 2023; Javier Ferrer Ortiz: Discreción de juicio y libertad interna a propósito de la sentencia rotal «coram» Salvatori, de 15 de marzo de 2023. (Sentence and comment)**

F.O. provides general reflections on two key aspects of this Rotal case: online romance and rapid courtship. He then examines the “American approach” taken by the tribunal of first instance, which was repeatedly criticized by the Rotal sentence for its lack of evidence, particularly the expert testimony

required by the case. The central focus of the study is the theoretical and practical analysis of lack of internal freedom as an element of grave defect of discretion of judgment. Drawing on Rotal jurisprudence, F.O. argues that this does not constitute an independent ground for nullity, since such a position lacks juridical foundation and is prone to irregularities and abuses. He praises the Rotal sentence for its commitment to truth, and agrees with its decision to uphold the validity of the marriage, given the insufficiency of the evidence presented, including the expert opinion requested *ex officio* by the Roman Rota.

## 1098

**AC 65 (2024), 77-93: Joseph Domingo: L’erreur provoquée par le dol dans le consentement matrimonial: un chef par trop inusité.** (Article)

The CIC/83 identifies three forms of error: error of person (canon 1097 §1), error of quality (canon 1097 §2), and error caused by deceit (canon 1098). Error caused by deceit requires both awareness and intention on the part of the deceiver. Deceit for a motive other than obtaining consent is irrelevant. In the absence of an admission by the deceiving party, the reaction of the deceived person on discovery of the deceit is an indirect proof. In a decision *coram* Serrano, a false claim of pregnancy (to obtain consent) was judged to be “a quality of the person directly and principally intended” and a ground of nullity. In a decision *coram* Faltin, a false claim of pregnancy led to a *constat* on the grounds of deceit, based on the immediate breakup of the relationship on admission of the truth. In a decision *coram* Caberletti, a *constat* was given based on an undisclosed medical condition on the part of the husband. In a decision *coram* Defilippi involving an undisclosed medical condition rendering the woman incapable of having children, a *constat* was given despite the absence of an immediate reaction in the husband on discovery of the deceit. In a second decision *coram* Defilippi a *constat* was issued based on the undisclosed determination of the husband to remain in a Protestant sect. In a decision *coram* Burke, the claim of a petitioner that her husband’s personality changed after the marriage led to a *non constat*.

## 1099

**ADC 14 (diciembre 2024), 57-127: Juan Damián Gandía Barber: Las circunstancias culturales y el error sobre el matrimonio. Análisis crítico**

**e histórico desde alguno de los documentos del archivo del Dicasterio para la Doctrina de la Fe. (Article)**

The Dicastery for the Doctrine of the Faith holds records of marriage cases from mission territories that explore whether certain unions were null from the outset on account of cultural expectations of easy dissolution. Three such cases – one among Abyssinian Orthodox Christians and two involving unbaptized persons – raised the issue of whether consent was vitiated by a mistaken understanding of indissolubility. Beyond explicit conditions, consultors considered the possibility of an implicit intention based on local customs. Using circumstantial evidence and sworn testimony, moral certainty of nullity could be reached. This anticipates the reasoning later codified in canon 1099 of the CIC/83 regarding error influencing the will.

**1099**

**FCan XVIII/2 (2023), 129-135: Joaquim Assunção Ferreira: O erro determinante da vontade (c. 1099). (Article)**

Canonical matrimonial law is one of the areas of canon law most present in the daily work of those involved in ecclesiastical tribunals. However, not all canons relating to defects in matrimonial consent carry the same weight in nullity proceedings. Some are even almost unknown. This is the case with the canon concerning error that determines the will. To address this situation, F. presents a brief reflection on the prerequisites and application of canon 1099 regarding this type of error.

**1101**

**IM 35 (2024), nr 2, 175-189, Adam Młynarczyk, Symulacja całkowita i wykluczenie dóbr małżeństwa w świetle wyroku Roty Rzymskiej *coram Bottone* z 8 marca 2012 roku (*Total simulation and exclusion of the goods of marriage in the sentence of the Roman Rota coram Bottone of 8 March 2012*). (Sentence and comment)**

M. comments on the third instance Rotal sentence *coram Bottone* of 8 March 2012. The case concerned simulation of marital consent, and received an affirmative verdict at all three instances, but on a different ground each time: at first instance, total simulation by the petitioner; at second instance, exclusion by the petitioner of fidelity; at the Rota, exclusion by the petitioner of fidelity and the sacrament. M. highlights the reliable and accurate evaluation of the evidence collected in this case.

## 1101

**REDC 80 (2023), 75-98: Vicente Benedito Morant: Concurrencia de intencionalidades en la simulación del matrimonio; análisis a partir de dos sentencias.** (Article)

One of the challenges in proving the ground of simulation is that of achieving certainty regarding the positive act of the will excluding marriage or one of its essential elements. This becomes particularly difficult when multiple intentions are present, often hindering the ability to discern the ground of simulation. In the judgments analysed, M. observes how the application of the new theory of intentional action to the analysis of the positive act of the will underlying marital simulation facilitates its proof. First, by recognizing the coexistence of various intentions that may act as *causa simulandi* and *causa contrahendi*, this theory focuses the evidence solely on the intentional action of exclusion. Moreover, it places greater probative value on objective elements, such as external behaviour after marriage. Additionally, this theory is fully compatible with the requirement of canon 1101 §1 for a positive act of the will that excludes marriage.

## 1102

**AC 65 (2024), 109-124: Christian Paponaud: Lorsque les parties prétendent s'être mariées «à condition que...»: Éclairage sur la jurisprudence matrimoniale.** (Article)

In his Rotal allocutions Pope Francis has encouraged tribunals to follow a personalist approach, taking human experience as the starting point, not abstract categories. Condition in canon law draws on the tradition of Roman law (Justinian's *Digest*, Book 12). Latin canon law retains the possibility of conditional marriage (canon 1102 §§2-3); whereas the canon law of the Eastern Churches expressly excludes it (CCEO canon 826), effectively turning a condition into a diriment impediment. In Latin canon law, a condition must be placed by a positive act of will and is presumed to remain until revoked by a positive act of will. The celebration of marriage with a future condition amounts to an exclusion of marriage. In determining the firmness of a condition, the reaction of the person when it is not verified (*criterium reactionis*) is the crucial proof.



**1134**

**MFS 30 (2024), 274-285: Christian Mignonat: Le droit canonique interrogée l'indissolubilité du mariage.** (Article)

M. examines the universal or partial scope of the notion of indissolubility, in particular its variability according to whether the persons concerned are baptized or not, and the relevance of giving it a normative character in marriage preparations or in the management of the consequences of break-up and divorce.

**1142**

**Per 113 (2024), 267-298: Davide Salvatori: Competenza e prassi dell'Ufficio *super rato* della Rota Romana e prassi delle curie diocesane.** (Presentation)

By means of the *motu proprio Quærit semper* of 30 August 2011, Pope Benedict XVI created in the Apostolic Tribunal of the Roman Rota an office for handling cases of marriages that had not been consummated, i.e., the office for cases of *ratum et non consummatum*. S., a prelate auditor of the Roman Rota, reflects on the Apostolic Tribunal's practice in these matters, highlighting some of the *lacunæ* that are often found in cases presented by the curiae of dioceses throughout the world. In doing so, he wants to make sure that the analogous office in each curia is aware of the correct substantive law and the proper procedural norms in handling these very delicate cases. Such an awareness will help to avoid unnecessary delays and will contribute to a greater pastoral care of the parties concerned.

**1142**

**Per 113 (2024), 347-363: Giovanni Iacono: La consumazione del matrimonio alla luce della definizione dell'oggetto del consenso: prospettiva fenomenologica e sistematica.** (Summary of doctoral thesis)

I. explores the act by which marriage is consummated, not in isolation, but in the light of the more recent personalistic understanding of the object of consent in marriage. Among his conclusions, he points out that the act must take place not only *humano modo* but also *animo maritali*.

## 1148

**AC 65 (2024), 125-140: Ludovic Danto: Une réflexion sur le consentement des polygames: état des lieux et perspectives. (Article)**

D. reflects on the question of polygamy and the accompaniment of people in polygamous unions who are coming to the faith. It is possible for a person who accepts polygamy as a cultural practice to give valid canonical consent. If however a husband married with the intention of entering further unions, it will be necessary for the first union to be convalidated in accordance with canon 1159. If a person wishes to enter a polygamous marriage, the local bishop can forbid the celebration (canon 1077). If the intention changes and the person wishes to enter a monogamous union and this is communicated to the civil authority, the Church may permit the celebration of a canonical marriage. Drawing on *Amoris laetitia*, no. 296, D. argues that since, from an anthropological perspective, a polygamous family enjoys the status of a family, the Church should avoid an all-or-nothing stance. The pastoral struggle against polygamy should not stigmatize those concerned; it should oppose the widespread custom of arranged marriages. Pastoral accompaniment does not condone sinful situations but offers a pathway to an appropriate communion.

## 1157

**Per 113 (2024), 463-505: Sean R. De Witt: Renovatio consensus. (Article)**

This article is an extract from De W.'s licentiate thesis entitled *The convalidability of marriage null due to lack of form: an exegetical study of canon 1160 in the light of the decree of the Apostolic Signatura Prot. n. 34622/03 CG*. After a consideration of several historical points concerning the canonical form of marriage and the concept of convalidation, the author analyses the sources of the relevant canons. His conclusion is that, in cases where marriage is invalid because a defect in form, there must be a renewal of consent as outlined in canon 1157. The fact that the terminology differs from canon to canon cannot be used to sustain the contrary argument.

## 1160

**Per 113 (2024), 463-505: Sean R. De Witt: Renovatio consensus. (Article)**

See above, canon 1157.

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

**1166-1170**

**Canonist 15/2 (2024), 241-252: Chimaobi Clement Emefu: *Fiducia Supplicans* and same-sex unions: A canonical appraisal.** (Article)

E. offers a canonical critique of *Fiducia Supplicans*, the 2023 Declaration by the Dicastery for the Doctrine of the Faith permitting blessings for same-sex couples under certain pastoral conditions. After exploring the document's juridical status, its theological underpinnings, and the pastoral rationale behind it, he assesses the compatibility of such blessings with existing canon law, particularly canons on sacramentals, scandal, and pastoral care. He discusses concerns over doctrinal clarity, ecclesial unity, and potential misinterpretation; and concludes by affirming the Church's call to accompany all the faithful with compassion, while upholding doctrinal coherence in teaching and practice.

**1166-1170**

**EE 99 (2024), 939-975: Francisca Pérez-Madrid: *Las uniones de personas del mismo sexo de «Fiducia supplicans» a «Dignitas infinita».*** (Article)

The declaration *Fiducia Supplicans* "On the Pastoral Meaning of Blessings", published by the Dicastery for the Doctrine of the Faith in 2023, permits the pastoral and spontaneous blessing of individuals who cannot receive a liturgical blessing. It explicitly states that Catholic doctrine on marriage and sexuality remains unchanged. Subsequent clarifications emphasize that the declaration does not seek to justify anything morally unacceptable and that these blessings are non-ritual in nature. P.-M. examines the precedents of *Fiducia Supplicans*, various interpretations of the document, and its potential impact on the Church's understanding of marriage. Finally, she explores the possible contribution of *Dignitas Infinita* regarding gender and transgender issues.

**1171**

**EIC 64 (2024), 507-523: Patrizia Piccolo: Riproduzione dell'arte sacra per fini pubblicitari. (Article)**

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

**1171**

**EIC 64 (2024), 537-550: María Fernández-Arrojo: La gestione dei beni culturali della Chiesa cattolica in Spagna: il caso della Moschea-Cattedrale di Cordova. (Article)**

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

**1176**

**SC 58 (2024), 687-713: Vincent W. Woo: Cremation and Beyond: The Pastoral Accompaniment of Families of Deceased Catholics Who Choose Illicit Funeral Alternatives. (Article)**

In recent years, new methods of treating bodily remains have emerged, such as alkaline hydrolysis, human composting, and natural burial. Pastors are occasionally confronted with family members of the deceased who request the use of these alternative practices. Should a pastor grant or deny an ecclesiastical funeral in these situations? Since current laws on cremation and ecclesiastical funeral do not provide explicit guidance on this matter, one needs to turn to the canonical tradition for solutions. The purpose of W.'s article is to apply principles found in the canonical tradition to the present day. He concludes by analysing these funeral alternatives as a way to help pastors and local Ordinaries make informed decisions. Special references are made to the most recent responses of the Dicastery for the Doctrine of the Faith concerning cremation and the disposition of ashes, published in December 2023.

**1176**

**Stato, Chiese e pluralismo confessionale 12/2024: Davide Dimodugno: Requiescat in loco sacro: prime riflessioni sull'uso delle chiese cattoliche**

**come colombari tra esigenze della Chiesa e complessità delle normative regionali. (Article)**

In recent decades, the Catholic Church has changed its position on the cremation of the faithful departed, moving from a decidedly anti-cremation stance to a more open-minded one. For various reasons, including lack of space in cemeteries and significantly lower costs as compared to burial, the use of cremation has increased exponentially. Thus, the hostile connotation of this practice with respect to the Church's doctrine on the resurrection of bodies has been lost. Therefore, in some countries, such as Germany, the conversion of redundant churches into columbaria, i.e. places where the ashes of the faithful can be kept, has become widespread, while maintaining the sacred character of the place. Starting from the creation of a special commission on the matter by the Archdiocese of Bologna, which resulted in two questions being addressed to and answered by the Prefect of the Dicastery for the Doctrine of the Faith on 9 December 2023 – concerning the setting aside of the ashes of deceased baptized persons for commingled accumulation and preservation, indicating the identity of each person so as not to lose the memory of their names; and the possibility of a small part of the ashes being retained by the family – D. presents the problematic profiles of the solution given by the Dicastery in the Italian context, in the light of the complexity and plurality of regional regulations concerning mortuary police.

**1189**

**EIC 64 (2024), 435-448: Daniela Tarantino: *Via Pulchritudinis*. La tutela dell'arte sacra nella storia della Chiesa come cammino di evangelizzazione delle culture. (Article)**

The Church, in its work of evangelization, has always invested its resources, including in the regulation of sacred art, in the human person. T. analyses "*Via Pulchritudinis*, Path of Evangelization and Dialogue", a document issued by the Pontifical Council for Culture in March 2006, and investigates, from a historical-legal point of view, the evolution in the Church of the proclamation of beauty as a way of dialogue and witness to the truth.

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

### **1205**

**EIC 64 (2024), 537-550: María Fernández-Arrojo: La gestione dei beni culturali della Chiesa cattolica in Spagna: il caso della Moschea-Cattedrale di Cordova. (Article)**

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

### **1210**

**EIC 64 (2024), 507-523: Patrizia Piccolo: Riproduzione dell'arte sacra per fini pubblicitari. (Article)**

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

### **1214**

**EIC 64 (2024), 571-589: Davide Dimodugno: Dalle chiese “chiuse” alle chiese “a porte aperte”: un confronto tra casi veneziani e torinesi. (Article)**

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

### **1216**

**EIC 64 (2024), 435-448: Daniela Tarantino: *Via Pulchritudinis*. La tutela dell'arte sacra nella storia della Chiesa come cammino di evangelizzazione delle culture. (Article)**

See above, canon 1189.

### **1221-1222**

**EIC 64 (2024), 571-589: Davide Dimodugno: Dalle chiese “chiuse” alle chiese “a porte aperte”: un confronto tra casi veneziani e torinesi. (Article)**

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

## **1222**

**EIC 64 (2024), 353-385: Marta Tigano: Chiese non officiate o dismesse in Italia: aspetti problematici.** (Article)

T. studies the canonical discipline regarding the reduction of a church to profane but not unbecoming use, and offers reflections on the possible methods of “reuse” of abandoned properties consistent with their history and original function.

## **1222**

**EIC 64 (2024), 467-479: Francesca Oliosi: La riduzione di una chiesa ad uso profano non sordido nella recente giurisprudenza della Segnatura Apostolica: la sfida di un bilanciamento possibile tra i diritti del fedele e il can. 1222.** (Article)

Starting with a recent decision of the Apostolic Signatura concerning an appeal against a decree reducing a church to profane but not unbecoming use, O. examines recurring questions in the Signatura’s jurisprudence in this area and offers suggestions to prevent disputes from arising.

## **1222**

**EIC 64 (2024), 481-491: Alberto Tomer: L’altare, bene culturale di interesse religioso: prospettive in caso di dimissione.** (Article)

See below, canons 1238-1239.

## **1222**

**Davide Dimodugno: La gestione e il riuso delle chiese cattoliche in una prospettiva comparata – Un’indagine tra Belgio, Francia e Italia.** (Book)

D. examines how Catholic church buildings – especially those no longer used for worship – are governed and repurposed in Belgium, France, and Italy. Building on his 2023 Italian study (see *Canon Law Abstracts*, no. 131, p. 91), he analyses the interplay of canon law procedures with national legal frameworks and property norms. (For bibliographical details, including online accessibility, see below, Books Received.)

## **1238-1239**

**EIC 64 (2024), 481-491: Alberto Tomer: L’altare, bene culturale di interesse religioso: prospettive in caso di dimissione.** (Article)

T. explores the tensions inherent in the concept of a “cultural asset of religious interest,” where cultural and religious values may coexist but also come into conflict – especially during the decommissioning of former sacred buildings. Particular attention is given to altars, which, according to the Pontifical Council for Culture, retain a permanent liturgical significance. This claim has faced criticism for allegedly contradicting canon law. T. examines whether such criticism is valid by analysing the relevant canons on altars, the relegation of churches to profane use, and the effects of the loss of a building’s dedication or blessing.

## **1240**

**Stato, Chiese e pluralismo confessionale 12/2024: Davide Dimodugno: *Requiescat in loco sacro*: prime riflessioni sull’uso delle chiese cattoliche come colombari tra esigenze della Chiesa e complessità delle normative regionali.** (Article)

See above, canon 1176.

## **1246-1248**

**PS LIX 180 (2024), 565-584: Leo-Martin Angelo R. Ocampo: Online Masses from a Post-Pandemic Perspective.** (Article)

At the height of the Covid-19 pandemic, online Masses served as an important pastoral tool that enabled the Catholic Church to provide spiritual sustenance to many of the faithful in the face of the lockdowns and restrictions imposed by the health crisis. At the same time, important questions surfaced regarding the validity of online Masses as a form of liturgical participation and whether they provide actual spiritual benefit. With the continuing improvement in the global health situation and the transition from online Masses to in-person attendance, O. evaluates the experience of online Masses from a post-pandemic perspective and assesses whether they ought to have a place in the liturgical new normal.



## BOOK V: THE TEMPORAL GOODS OF THE CHURCH

### 1254

**Clar ITVC n.s. 15, 64 (2024), 499-511: Michele Miraglia: Brevi considerazioni a margine del dibattito sull'ecclesiasticità dei beni temporali della Chiesa. Qualche opportuna chiarificazione a partire dal contributo della Giurisprudenza del Tribunale della Rota Romana. (Article)**

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

### 1254-1310

**IC 64/128 (2024), 557-611: Fernando Giménez Barriocanal: La gobernanza económica en la Iglesia: Aportaciones del Derecho canónico y propuestas de mejora. (Article)**

G.B. examines, from an economic perspective, the main elements of economic governance in the Catholic Church, reviewing its norms on corporate social responsibility and good governance. Additionally, he proposes legislative improvements to improve transparency, social responsibility, and proper administration of Church assets, ensuring they serve their intended purposes and contribute to the common good. He also highlights recent innovations in Spain in this area. His insights stem from his experience as Deputy Secretary for Economic Affairs of the Spanish Episcopal Conference since 2005 and his research during this period. These reflections, offered in a personal capacity, aim not to exhaust the topic but to initiate a broader discussion on canonical patrimonial doctrine.

### 1259-1298

**ADC 14 (diciembre 2024), 19-56: Fernando Giménez Barriocanal: Normativa canónica y mejora de la gestión diocesana. (Article)**

G.B. examines various aspects of economic management as addressed by the CIC/83 and complementary norms. These are fundamental elements for the financial administration of the Church. He analyses the content of these regulations and their current application, and suggests possible improvements. He also considers advancements in financial management in

civil society, the transparency initiatives implemented in the public sphere, and the need for the Church's financial administration to be aligned with its mission and purpose.

## **1263**

**Comm 56 (2024), 124-125: Dicastery for Legislative Texts: Risposta particolare: Circa il diritto del Vescovo diocesano di imporre dei tributi alle persone giuridiche pubbliche, 22 gennaio 2024. (Reply)**

The Dicastery replies to an enquiry as to whether the Ordinary can impose a tax on bequests made to a parish under the terms of a last will and testament. The law itself is clear. A parish is a public juridical person subject to a moderate tax in proportion to income. The Ordinary has the right to impose a tax on all sources of income, and the legislator had given the Ordinary some discretionary authority. In this case the archbishop had submitted an authenticated copy of a document entitled *Administrative Guidelines on the Parish Tiered Contributions*. This appeared to have legal force in the archdiocese and complied with canon law. Bequests are not exempted from such tiered contributions and so the archdiocese can impose a tax on bequests.

## **1269**

**EIC 64 (2024), 537-550: María Fernández-Arrojo: La gestione dei beni culturali della Chiesa cattolica in Spagna: il caso della Moschea-Cattedrale di Cordova. (Article)**

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

## **1274**

**J 80 (2024), 571-596: John D. Faris: The Ordination, Appointment, and Support of Married Presbyters and Their Families. (Article)**

See above, CCEO canon 390.

**1276**

**SCL XVII (2022), 245-279: Peter Hans: Consultation in the Administrative Decision-Making of a Diocesan Bishop: The Law, the Principles and the Praxis. (Article)**

See above, canon 127.

**1277**

**IE XXXVI (2024), 719-728: Jesús Miñambres: I limiti dell'amministrazione ordinaria delle istituzioni della Sede Apostolica. (Article)**

Canon law on the administration of temporal goods is based on the distinction between different procedures: acts that do not require special formalities, known as acts of ordinary administration, and those that require authorizations, permissions, or consents from other entities, referred to as acts of extraordinary administration. M. comments on Pope Francis's *motu proprio* of 16 January 2024 on the limits and modalities of the ordinary administration of the temporal goods of the Holy See, which introduces specific criteria to distinguish ordinary from extraordinary administration in the management of the Holy See's assets.

**1281**

**Comm 56 (2024), 54-55: Pope Francis: Lettera Apostolica in forma di "Motu Proprio" circa i limiti e le modalità dell'ordinaria amministrazione, 16 gennaio 2024. (Document)**

See below, canon 1284.

**1281**

**IE XXXVI (2024), 719-728: Jesús Miñambres: I limiti dell'amministrazione ordinaria delle istituzioni della Sede Apostolica. (Article)**

See above, canon 1277.

## **1284**

**Comm 56 (2024), 54-55: Pope Francis: Lettera Apostolica in forma di “Motu Proprio” circa i limiti e le modalità dell’ordinaria amministrazione, 16 gennaio 2024. (Document)**

In general the Code leaves the definition of what constitutes an extraordinary act of administration to the statutes or to the diocesan bishop, after consulting his finance committee, for those subject to him. This *motu proprio* sets out the criteria and procedure to be applied with regard to the Holy See and its institutions, as provided in *Praedicate Evangelium*, art. 208. The first article sets this as sums over €150,000 and which exceed 2% of expenditure averaged over the previous three years. If no reply is given within 30 days and there has been no request for further information the proposal is presumed to have been accepted. Provision is also made for hierarchical recourse.

## **1284**

**EE 99 (2024), 977-1006: María García-Nieto Barón: Comentario al «motu proprio» del papa Francisco acerca de los límites y modos de la administración ordinaria de los bienes temporales de la Santa Sede. (Article)**

Pope Francis’s *motu proprio* of 16 January 2024 on the limits and modalities of the ordinary administration of the temporal goods of the Holy See falls within the context of the reform of the Roman Curia and the Pope’s economic reforms. It establishes objective criteria that define acts of extraordinary administration for entities dependent on the Council for the Economy. The new regulation seeks to protect the principle of subsidiarity, as well as to promote flexibility, dynamism, and transparency in the management of these goods. This brief but significant regulation introduces innovative aspects in the canonical field, such as positive administrative silence.

## **1284**

**EIC 64 (2024), 507-523: Patrizia Piccolo: Riproduzione dell’arte sacra per fini pubblicitari. (Article)**

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

**1284**

**J 80 (2024), 355-403: William J. King: 'Til Debt Do Us Part: Canon Law Considerations for Dioceses and Parishes in the Bankruptcy Process. (Article)**

K. explores the increasing number of U.S. dioceses filing for bankruptcy and the complex interaction between civil bankruptcy law and canon law. While modern bankruptcy law balances relief for debtors with protection for creditors, unique challenges arise for Catholic dioceses due to the canonical distinction between dioceses and parishes as separate juridic persons. This often leads to legal disputes over whether parish assets can be used to settle diocesan debts. Although canon law treats diocesan and parish property separately, this is not always recognized in civil proceedings. Parishes and related entities may participate in bankruptcy as non-debtors, but a recent U.S. Supreme Court ruling affirms this requires creditor consent. K. stresses that existing canonical norms on the administration of temporal goods provide valuable tools for dioceses and parishes to prepare for and manage bankruptcy risk, thereby reducing potential legal and financial complications.

**1287**

**Clar ITVC n.s. 15, 64 (2024), 227-253: Lucio Lamberti: Sfide ed opportunità del modello solidale della vita consacrata. Riflessioni per una corretta organizzazione e gestione economica. (Article)**

See above, canons 634-640.

**1292**

**EIC 64 (2024), 293-317: Giuseppe Comotti: Santa Sede e beni culturali. (Article)**

See above, canon 360.

**1292**

**EIC 64 (2024), 435-448: Daniela Tarantino: *Via Pulchritudinis*. La tutela dell'arte sacra nella storia della Chiesa come cammino di evangelizzazione delle culture. (Article)**

See above, canon 1189.

## BOOK VI: PENAL SANCTIONS IN THE CHURCH

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

### 1311\*

**Per 113 (2024), 369-404: Damián G. Astigueta: La pena indeterminata e le indeterminazioni della pena.** (Presentation)

See below, canons 1343\*-1345\*.

### 1321\*

**AnC 20 (2024) 2, 13-41: Karolina Mazur: Historyczny rozwój zasady domniemania niewinności (*Historical development of the principle of the presumption of innocence*).** (Article)

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

### 1321\*

**RDC 74/1 (2024), 93-119: Karolina Mazur: Le principe de la présomption d'innocence. Une analyse juridico-historique.** (Article)

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

### 1323\*-1324\*

**REDC 80 (2023), 5-51: Carlos Ramiro Alonso García: El error en derecho penal canónico. Una reflexión a propósito de la imposibilidad de considerar el error sobre la edad del menor víctima de abuso sexual (art. 6.1° SST 2021).** (Article)

See below, canons 1323\*-1324\*.

### 1323\*-1324\*

**REDC 80 (2023), 5-51: Carlos Ramiro Alonso García: El error en derecho penal canónico. Una reflexión a propósito de la imposibilidad de**

**considerar el error sobre la edad del menor víctima de abuso sexual (art. 6.1º SST 2021). (Article)**

The article consists of two main parts. The first, more extensive section is dedicated to explaining the concept of error in penal canon law. The second part focuses on presenting and critiquing the existence of so-called strict liability offences – originating in common law traditions – and their relation to a specific aspect of the new provision on the offence of sexual abuse of minors in the 2021 procedural norms for reserved offences. The discussion on error delves into the historical origins of this legal concept, its theological and juridical foundations, and the current canonical regulation. Additionally, it offers a proposal to mitigate penalties in cases of culpable error.

**1331\*-1333\***

**Per 113 (2024), 369-404: Damián G. Astigueta: La pena indeterminata e le indeterminazioni della pena. (Presentation)**

See below, canons 1343\*-1345\*.

**1336\***

**AC 65 (2024), 55-74: Denis Baudot: Décider ou non du renvoi de l'état clérical? Une mesure qui interroge. (Article)**

See above, canon 292.

**1336\***

**Per 113 (2024), 369-404: Damián G. Astigueta: La pena indeterminata e le indeterminazioni della pena. (Presentation)**

See below, canons 1343\*-1345\*.

**1343\*-1345\***

**Per 113 (2024), 369-404: Damián G. Astigueta: La pena indeterminata e le indeterminazioni della pena. (Presentation)**

In this presentation made to the 58th annual colloquium of the Canon Law Faculty of the Pontifical Gregorian University, A. examines the question of indeterminacy in the juridical sphere. While seeming to contradict the notion

that the law determines matters, he points out that indeterminacy is in fact a positive phenomenon. He gives examples of canons in the Code establishing fundamental rights for the faithful on the level of principles that are made concrete and determinate elsewhere in the Code; he also refers to the use of certain indeterminate non-juridical terms within the Code, e.g., “the common good”, “scandal”, “offences against the Sixth Commandment”. The major focus of his study is on the issue of indeterminacy in the field of canonical penal law. He considers first of all the indeterminate nature of some penalties and then the indeterminacy of the application and remission of certain penalties. Overall, he expresses the view that this indeterminacy allows the judge a great deal of discretion in the imposition and remission of penalties when confronted with a wide variety of circumstances.

**1349\***

**SC 58 (2024), 601-638: Valère Nkouaya Mbandji: Abus d'autorité, abus de pouvoir et abus spirituels. Implications pour la vie consacrée. (Article)**

See below, canon 1395\*.

**1364\***

**IE XXXVI (2024), 729-745: Krzysztof Cisek: La procedura ex art. 26 m.p. *Sacramentorum sanctitatis tutela*. (Article)**

According to art. 26 of *Sacramentorum sanctitatis tutela*, cases of exceptional gravity involving delicts reserved to the Dicastery for the Doctrine of the Faith may be referred to the Supreme Pontiff for dismissal or deposition from the clerical state, provided that the commission of the delict is manifestly evident and the accused has been given the opportunity to defend himself. The aim of C.'s study is to examine the main legal issues related to this canonical norm and to present all the stages of this penal procedure in detail, ensuring a thorough understanding of its application.

**1364\***

**SC 58 (2024), 639-686: Dawid Pietras: Institutions of Supplied Jurisdiction in the Society of Saint Pius X. A Canonical Analysis. (Article)**

See above, General Subjects (*Ecclesiology*).



**1370\***

**AnC 20 (2024) 2, 59-76: Marek Story: Konsekwencje zabójstwa w świetle ksiąg pokutnych. A co jeśli jego ofiarą była osoba duchowna? (*The consequence of murder in the light of penitential books. What if the victim was a clergyman?*) (Article)**

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

**1370\***

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

See above, canons 360-361.

**1371\***

**Canonist 15/2 (2024), 186-220: Joseph Lee: Conflicts of Interest, Acting Impartially, and Avoiding Bias – When Bishops Investigate Bishops. (Article)**

L. investigates the canonical and ethical challenges arising when bishops are tasked with investigating fellow bishops, especially in the context of *Vos estis lux mundi*. He discusses the risks of conflicts of interest and perceived bias, particularly when personal, hierarchical, or cultural ties exist among prelates. Drawing on principles from secular law, theology, and canon law, L. proposes mechanisms to improve transparency, impartiality, and procedural fairness. These include clearer criteria for recusals, the role of lay experts, and the possibility of external oversight. L. calls for greater consistency and trust in episcopal accountability, in the light of the Church's mission and credibility.

**1371\***

**IE XXXVI (2024), 413-436: Massimo del Pozzo: Il dovere di denuncia degli abusi all'interno della Chiesa. (Article)**

Del P. examines the duty to report cases of sexual abuse (*Vos estis lux mundi*, art. 3 §1) from a fundamental and constitutional perspective, considering the purpose it serves as well as the nature and limitations of this obligation.

**1371\***

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto. (Article)**

The search for a delicate balance between what can and must be said and what, instead, can and must be kept confidential involves various types of secrecy, the observance of which constitutes a legal obligation for certain members of the Church involved in penal proceedings. This article examines different forms of secrecy in moral and canonical contexts, highlighting the difficulty of applying them to penal cases, where the need for transparency must be weighed against the protection of the rights of those involved. Under the current regulations, much of the application is left to the discernment of ecclesiastical authority, which is tasked with finding the right balance between the rights of individuals and those of the community.

**1371\***

**IE XXXVI (2024), 493-512: Giuseppe Comotti: Il delitto di omissione della dovuta denuncia (can. 1371 §6). (Article)**

C. examines the crime of failing to report an offense as required by canon law, introduced by the new canon 1371 §6\*. In particular, he analyses the constitutive elements of the crime (the perpetrator, as well as the objective and subjective elements) and the specific exemptions that may apply to the sole case of mandatory reporting currently established by *Vos estis lux mundi*.

**1371\***

**J 80 (2024), 663-688: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Suspensionis*, prot. n. 27338/96 CA, January 20, 1998; 2. Definitive decree of the College *coram* Davino, [...] *Incid.: Restitutionis in integrum adversus decretum in Congressu diei 20 ianuari 1998 latum, quo recursus non admittitur ad disceptationem*, prot. n. 27338/A/ 96 CA, July 10, 1999; William L. Daniel: A Contentious-Administrative Cause Involving Denied Excardination, Penal Suspension, and an Attempted *Restitutio in integrum* (prot. n. 27338/96 CA). (Decrees and comment)**

See below, canon 1445.

**1371\***

**SCL XVII (2022), 11-48: John A. Renken: The Sexual Abuse of Minors and Vulnerable Persons in the Catholic Church. (Article)**

R. examines recent developments in establishing new delicts of sexual abuse and in requiring transparency in addressing them.

**1371\*-1372\***

**Per 113 (2024), 335-345: Alessandro Mammarella: Il favoreggiamento. Studio sulla fattispecie nel diritto penale canonico e sulle questioni odierne. (Summary of doctoral thesis)**

M. examines the phenomenon of aiding and abetting those who have committed canonical delicts, especially the sexual abuse of minors and vulnerable persons. He notes that this kind of behaviour on the part of ecclesiastical authorities is now constituted as a delict in itself thanks to its inclusion in the two versions of *Vos estis lux mundi* and the revised canon 1372\*.

**1371\*-1372\***

**Per 113 (2024), 507-518: Alessandro Mammarella: Interferenza dolosa: dalla negligenza al favoreggiamento. (Consultation)**

In this brief consultation, M. considers the following question: a bishop receives information that a cleric has committed a delict *contra sextum* with a 17-year-old girl; although the bishop has suspicions, he does not launch a preliminary investigation, nor does he inform the competent Dicastery. Is what the bishop has done a grave omission or something even more serious? After recalling the most recent legislative interventions in this area, M. refers to canons 1371 §6\* and 1372 1°\* to demonstrate the real gravity of the inaction on the part of the bishop.

**1378\***

**ADC 14 (julio 2024), 65-106: Carlos López Segovia: El abuso de autoridad en la Iglesia. Configuración del delito de abuso de potestad eclesiástica, del oficio o del cargo (c. 1378). (Article)**

Abuse of authority in the Church is one of the areas in which most canonical offences occur and remain unpunished, either through a lack of awareness

among those responsible for applying penal norms or because a decision is made not to act. Both scenarios also constitute the commission of this canonical offence, whether through intentional misconduct (*dolus*) or through culpable negligence, as originally addressed in canon 1389 and as now dealt with in the reformed canon 1378\*. L.S. outlines the canonical background regarding abuse of authority, whether intentional or negligent. He examines the offence of abuse of authority as originally formulated in the Code of Canon Law and the various modifications it has undergone – both as a result of developments in canonical legislation and in response to Spanish and international legal frameworks, which must be incorporated into canon law in Spain under canon 22 and the concordat agreements in force. Finally, he analyses the different types of offence of abuse of authority in canon 1378\*.

### **1378\***

**Per 113 (2024), 691-724: Antun Faltak: Abuso di coscienza e il suo rilievo per il diritto penale canonico. Una fattispecie presente ma non specificata. (Article)**

In this extract of his doctoral thesis, defended early in 2024 and presented at the 58th Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, F. considers the abuse of conscience and its significance within the sphere of penal canon law. He touches on two basic concepts: i.e., conscience and abuse, before moving on to consider “abuse of conscience” in itself by examining and reflecting on recent developments in different parts of the world. F. notes that this form of abuse is already a known phenomenon which he has come across in his research of cases in the archives of the Dicastery for the Clergy and the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life. From this experience, he is able to share some instances and forms of abuse. At the end, he notes that this area of research and reflection is only at the beginning but that it must be taken seriously because of the gravity of the consequences.

### **1378\***

**SC 58 (2024), 601-638: Valère Nkouaya Mbandji: Abus d'autorité, abus de pouvoir et abus spirituels. Implications pour la vie consacrée. (Article)**

See below, canon 1395\*.

**1378\***

**SCL XVII (2022), 11-48: John A. Renken: The Sexual Abuse of Minors and Vulnerable Persons in the Catholic Church. (Article)**

See above, canon 1371\*.

**1379\***

**IE XXXVI (2024), 729-745: Krzysztof Cisek: La procedura ex art. 26 m.p. *Sacramentorum sanctitatis tutela*. (Article)**

See above, canon 1364\*.

**1379\***

**QDE 37 (2024), 480-496: Matteo Visioli: I delitti contro l'Eucaristia. (Article)**

V. begins by reviewing the theological reasons for the centrality of the Eucharist in the life of the Church, which provide the basis for the penal law in this area. He examines the delicts concerned with profanation, and the meanings of “taking”, “keeping”, and “throwing away”, as well as the qualifier “for a sacrilegious purpose”. He then describes the delicts of attempted celebration of the Eucharist, simulated celebration of any sacrament, forbidden concelebration, and consecration for a sacrilegious purpose. Throughout, V. compares the Latin Code to the Eastern Code and to *Sacramentorum sanctitatis tutela*. He concludes with a note defining profanation and sacrilege more precisely.

**1379\***

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

See above, canons 360-361.

**1381\*-1382\***

**IE XXXVI (2024), 729-745: Krzysztof Cisek: La procedura ex art. 26 m.p. *Sacramentorum sanctitatis tutela*. (Article)**

See above, canon 1364\*.

**1381\*-1382\***

**QDE 37 (2024), 480-496: Matteo Visioli: I delitti contro l'Eucaristia. (Article)**

See above, canon 1379\*.

**1382\***

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

See above, canons 360-361.

**1382\***

**SCL XVII (2022), 211-244: Tharigopala Lourdasamy: Desecration of the Blessed Eucharist: A Juridical Study in the Light of Can. 1382 §1 of CIC 1983. (Article)**

L. examines legislation prior to and in the CIC/17 concerning desecration of the Blessed Eucharist, the revision process leading to canon 1367 of the CIC/83, the norms of *Sacramentorum sanctitatis tutela* of 2001 and the revised norms of 2010, and the revision of Book VI in 2021, leading to the renumbering of canon 1367 as the new canon 1382\*. He then proceeds to a detailed analysis of canon 1382\*, pointing out that canon 1442 of the CCEO is substantially the same, but differs as regards the mode of punishment.

**1384\***

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique. (Guide)**

See above, canons 360-361.

**1384\*-1386\***

**IE XXXVI (2024), 729-745: Krzysztof Cisek: La procedura ex art. 26 m.p. *Sacramentorum sanctitatis tutela*. (Article)**

See above, canon 1364\*.

**1386\***

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See above, canon 1371\*.

**1386\***

**Per 113 (2024), 321-334: Matteo Visioli: Perdita dello stato clericale e osservanza del sigillo sacramentale.** (Consultation)

See above, canons 290-293.

**1386\*-1387\***

**SC 58 (2024), 435-478: Carlos Encina Commentz: Quand et comment recourir à la pénitencerie apostolique.** (Guide)

See above, canons 360-361.

**1395\***

**ADC 14 (julio 2024), 49-64: José Bernal: Algunas ideas después de la reforma de “*Vos estis lux mundi*”.** (Article)

Pope Francis promulgated the *motu proprio Vos estis lux mundi* (VELM) in order to prevent and combat crimes of sexual abuse. Following the entry into force of VELM on 1 June 2019 several far-reaching regulatory reforms came about, which affected the content of VELM. The Pope promulgated a new version on 25 March 2023. B. deals with some points of the revised VELM that could be reformed or expressed more clearly.

**1395\***

**Canonist 15/2 (2024), 186-220: Joseph Lee: Conflicts of Interest, Acting Impartially, and Avoiding Bias – When Bishops Investigate Bishops.** (Article)

See above, canon 1371\*.

**1395\***

**IE XXXVI (2024), 413-436: Massimo del Pozzo: Il dovere di denuncia degli abusi all'interno della Chiesa. (Article)**

See above, canon 1371\*.

**1395\***

**SC 58 (2024), 601-638: Valère Nkouaya Mbandji: Abus d'autorité, abus de pouvoir et abus spirituels. Implications pour la vie consacrée. (Article)**

M. highlights various manifestations of the abuse of authority and power, as well as spiritual abuse, in consecrated life. He elucidates the concepts of abuse of authority in canon 1395 §3\*, the delict of abuse of ecclesiastical power and culpable negligence in canon 1378\*, and the drama of spiritual abuse. He implies that with these types of abuse, which are in reality abuses in the conception and use of power, it is up to the judge or ordinary, while respecting the principle of proportionality (canon 1349\*), to impose or declare adequate penalties, because of their damaging effects on Christ's faithful.

**1395\***

**SCL XVII (2022), 11-48: John A. Renken: The Sexual Abuse of Minors and Vulnerable Persons in the Catholic Church. (Article)**

See above, canon 1371\*.

**1397\***

**AnC 20 (2024) 2, 59-76: Marek Story: Konsekwencje zabójstwa w świetle ksiąg pokutnych. A co jeśli jego ofiarą była osoba duchowna? (*The consequence of murder in the light of penitential books. What if the victim was a clergyman?*) (Article)**

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



**1398\***

**AC 65 (2024), 7-21: Nicolas Port: Que sait-on des auteurs de violences sexuelles? (Article)**

After providing some statistical information concerning perpetrators and victims of sexual abuse, P. expresses the belief that the “rotten apple theory”, whether in relation to police or clergy, is an obstacle to significant reform. He asks if clerical offenders are symptomatic of a dysfunctional system.

**1398\***

**ADC 14 (julio 2024), 49-64: José Bernal: Algunas ideas después de la reforma de “*Vos estis lux mundi*”. (Article)**

See above, canon 1395\*.

**1398\***

**Canonist 15/2 (2024), 186-220: Joseph Lee: Conflicts of Interest, Acting Impartially, and Avoiding Bias – When Bishops Investigate Bishops. (Article)**

See above, canon 1371\*.

**1398\***

**Canonist 15/2 (2024), 221-240: Brendan Daly: The Ramifications of the New Zealand Royal Commission Report on Abuse in Care. (Article)**

D. analyses the findings of the New Zealand Royal Commission into Abuse in Care, focusing on its implications for the Catholic Church. He discusses the failures in safeguarding, record-keeping, and institutional accountability highlighted by the report, as well as the legal and pastoral reforms it recommends. He examines how the Church must respond canonically and civilly, including the adaptation of procedures for handling allegations, cooperation with authorities, and pastoral care for survivors. He underscores the need for a transparent, victim-centred approach and the importance of canonical vigilance in preventing future abuses, aligned with the principles of justice and healing.

**1398\***

**EE 99 (2024), 891-938: Carlos M. Morán Bustos: El estatuto jurídico-procesal de la víctima: la víctima como parte procesal en el proceso penal canónico.** (Article)

The Church has traditionally taken the approach that a criminal action can be brought only by the promotor of justice, so that a victim can only stand as “third party” or “witness”. This misrepresents reality and restricts victims’ procedural rights, such as defence, access to information, and appeal. M.B. argues for a new legal framework that recognizes victims’ central role, particularly in cases involving minors, in line with pontifical magisterium. He calls for procedural reforms to ensure victims’ rights are upheld, using comparative legal analysis to support these changes.

**1398\***

**IE XXXVI (2024), 413-436: Massimo del Pozzo: Il dovere di denuncia degli abusi all’interno della Chiesa.** (Article)

See above, canon 1371\*.

**1398\***

**IE XXXVI (2024), 729-745: Krzysztof Cisek: La procedura *ex art. 26 m.p. Sacramentorum sanctitatis tutela*.** (Article)

See above, canon 1364\*.

**1398\***

**J 80 (2024), 501-525: Roch Pagé: Lay Associations of Christ’s Faithful and the Church’s Response to Allegations of Sexual Abuse.** (Article)

For more than two decades, since the promulgation of the *motu proprio Sacramentorum sanctitatis tutela* in 2001, several official documents were published by the Holy See and different conferences of bishops concerning sexual abuse of minors or persons having imperfect use of reason. Only clerics were addressed under that law. Since the publication of the revised Book VI on penal law, members of religious institutes of men and women together with any member of the faithful performing a function in the Church are included among alleged perpetrators of sexual abuse of minors. P. notes that members of lay associations of Christ’s faithful are not mentioned

anywhere as alleged perpetrators of sexual abuse of minors, and he offers some suggestions to diocesan bishops as to how to take into account the members of lay associations of Christ's faithful in their diocesan protocols.

**1398\***

**Per 113 (2024), 507-518: Alessandro Mammarella: Interferenza dolosa: dalla negligenza al favoreggiamento.** (Consultation)

See above, canons 1371\*-1372\*.

**1398\***

**Per 113 (2024), 545-570: Ulrich Rhode: Delitti sessuali commessi da membri di istituti di vita consacrata e società di vita apostolica: dimissione, pena e risarcimento.** (Presentation)

See above, canon 695.

**1398\***

**REDC 80 (2023), 5-51: Carlos Ramiro Alonso García: El error en derecho penal canónico. Una reflexión a propósito de la imposibilidad de considerar el error sobre la edad del menor víctima de abuso sexual (art. 6.1º SST 2021).** (Article)

See above, canons 1323\*-1324\*.

**1398\***

**SCL XVII (2022), 11-48: John A. Renken: The Sexual Abuse of Minors and Vulnerable Persons in the Catholic Church.** (Article)

See above, canon 1371\*.

## BOOK VII: PROCESSES

### 1400

**IC 64/128 (2024), 463-512: Paolo Gherri: Sistema de protección de los derechos de los sujetos en la Iglesia y posibilidad de Tribunales nacionales «ratione materiæ». (Article)**

What canonical law offers to various individuals is not a “system” of protections, but rather a disorganized collection of procedures and processes, in which the subject matter often does not play a sufficiently significant role compared to the authors of the acts being judged. This creates large grey areas where no protection can be obtained. The situation will not improve until the subject matter takes precedence over the persons involved. From this perspective, the solution does not lie in a tribunal *ratione materiae* – jurisdiction based on subject matter – but rather in a process *ratione materiae* – a procedure structured according to the subject matter.

### 1400

**Per 113 (2024), 571-608: Emanuele Spedicato: La tutela dei diritti *per viam iudicii aut per recursum*. I tribunali ordinari sono ancora competenti a trattare le *causae iurium*? (Presentation)**

Canon 1400 establishes a clear distinction between what controversies may be resolved by way of a judicial process and those matters that are to be dealt with in an administrative way by Superiors or by administrative tribunals, i.e., controversies arising out of an act of administrative power. In this presentation to the 58th Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, S. reflects on this distinction using two cases judged by the Roman Rota to illustrate the fact that, notwithstanding the distinction found in canon 1400, the Rota still has the possibility to handle *causae iurium* in the ordinary judicial process.

### 1405

**IC 64/128 (2024), 463-512: Paolo Gherri: Sistema de protección de los derechos de los sujetos en la Iglesia y posibilidad de Tribunales nacionales «ratione materiæ». (Article)**

See above, canon 1400.

## 1407

### **Per 113 (2024), 219-266: G. Paolo Montini: L'eccezione di incompetenza relativa. (Presentation)**

Canons 1408-1414 outline the fundamental titles by which a judge can be considered competent to handle a specific case; to these can be added the titles found in the recently modified canon 1672 concerning matrimonial nullity cases. Canon 1407 makes it clear that the incompetence of a judge in a case is relative rather than absolute. A party or defender of the bond who believes that the judge is not competent under the titles set out in the law can present an exception to the involvement of the judge. In this presentation given at the annual Colloquium of the Canon Law Faculty of the Pontifical Gregorian University, M. explores not only the concept of relative incompetence but also how such an exception can be presented at all stages of the process. He examines the new norm introduced by *Dignitas Connubii* art. 10 §3 which states: “If no exception of relative incompetence is filed before the concordance of the doubt, the judge becomes competent *ipso iure*, but without prejudice to can. 1457, § 1”, before moving on to look at the procedure by which an exception might be introduced, the effects of such an exception on a definitive sentence, the disciplinary and penal sanctions that may be linked to relative incompetence, how the exception is to be applied in the *processus breviar* introduced by *Mitis Iudex Dominus Iesus*, and what to do with relative incompetence in penal causes.

## 1408-1414

### **IC 64/128 (2024), 513-555: María J. Roca: La institución del juez legal en la cultura jurídica secular y en la canónica. (Article)**

The legal judge is an institution whose origins go back to a 12th-century Decretal. R. examines the guarantees of this fundamental right in international, European, and Spanish law, comparing them with those of current canon law. She outlines the legal framework established by international human rights instruments and explores how European and American jurisprudence has defined this institution over time. Spanish Constitutional and Supreme Court jurisprudence has affirmed that the judge predetermined by law primarily refers to the judicial body itself. However, if a member of that body is replaced, the parties must have the right to challenge the substitute's appointment. If not, the guarantee of a legal judge is not upheld. In current canon law, the right to a legal judge is not fully recognized

in a way comparable to international or Spanish law. R. concludes with proposals for future legal reforms.

#### 1414

**Per 113 (2024), 519-539: Iurisprudencia. Decretum turni coram Erlebach, diei 16 ianuarii 2023, Nullitatis matrimonii; Incidentium (B. 3/2023); Paolo Bianchi: Le conseguenze giuridiche della mancata osservanza della disciplina sulla connessione di cause di nullità matrimoniale. Commento al decreto rotale *coram* Erlebach del 16 gennaio 2023. (Decree and comment)**

According to canon 1414, competence by reason of connection means that cases that are inter-connected can be heard by one and the same tribunal and in the same process. This is the legal principle that lies behind the case of marriage nullity dealt with in this decree of the Roman Rota. In short, the parties to the marriage separated within weeks of the wedding and divorced within the year. In 2019, the wife petitioned a tribunal in the USA for nullity and the case proceeded without participation by the husband. In fact, the husband had already approached a tribunal in Poland seeking nullity. While the US tribunal was about to issue the decree concluding the case, it was informed by the Polish tribunal that it had declared the marriage invalid. The matter was referred to the Supreme Tribunal of the Apostolic Signatura and then to the Rota. After lengthy deliberations, the decree concluded that there was no foundation to a *querela nullitatis* against the Polish tribunal's sentence and declared that there was no obstacle to the decree of nullity being executed. In his comment on the decree B. highlights the human and procedural aspects of the case before going on to consider how the two tribunals involved handled the case; he examines the precise nature of the juridical problem dealt with by the decree and the solutions it offered.

#### 1421

**QDE 37 (2024), 137-144: G. Paolo Montini: La potestà ecclesiastica. Lo *status quaestionis*. (Article)**

See above, canon 129.

#### 1445

**AC 65 (2024), 142-164: Tribunal suprême de la signature apostolique: Prot. n. 53693/18 CA –N. Translationis (Rev.dus D.nus X – Congregatio**

**pro Clericis). Sententia definitiva coram Daneels (8 October 2019); Éric Besson: Commentaire.** (Sentence and comment)

X was appointed parish priest; shortly thereafter he sought leave of absence on medical grounds. His archbishop appointed a substitute priest. X presented a medical certificate showing that he was able to resume his duties. The archbishop appointed the substitute priest to the office of parish priest. X presented a hierarchical recourse to the Congregation for the Clergy, but the recourse failed because of his failure to request the revocation of the substitute's appointment, and the lapse of time (canons 1737 §2 and 1735). X's subsequent appeal to the Signatura was rejected, since there was no violation of the law *in procedendo vel in decernendo* on the part of the Congregation for the Clergy.

#### 1445

**AnC 20 (2024) 2, 43–57: Przemysław Michowicz: Il formalismo interpretativo nell'impiego dell'argomento "ex auctoritate".** (Article)

In the process of legal argumentation, a reliance on authoritative reasoning by reference to established jurisprudence can sometimes give rise to an accusation of legal formalism. M. examines this issue in relation to the jurisprudence of the Supreme Tribunal of the Apostolic Signatura, since such jurisprudence is frequently referenced both by the judges of the Signatura itself – when dealing with similar cases that have already been resolved – and by ecclesiastical superiors within the scope of their administrative governing authority. Initial findings suggest that jurisprudential formalism is not excessive to the point of undermining a case or reducing it to a matter of procedural correctness at the expense of actual justice. Instead, it serves to reinforce the authority of the Supreme Tribunal, particularly when an administrative judge refers to a similar case and issues a comparable ruling.

#### 1445

**Comm 56 (2024), 56-59: Pope Francis: Lettera Apostolica in forma di "Motu Proprio" *Munus Tribunalis* con la quale viene modificata la *Lex Propria Supremi Tribunalis Signaturae Apostolicae* del 21 giugno 2008, 28 febbraio 2024.** (Document)

The purpose of this motu proprio is to update the proper law of the Apostolic Signatura in line with the provisions of *Praedicate Evangelium*. For example,

the term “Dicastery” is amended to “Tribunal: or “Curial Institution” where appropriate.

#### 1445

**Ius Comm XII (2024), 353-380: Supremum Signaturae Apostolicae Tribunal: Sentencia definitiva, 20 abril 1991. Expulsión; Pablo Lamata Molina: Comentario.** (Sentence and comment)

See above, canons 694-704.

#### 1445

**J 80 (2024), 663-688: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Suspensionis*, prot. n. 27338/96 CA, January 20, 1998; 2. Definitive decree of the College *coram* Davino, [...] *Incid.: Restitutionis in integrum adversus decretum in Congressu diei 20 ianuari 1998 latum, quo recursus non admittitur ad disceptationem*, prot. n. 27338/A/ 96 CA, July 10, 1999; William L. Daniel: A Contentious-Administrative Cause Involving Denied Excardination, Penal Suspension, and an Attempted *Restitutio in integrum* (prot. n. 27338/96 CA). (Decrees and comment)**

D. comments on two interrelated contentious-administrative causes representing two moments in the escalating measures employed to discipline a priest X, which included X’s bishop’s decisions to deny X’s excardination request, withdraw permission for X to reside outside the diocese, revoke X’s faculties, order X’s return to the diocese by a simple precept, and finally order X’s return to the diocese by a penal precept. X’s recourse against the penal precept was rejected by the *Congresso* of the Signatura as lacking any foundation; his request for a *restitutio in integrum* against the *Congresso*’s decree was also rejected, as it was not yet *res iudicata*.

#### 1455

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See above, canon 1371\*.



## **1470**

**SC 58 (2024), 517-558: William L. Daniel: The Reverence and Obedience Owed to the Tribunal (cf. c. 1470 § 2). (Article)**

Canon 1470 § 2 refers to “the reverence and obedience owed to the tribunal”, which concerns the specific context of live judicial audiences held before the judge. This also constitutes a general notion in procedural law that can be considered in its own right. The apostolic tribunals and inferior ecclesiastical tribunals ought to be revered inasmuch as they exist by will of and share in the power of successors to the apostles. When parties, witnesses, advocates, and procurators display irreverence against the vicarious judges of such successors, they ought to be corrected and even punished in order to ensure the stability of the Church’s authority in grave matters that often concern the good of souls. Ecclesiastical judges stand in the position of superiors over the aforementioned participants in trials, such that their commands are to be obeyed. The prototypical judicial command is the first citation, or the summons to trial; additionally, parties and witnesses must appear when the judge cites them to judicial examination, and those affected must comply with an executive definitive sentence and with other commands. While the judge must be obeyed, his illegitimate commands must not be obeyed.

## **1480**

**Ius Comm XII (2024), 353-380: Supremum Signaturae Apostolicae Tribunal: Sentencia definitiva, 20 abril 1991. Expulsión; Pablo Lamata Molina: Comentario. (Sentence and comment)**

See above, canons 694-704.

## **1481-1490**

**AC 65 (2024), 23-37: Laurent-Marie Pocquet du Haut-Jussé: L’accompagnement de la personne soupçonnée: place du conseil et de l’avocat. (Article)**

See below, canon 1723.

## 1481-1490

**Ang 100 (2024), 215-241: Francesco Ferone: Lo stile sinodale del patrono ecclesiastico nei processi di nullità matrimoniale. (Article)**

Beginning with Pope Francis's address to the Roman Rota in 2022, F. offers some reflections on the relationship between synodality and the marriage nullity process, focusing on the role of the advocate. For the ecclesiastical advocate, to assume a synodal style means to interpret the role not only in terms of representation and technical defence, but also to involve oneself in a relationship of listening, discernment, and accompaniment. The advocate must be Catholic, since only by embracing the Gospel and the teaching of Christ on matrimony and the family can he or she exercise this task properly.

## 1513

**AC 65 (2024), 95-108: Nicolas de Boccard: De l'incompatibilité entre certain chefs de nullité de mariage. (Article)**

The ground of total or partial simulation (canon 1101 §2) was traditionally held to be incompatible with a grave lack of discretion (canon 1095 2°). Error concerning the nature of marriage invalidates consent when it "determines the will" (canon 1099). Here, error invalidates consent, not the intention of the person. In principle, error of law is incompatible with simulation. However, in some instances the "divorce mentality" is so deeply rooted that it determines the consent of the person (*error pervicax*). Incompatible grounds include total and partial simulation; fear and the psychological grounds; fear and simulation; simulation and condition; error of quality and the psychological grounds; error of quality and condition; deceit and the psychological grounds; condition and the psychological grounds. A Rotal decision of 26 February 1987 recognized a "conformity of sentence" between a first instance *constat* on grounds of simulation and a second instance *constat* on lack of discretion. A French expert argues that in practice, "I can choose not to do something that I am unable to do". The Dean of the Rota has accepted the "fragility" of youth as a cause of simulation, not incapacity. B. argues that grounds that are incompatible in theory are in fact often compatible in practice. Therefore, the decision on incompatibility of grounds should be taken at the point of decision on a case, not *a priori*, at the *contestatio litis*. (B. follows the thinking of H. Franceschi on this point.)

## 1524

**IE XXXVI (2024), 699-718: Nikolaus Schöch: Tentativi di conciliazione in alcuni ricorsi contenzioso amministrativi presso la Segnatura Apostolica.** (Article)

See below, canon 1739.

## 1526-1586

**J 80 (2024), 405-437: Patrick R. Lagges: The Proof Is in the *Adminicula*: The Judicial Work of Evaluating the Proofs.** (Article)

The Code of Canon Law lists six sources of proofs in contentious trials (canons 1526-1586): the declaration of the parties, documents, witnesses and testimonies, experts, judicial examination and inspection, and presumptions. But there are also four other sources of proof contained in the law: *indicia*, *adminicula*, circumstances of persons and things, and the knowledge and conscience of the judge. L. examines the above-mentioned sources of proof and indicates how the judge might be assisted by the four latter sources. *Indicia* look forward and assist the judge in areas which need further exploration. *Adminicula* look at what has already been presented in order to confirm certain points of the case. The circumstances of things and persons allow the judge to take a more holistic view of the matter. The knowledge and conscience of the judge ensure that a decision will have moral integrity, and be fair, impartial, and just. L. concludes with a description of the dialogue that must take place between the judge and the various proofs that are presented, particularly with regard to issues related to memory, the examination of documents, and the evaluation of expert testimony.

## 1548

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See above, canon 1371\*.

## 1550

**IE XXXVI (2024), 437-458: Matteo Visioli: Il dovere ecclesiale del segreto.** (Article)

See above, canon 1371\*.

## 1574-1581

**RDC 74/1 (2024), 69-91: Vincenzo Fasano – Anna Sammassimo: Incapacità à donner le consentement et rôles de l'expert dans le procès matrimonial plus bref. (Article)**

See above, canon 1095.

## 1620

**Per 113 (2024), 638-689: Iurisprudencia. Supremum Signaturae Apostolicae Tribunal. Decretum Congressus, diei 25 iunii 2001 et Decretum definitivum coram Pompedda, diei 15 decembris 2001 in una Nullitatis matrimonii; Querelae nullitatis adversus decretum rotale, coram Monier, d. 12 maii a. 2000, prot. n. 31773/00 CG; G. Paolo Montini: La rilevanza dei motivi del ricorso. Commento alle decisioni della Segnatura Apostolica nella causa prot. n. 31773/00 CG. (Decree and comment)**

This example of the jurisprudence of the Supreme Tribunal of the Apostolic Signatura contains two decrees related to the same case of marriage nullity. The story begins with a declaration of nullity of marriage granted by an Italian Regional Tribunal on the ground of the exclusion of the *bonum fidei* on the part of the husband who was the plaintiff. The respondent appealed to the Roman Rota and instructed two advocates to represent and defend her. However, since no further observations were received, the Rota issued the decree *coram* Monier of 12 May 2000. This was later communicated to the parties. The Rota then issued the normal decree of execution for the civil effects of the decree of nullity. The advocate for the respondent then presented to the Signatura a plaint of nullity against the decree *coram* Monier. This plaint came before the Cardinal Prefect in June 2001 and was rejected. The advocate then interposed a recourse, and a full college of eleven judges of the Supreme Tribunal considered the matter. In the definitive decree of December 2001, they upheld the decision of the Cardinal Prefect and the validity of the Rotal decision *coram* Monier on the basis that the respondent and her advocate had not submitted any motivations for their appeal and recourse. M., who acted as substitute defender of the bond in the case listed as prot. n. 31773/00 CG, offers a lengthy commentary on the definitive decree of the Apostolic Signatura. In doing so, he highlights the importance of certain procedural and legal principles established within the decree, matters which have subsequently been dealt with in the more recent legislation affecting the Apostolic Signatura itself, as well as the procedure for handling cases of

marriage nullity. It is his view that the story of this whole affair is an illustration of obstructionism by one of the parties and her advocates.

#### 1641

**J 80 (2024), 663-688: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Suspensionis*, prot. n. 27338/96 CA, January 20, 1998; 2. Definitive decree of the College *coram* Davino, [...] *Incid.: Restitutionis in integrum adversus decretum in Congressu diei 20 ianuari 1998 latum, quo recursus non admittitur ad disceptationem*, prot. n. 27338/A/ 96 CA, July 10, 1999; William L. Daniel: A Contentious-Administrative Cause Involving Denied Excardination, Penal Suspension, and an Attempted *Restitutio in integrum* (prot. n. 27338/96 CA). (Decrees and comment)**

See above, canon 1445.

#### 1645

**J 80 (2024), 663-688: Supreme Tribunal of the Apostolic Signatura: 1. Decree of the *Congresso, Suspensionis*, prot. n. 27338/96 CA, January 20, 1998; 2. Definitive decree of the College *coram* Davino, [...] *Incid.: Restitutionis in integrum adversus decretum in Congressu diei 20 ianuari 1998 latum, quo recursus non admittitur ad disceptationem*, prot. n. 27338/A/ 96 CA, July 10, 1999; William L. Daniel: A Contentious-Administrative Cause Involving Denied Excardination, Penal Suspension, and an Attempted *Restitutio in integrum* (prot. n. 27338/96 CA). (Decrees and comment)**

See above, canon 1445.

#### 1671-1691

**Comm 56 (2024), 112-115: Pope Francis: Discorso per l'inaugurazione del 95° Anno Giudiziario del Tribunale della Rota Romana, 25 gennaio 2024. (Address)**

In his address to the Rota for 2024 Pope Francis focuses on the theme of discernment and in particular the motivation for declaring a marriage null, or not. *Mitis Iudex* was not about favouring nullity of marriage but expediting the process. It remains a judicial and not an administrative process. The Pope notes Aquinas's comment that mercy does not take away justice but is its

fullness. Reaching moral certainty requires discernment. Judges must pray and seek the guidance of the Holy Spirit. An objective judgment must be free from prejudice whether in favour of or against a declaration of nullity. A judge's discernment requires the two virtues of prudence and justice informed by charity. For a judge to "think with the Church" requires prayer. Discernment is a "synodal" process because it arises from discussion and accompaniment rather than a narrow *a priori* starting point.

## 1671-1691

### **SCL XVII (2022), 169-210: Arokiaraj Satis Kumar: Magisterial Teachings on the Pastoral Nature of the Matrimonial Process. (Article)**

K. examines in detail the role of the judge in the matrimonial process, from a human, juridical, and pastoral perspective.

## 1680

### **IM 35 (2024), nr 2, 99-116: Michał Wieczorek: Zagadnienie apelacji częściowej w procesie o stwierdzenie nieważności małżeństwa (*Partial appeal in the proceedings for declaration of nullity of a marriage*). (Article)**

W. addresses the issue of partial appeals in proceedings for the declaration of nullity of a marriage. He analyses various decrees issued by judges of the Tribunal of the Roman Rota, looking in particular at a wide spectrum of cases where one or both parties have filed a partial appeal. Frequently, such appeals tend to be treated as potentially merely dilatory (*mere dilatoria*). For this reason, in such cases it is possible to base the judgment on the other grounds of nullity, according to the principle of procedural economy.

## 1683-1687

### **IM 35 (2024), nr 2, 117-139: Kamil Krakowski: Posługa obrońcy węzła małżeńskiego na rzecz ochrony ważności małżeństwa w procesie skróconym coram Episcopo (*The service of the defender of the marriage bond in favour of protection of the validity of marriage in the briefer matrimonial process before the bishop*). (Article)**

K. analyses the procedural tasks undertaken by the defender of the bond in the briefer process to declare the nullity of marriage. The new norms introduced by Pope Francis in 2015 have not changed the position and nature of the service of the defender of the bond. His participation in the briefer

process is obligatory, because he acts as a public party, whose purpose is to protect the sacrament of marriage as a public good of the Church. His task is to convey, seek, and propose to the judge arguments against the invalidity of marriage. K. also includes an analysis of the service of the defender of the bond in all phases of the briefer process. In view of the simplified procedures and the rapid mode of proceedings, his participation in the process should be active, insightful, reliable, and substantive. K. indicates legal tools that the defender of the bond can make use of in protecting the validity of marriage.

### 1683-1687

**RDC 74/1 (2024), 69-91: Vincenzo Fasano – Anna Sammassimo: Incapacité à donner le consentement et rôles de l’expert dans le procès matrimonial plus bref. (Article)**

See above, canon 1095.

### 1683-1687

**REDC 80 (2023), 337-370: Carlos Hurtado de Mendoza: La violencia en el art. 14 § 1 de las reglas de procedimiento del *motu proprio Mitis Iudex Dominus Iesus*: una revisión crítica. (Article)**

This article is a review of the paradigm of violence contained in art. 14 §1 of the Procedural Rules of the *motu proprio Mitis Iudex Dominus Iesus*, based on the developments provided by the Rota’s *Subsidium* for the application of *Mitis Iudex* and contributions from canonical doctrine. The question is whether the legally relevant type of violence proposed – namely, exclusively physical, habitual, and serious – as an indication of matrimonial nullity adequately reflects the dynamics of perpetration and victimization that occur before and after the celebration of marriage.

### 1717

**Per 113 (2024), 507-518: Alessandro Mammarella: Interferenza dolosa: dalla negligenza al favoreggiamento. (Consultation)**

See above, canons 1371\*-1372\*.

## 1722

### **AC 65 (2024), 39-53: Bruno Gonçalves: Mesures disciplinaires, mesures conservatoires et sanctions pénales. (Article)**

G. deals with disciplinary measures that can be imposed during a preliminary investigation or penal process, whether judicial or administrative. He distinguishes between precautionary and other measures, and addresses the issue of terminology, the transitory nature of these measures, and the circumstances in which they can be imposed. Precautionary measures, such as the revocation of faculties, can be of indefinite duration but may not be permanent. The grounds for imposing disciplinary measures in canon 1722 are exhaustive. If other measures are imposed during penal proceedings, it must be made clear that this is done by virtue of the Ordinary's general authority (canon 392), not by virtue of canon 1722. Recourse is available based on other canons (cf. canons 281, 1350, 1353, and 1732).

## 1723

### **AC 65 (2024), 23-37: Laurent-Marie Pocquet du Haut-Jussé: L'accompagnement de la personne soupçonnée: place du conseil et de l'avocat. (Article)**

*Vos estis lux mundi*, art. 13 §8, states that a person under investigation may be assisted by legal counsel. P. insists that the natural right of defence cannot be limited by provisions of positive law. The *Vademecum on certain points of procedure in treating cases of sexual abuse of minors committed by clerics* (16 July 2020) requires the involvement of an advocate if recourse is taken against a decree (no. 158). The frequent references to advocates in the revised Book VI reflect the desire of the legislator to protect the rights of the accused in circumstances often marked by hysteria.

## 1729

### **IE XXXVI (2024), 541-561: Juan Damián Gandía Barber – Antonio Rella Rios: Los derechos de la víctima en el proceso penal judicial canónico. Elementos procesales. (Article)**

The relevance that penal proceedings have acquired, together with increased sensitivity towards victims of offences, have given rise to situations that, although provided for in canon law, were previously unknown in procedural practice. In this article the authors aim to offer guidelines and reliable criteria



for ensuring the proper defence of the rights of faithful who claim to be victims of an offence.

### 1732-1739

**ADC 14 (dicembre 2024), 129-197: Antonio Rella Ríos: El recurso contra los decretos penales del DDF. (Article)**

With the introduction of administrative procedures for handling cases involving the most serious offences reserved to the Dicastery for the Doctrine of the Faith, it became necessary to establish a system of recourse for reviewing the Dicastery's penal decisions. This legal mechanism was gradually refined, eventually leading to the current article 24 of the Norms regarding delicts reserved to the Dicastery.

### 1733

**IE XXXVI (2024), 655-698: Supremo Tribunale della Segnatura Apostolica: Prot. n. 9036/77 CA, *Remotionis a paroecia*, 8 aprile 1978 (sentenza definitiva) e Prot. n. 54162/19 CA, *Amotionis ab officio parochi*, 3 dicembre 2021 (sentenza definitiva) [il testo e la traduzione], con commento di Javier Canosa, *La rimozione del parroco in due sentenze della Segnatura Apostolica: commento con una riflessione sull'opportunità di adottare vie conciliative più efficaci*. (Sentence and comment)**

See below, canons 1740-1747.

### 1733-1734

**Per 113 (2024), 299-320: Anthony Ekpo: Is there a canonical path towards a juridical remedy for general administrative acts? (Note)**

See above, canons 31-34.

### 1734-1735

**AC 65 (2024), 142-164: Tribunal suprême de la signature apostolique: Prot. n. 53693/18 CA –N. Translationis (Rev.dus D.nus X – Congregatio pro Clericis). Sententia definitiva coram Daneels (8 October 2019); Éric Besson: Commentaire. (Sentence and comment)**

See above, canon 1445.

## 1737

**AC 65 (2024), 142-164: Tribunal suprême de la signature apostolique: Prot. n. 53693/18 CA –N. Translationis (Rev.dus D.nus X – Congregatio pro Clericis). Sententia definitiva coram Daneels (8 October 2019); Éric Besson: Commentaire.** (Sentence and comment)

See above, canon 1445.

## 1739

**IE XXXVI (2024), 699-718: Nikolaus Schöch: Tentativi di conciliazione in alcuni ricorsi contenzioso amministrativi presso la Segnatura Apostolica.** (Article)

Contentious-administrative recourses rarely conclude with a *compositio pacifica*, a formal agreement approved by the Apostolic Signatura (cf. *Lex propria*, art. 78 §2). More common are cases of implicit withdrawal, such as when a petitioner fails to pay the required deposit on time (cf. art. 78 §1). If withdrawal occurs after citation of the curial institution, the Signatura consults the respondent before admitting it (cf. art. 78 §3; canon 1524 §3). The curial authority may also revoke its own decree without consent (cf. canon 1739). The case concludes with the decree of *lis finita* issued by the Secretary.

## 1740-1747

**IE XXXVI (2024), 655-698: Supremo Tribunale della Segnatura Apostolica: Prot. n. 9036/77 CA, *Remotionis a paroecia*, 8 aprile 1978 (sentenza definitiva) e Prot. n. 54162/19 CA, *Amotionis ab officio parochi*, 3 dicembre 2021 (sentenza definitiva) [il testo e la traduzione], con commento di Javier Canosa, *La rimozione del parroco in due sentenze della Segnatura Apostolica: commento con una riflessione sull'opportunità di adottare vie conciliative più efficaci.*** (Sentence and comment)

C. comments on two definitive sentences in contentious-administrative cases before the Apostolic Signatura. In both cases a decision to remove a parish priest was declared illegitimate. C. reflects on the desirability of achieving greater effectiveness in the use of conciliatory measures.

## 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 Communio
- 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 McAreavey, 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.
Ang	Angelicum, 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.
Clar ITVC n.s	Claretianum ITVC, new series, Rome – Abstracts supplied by publisher.
Comm	Communicaciones, Rome – Rev. Mgr Gordon Read, Colchester, Essex.
EE	Estudios Eclesiásticos, Madrid – Abstracts supplied by publisher.
EIC	Ephemerides Iuris Canonici, new series, Venice – Abstracts supplied by publisher.
ELJ	Ecclesiastical Law Journal, London – Abstracts supplied by publisher.
ELT	Eastern Legal Thought, Kerala – Editor.
FCan	Forum Canonicum, Lisbon – Abstracts supplied by publisher.
IC	Ius Canonicum, Pamplona – Abstracts supplied by publisher.
IE	Ius Ecclesiae, Pisa-Rome – Abstracts supplied by publisher.
IM	Ius Matrimoniale, Uniwersytet Kardynała Stefana Wyszyńskiego, Warsaw – Abstracts supplied by publisher.
Ius Comm	Ius Communionis: Universidad San Dámaso, Madrid – Abstracts supplied by publisher.

J	The Jurist, Washington – Abstracts supplied by publisher.
L	Laurentianum, Rome – Abstracts supplied by publisher.
LJ	Law and Justice, Worcester – Abstracts supplied by publisher.
MFS	Marriage, Families & Spirituality (formerly INTAMS Review), Leuven – Abstracts supplied by publisher.
NRT	Nouvelle revue théologique, Brussels – Abstracts supplied by publisher.
Per	Periodica, Rome – Fr Aidan McGrath OFM, Dublin.
PS	Philippiniana Sacra, Manila – Abstracts supplied by publisher.
QDE	Quaderni di Diritto Ecclesiale, Milan – Fr Luke Beckett OSB, Ampleforth, York.
RDC	Revue de Droit Canonique, Strasbourg – Abstracts supplied by publisher.
REDC	Revista Española de Derecho Canónico, Salamanca – Abstracts supplied by publisher.
RGDCDEE	Revista General de Derecho Canónico y Derecho Eclesiástico del Estado (online publication: <a href="https://www.iustel.com/">https://www.iustel.com/</a> ) – Abstracts supplied by publisher.
RTL	Revue théologique de Louvain – Abstracts supplied by publisher.
SC	Studia Canonica, Ottawa – Abstracts supplied by publisher.
—	Stato, Chiese e pluralismo confessionale (online publication: <a href="https://www.statoechiese.it">https://www.statoechiese.it</a> ) – Abstract supplied by publisher.
SCL	Studies in Church Law, Bangalore – Editor.
Verg	Vergentis: Revista de Investigación de la Cátedra Internacional conjunta Inocencio III: Universidad Católica San Antonio de Murcia – Abstracts supplied by publisher.
VR	Vida Religiosa, Madrid – Editor.

## ENGLISH-LANGUAGE BOOKS REVIEWED IN THE ABOVE PERIODICALS

- John ABRAHAM: *Marriage Instructions: Theological and Canonical*, ATC Publishers, Bengaluru, India, 2022 (reviewed by Arokiaraj Satis Kumar in *SCL XVII* [2022], 323-325)
- Daniel CHANDA: *The Church's Response to Sexual Abuse of Minors: A Canonical Study of ZCCB (Zambia) Guidelines on Child Protection* (Thesis ad Doctoratum in Iure Canonico totaliter edita), Pontificia Universitas Sanctae Crucis Facultas Iuris Canonici, Rome, 2023, 282pp. (reviewed by Gerardo Galaviz in *J 80* [2024], 694-696)
- David L. D'AVRAY: *Papal Jurisprudence 385-1200: Social Origins and Medieval Reception of Canon Law*, Cambridge University Press, 2022, 241pp. + appendices, ISBN 978-1108472937 (reviewed by John Duddington in *LJ 193* [2024], 183-184)
- Rafael DOMINGO: *Law and Religion in a Secular Age*, The Catholic University of America Press, Washington, DC, 2024, xx + 332pp., ISBN 978-0-1323-729-9 (reviewed by John Witte Jr in *IC 64/128* [2024], 848-857; also by Paul Avis in *ELJ 26* [2024], 335-337)
- Anthony EKPO: *The Roman Curia: History, Theology, and Organization*, Georgetown University Press, Washington, DC, 2024, x + 275pp., ISBN 978-1-64712-436-6 (reviewed by John A. Renken in *SC 58* [2024], 715-718)
- Carlos José ERRÁZURIZ (translated by Michael Joseph Mazza): *That Which is Just in the Church: An Introduction to Canon Law*, Volume 1, St. Augustine's Press, South Bend, IN, 2023, 190pp. (reviewed by Steven G. Oetjen in *J 80* [2024], 692-694)
- Anthony FISHER (foreword by Cardinal Mario Grech): *Unity in Christ: Bishops, Synodality, and Communion*, The Catholic University of America Press, Washington, DC, 2023, xi + 169pp., ISBN: 978-0-8132-3731-2 (reviewed by Bradly S. Billings in *ELJ 26* [2024], 338-340)

- Judith HAHN: *The Sacraments of the Law and the Law of the Sacraments*, Cambridge University Press, 2023, ix + 290pp., ISBN: 9781009330169 (reviewed by Benjamin Earl in *ELJ* 26 [2024], pp. 340-342)
- Mark HILL – R. H. HELMHOLZ (eds.): *Great Christian Jurists in English History*, Cambridge University Press, 2017, 338pp. + index, ISBN 978-1316638019 (reviewed by John Duddington in *LJ* 193 [2024], 181-183)
- Matthew J. J. HOSKIN: *The Manuscripts of Leo the Great's Letters. The Transmission and Reception of Papal Documents in Late Antiquity and the Middle Ages*, Instrumenta Patristica et Mediaevalia 83, Brepols, Turnhout 2022, 516pp., ISBN 978-2-503-58966-4 (reviewed by Joaquín Sedano in *IC* 64/128 [2024], 861-865)
- Tharigopala LOURDUSAMY: *Canon Law on Prenuptial Preparation and Marriage Celebration*, ATC Publishers, Bengaluru, India, 2022 (reviewed by Arokiaraj Satis Kumar in *SCL XVII* [2022], 326-328)
- Varghese PALATHINGAL (ed.): *Prospects for Renewal in Ecumenical Ethos*, Qanona 8, OIRSI Publications, Kottayam, 2021, 279pp. (reviewed by Kevin Mundakkalin in *ELT* 20 [2024], 137-144)
- Dawid PIETRAS: *The Pontifical Commission Ecclesia Dei (1988-2019): Competences, Structure, and Activity*, Wydawnictwo Scriptum, Krakow, 2023, 149pp. (reviewed by Chad. G. Glendinning in *J* 80 [2024], 689-690)
- Petar POPOVIĆ: *The Goodness of Rights and the Juridical Domain of the Good. Essays in Thomistic Juridical Realism*, Subsidia canonica 33, EDUSC, Rome, 2021, 440pp., ISBN 978-88-8333-965-3 (reviewed by Loïc-Marie Le-Bot in *Ang* 100 [2024], 139-143)
- Christof ROLKER: *Canon Law in the Age of Reforms (ca. 1000 to ca. 1150)*, History of Medieval Canon Law 6, edited by Kenneth Pennington, The Catholic University of America Press, Washington, DC, 2023, xxvi + 538pp. (reviewed by Brian T. Austin in *J* 80 [2024], 696-697)
- Adrian VERMEULE: *Common Good Constitutionalism. Recovering the Classical Legal Tradition*, Polity Press, Cambridge (UK) – Medford (USA), 2022, 241pp. (reviewed by Vytautas Saladis in *IE XXXVI* [2024], 770-774)

- John WITTE, Jr. – Rafael DOMINGO: *The Oxford Handbook of Christianity and Law*, Oxford Handbooks, Oxford University Press, New York, 2024, xviii + 899pp., ISBN 978-0-19-760675-9 (reviewed by Brian T. Austin in SC 58 [2024], 720-721)
- William E. YOUNG JR.: *Marriage Annulments under Pope Francis*, Liguori Publications, Liguori, MO, 2018, 31pp. (reviewed by Thou Ngaoni in MFS 30 [2024], 315-316)

## BOOKS RECEIVED

- Davide DIMODUGNO: *La gestione e il riuso delle chiese cattoliche in una prospettiva comparata – Un'indagine tra Belgio, Francia e Italia*, Università degli Studi di Torino, Turin, 2025, 292pp., ISBN 9788849557978 / 9788875903381 [see above, canon 1222]

The text of the above publication is also available online at:  
<https://www.collane.unito.it/oa/items/show/215>

An English translation of the introduction is available at:  
<https://canopyforum.org/2025/05/15/the-management-and-reuse-of-catholic-churches-in-belgium-france-and-italy-from-a-comparative-perspective/>

- Arulselvam RAYAPPAN: *Synodality in the Law and Life of the Church*, ATC Publishers, Bengaluru, India, 2025, 181pp., ISBN: 978-81-19664-50-4 [see above, General Subjects (*Ecclesiology*)]