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Every effort is made to report the views of authors objectively and accurately, without attempting to comment on them. Since, however, our contributors are fully engaged in their own work, it is impossible to exclude all danger of inaccuracy or misinterpretation. If any of our readers discover any inaccuracies, we hope they will point them out to the editor.

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GENERAL SUBJECTS

AA XIII (2006), 157-186: Juan G. Navarro Floria: Iglesias, medios de comunicación y libertad religiosa en la República Argentina. (Conference presentation)

N.F.'s subject is that of the access of the Churches and religious groups to the mass media and means of communication in Argentina. Without freedom of expression, and therefore the means to express it, there is no real religious freedom. He considers the ownership of the mass media (press, radio, television and internet), the intervention of ministers of religion in the media, limits and restrictions on freedom of expression for religious motives, the wounding of religious sensibilities and beliefs, the lack of any legal protection in this field (although there exists the right of reply) and the penal sanctions for incitement to hatred on religious grounds. His overall conclusion is that, with some minor reservations, the Churches and religious groups in Argentina enjoy adequate freedom of expression.

AA XIII (2006), 323-339: Raffaello Funghini: Indagación y análisis de las sentencias rotales c. R.P.D. Pericle Felici en las causas de nulidad de matrimonio. (Article)

This is a Spanish translation of the original Italian text, slightly adapted, sent by F. to the editor of *Anuario Argentino de Derecho Canónico* with whom he had collaborated and whom he had supported over the years in the work of this publication. It is published here as a tribute to F. who died in May 2006. The article, which subsequently appeared in *Quaderni Studio Rotale* 16 (2006), pp. 33-46, is a commentary on a recent publication (*Coram Felici*, Città del Vaticano, 2005) and comments on Felici's sentences on nullity of marriage based on the principal traditional grounds (grave lack of discretion; inability to assume the essential obligations of marriage; condition; exclusion of *bonum prolis, fidei, sacramenti*; impotence; force and fear; error). F. also comments on the fluency and elegance of Felici's Latin style in the composition of his sentences.

ELJ IX 40 1/07, 53-65: Kenyon Homfray: Existentialism, Eschatology and Wisdom: Canon Law as an Interim Agent of the Kingdom. (Article)

Using methods of analysis suggested by existentialism, existential eschatology and the wisdom tradition, H. seeks to offer an understanding of what canon law is and why it is necessary for the Church, in a philosophical and theological

sense. He concludes that canon law may be seen as an interim agent of the Kingdom. The analysis is grounded in the phenomenological, Stoic and Platonic schools of thought, formed as ontological questions.

ELJ IX 40 1/07, 66-86: Javier García Oliva: The Legal Protection of Believers and Beliefs in the United Kingdom. (Article)

The enactment of the Racial and Religious Hatred Act 2006 is the most recent legal mechanism developed to protect believers, beliefs and religious feelings in the United Kingdom. Despite the recognition of a certain degree of overlap between the different categories, G.O. proposes a broad distinction between legal devices which protect believers and those which safeguard beliefs and religious feelings. The common law offence of blasphemy is analysed, taking into consideration the response of both the UK courts and the European Court of Human Rights. The endorsement of the English law of blasphemy by Strasbourg is particularly relevant. Furthermore, G.O. focuses on different instruments that, throughout the last few decades, have been articulated to protect the faithful, such as the crimes of religiously-aggravated offences and the offence of incitement to religious hatred.

ELJ IX 41 5/07, 161-174: Adriana Opromolla: Law, Gender and Religious Belief in Europe: Considerations from a Catholic Perspective. (Article)

In the teaching of the Catholic Church, the institution of marriage derives directly from God, for the common good and for the good of spouses and children. Human authorities are called upon not to transform its characteristics and to avoid any attempts to distort them. However, the Church is today confronted with a changing understanding of the notion of "gender" and with new considerations about the meaning of "marriage" on behalf of parts of society and of political institutions. Based on an overview of the recent legislative and political proposals concerning family issues at the European level, O. aims to assess what model of family the member States of the European Union are developing, and how the traditional concept of marriage could be influenced by this evolution.

IC XLVI 93/07, 255-270: Jorge Otaduy: Crónica de legislación 2006. Derecho eclesiástico español. (Report)

O. presents a review of legislation from 2006 involving issues of Spanish ecclesiastical law, particularly education, finance, pastoral care of prisoners, social security, and the means of communication.

IC XLVI 93/07, 271-306: Jorge Otaduy: Crónica de jurisprudencia 2006. Derecho eclesiástico español. (Report)

O. presents a review of several decisions in 2006 of the European Court of Human Rights dealing with questions of religious freedom; also with the alleged right to make use of frozen embryos, or to transfer a person's mortal remains from one place to another. There is also one case involving defamation arising out of an article holding the Catholic Church responsible for the atrocities of Auschwitz. O. then looks at a variety of cases coming before the Spanish courts and involving issues of Spanish ecclesiastical law.

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

S. presents a review of the main canonical contributions of Pope Benedict XVI and the Roman Curia during 2006. These include the Pope's address to the Roman Rota (28 January 2006), dealing with the judicial process as a search for the truth; his announcement on 24 April 2006 of an Instruction for the diocesan investigation of causes of saints (see below, canon 1403); the erection of various Latin and Eastern rite ecclesiastical circumscriptions; a *rescriptum ex audientia* on the competences of Roman Curia in respect of the establishment of circumscriptions and the appointment of bishops (4 January 2006: see below, canons 377-378); the suppression of the title "Patriarch of the West" (22 March 2006: see below, canon 331); the erection of the "Good Shepherd Institute" as a society of apostolic life for priests and seminarians, including some who had belonged to the Society of St Pius X and had now returned to full communion with the Church (8 September 2006: see below, canon 731); a *rescriptum ex audientia* on the new statutes of the Synod of Bishops (29 September 2006: see below, canons 342-348); and the Pope's dialogue with the Orthodox Church during his visit to Turkey (30 November 2006), when he acknowledged that the ways in which the Petrine ministry had sometimes been exercised had been a cause of differences between the two Churches, and suggested that the study of this question might be a topic for further ecumenical discussions. The review then goes on to mention the more significant documents and activities of the Roman Curia in 2006, including the Congregation for the Doctrine of the Faith's decision not to pursue canonical proceedings against Fr Marcial Marciel (19 May 2006); the Congregation for Bishops' reply to doubts relating to votes within the episcopal conferences (17 February 2006: see below, canons 454-455), and the *monitio* issued to Fernando Lugo Pérez, Emeritus Bishop of San Pedro, Paraguay, warning him not to present himself as a candidate for that country's presidency (21 December 2006: see below, canon 1333); the Congregation for Divine Worship's letter on the ordination of permanent deacons in San Cristóbal de las Casas, Mexico (dated 26 October 2005 but

made known in March 2006), and the letter of 17 October 2006 on the translation of the phrase *pro multis* in the words of the Consecration at Mass (see below, canon 838); as well as the Congregation for Catholic Education's letter on the pastoral care of migrants (dated 3 December 2005 but not released until 2006). S. then dedicates sections to the activity of the Apostolic Tribunals and Pontifical Councils (including the Notification of the Pontifical Council for Legislative Texts on the *actus formalis defectionis ab Ecclesia catholica*: 13 March 2006, and the Explanatory Note issued by the same Council on the juridical nature of the *recognitio*: 28 April 2006: see below canons 455-456); also the declaration made by the Holy See's Press Office on the ecclesial situation of Archbishop Milingo (26 September 2006: see below, canon 1382); the meeting of the College of Cardinals which took place on 23 March 2006; the diplomatic activity of the Holy See during 2006; and documentation issued by the Spanish Episcopal Conference.

J 67 (2007), 1-14: Thomas J. Green / Ronald G. Robertson: John E. Lynch C.S.P. – History and Canon Law. (Tribute)

Given here is a tribute to John E. Lynch C.S.P, Emeritus Professor of History of Canon Law at the Catholic University of America.

J 67 (2007), 15-38: Ladislas Örsy: Law for Life. *Sacrae Disciplinae Leges:* Forty Years after the Council. (Article)

Ö. argues that the forward thinking of Vatican II was neglected in the making of canon law. This occurred because of the short-sightedness of those who presided over the revision of the Code of Canon Law. For the most part they were people who fought a rearguard action against the findings of Vatican II. This meant that canon law did not reflect the humanity of Vatican II or the theology of the Council and inhibited the gifts of the Holy Spirit. He considers that Vatican II offers a more rounded basis for Church law.

REDC 63 160/06, 277-303: Juan Goti Ordeñana: ¿Por una España laica? (Article)

In his article G.O. takes on the Spanish socialist party (PSOE) and government and other like-minded secularist groups who see in Christianity (and specifically in the Catholic Church in the Spanish context) their great antagonist and the obstacle in the way of transforming society into a completely secularist State with a totally anti-religious and anti-clerical mindset based on a so-called socialist-progressive ideology. Religion and religiously-inspired actions and

policies are all seen as hindering the onward progress of this ideology in its aim to replace an outdated institution and way of life which is in any case bound for extinction. While working to undermine and destroy religion and its influence in society, it is ironic that this anti-Christian ideology, in its attempt to dislodge Christian values and replace them with its own, should avail itself of the very concepts of freedom and human rights, dialogue and liberty of expression which the Church in Spain has championed now for many years. A religiously-neutral State (which the Spanish Constitution of 1978 upholds) is a very different reality from a rampantly secularist and anti-religious State which G.O. accuses the present socialist government of attempting to establish.

REDC 63 160/06, 305-331: José San José Prisco: La religiosidad popular: aspectos antropológicos, pastorales y canónicos. (Article)

The Directory on Popular Piety and the Liturgy issued by the Congregation for Divine Worship and the Discipline of the Sacraments on 17 December 2001 provides the focus for this article. While the liturgy is the source and summit of the Christian's spiritual life, nevertheless popular piety and devotion in every age has always played an important part in the expression of people's faith. Excesses and superstitious practices must be avoided but genuine popular piety is not to be discouraged, still less suppressed. S.J.P. examines its anthropological aspects (awareness of nature and ecology, rites of passage, the maintenance of culture and tradition) and its specifically Christian value (celebration of different aspects of divine Revelation, inculcation of a spirit of devotion, repentance and penance). The last part of his article deals with popular piety as an important part of the living tradition of the people of God in pastoral action at parish and diocesan level.

REDC 63 160/06, 333-343: Mercedes Vidal Gallardo: Inclusión en el Régimen General de la Seguridad Social de los dirigentes religiosos e imames de las comunidades integradas en la Comisión Islámica de España. (Article)

V.G. provides the text of the legislation (Royal Decree 176/2006, 10 February 2006) on the inclusion in the Spanish social security system of the religious leaders and imams of the Islamic communities, followed by a brief study of its implications, conditions and consequences. This is the latest in a series of articles in this journal in recent years on similar legislation affecting some of the other religious communities in Spain.

REDC 63 160/06, 345-368: Federico R. Aznar Gil: Boletín de legislación canónica particular española 2005. (Compilation)

A.G. provides an exhaustive list of particular legislation for the year 2005 covering most of the dioceses of Spain. His ordering follows the layout of the Books and Sections of the Code. He presents the title of the relevant piece of legislation, with its diocese, followed by the date of its promulgation, giving the volume number, year and page number of the official diocesan publication in which it appears.

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

This is a collection of H.'s thoughts on a wide range of issues, translated into Italian from the original Spanish, to which the translator (Lucia Graziano) has added a series of references to other writings in which H. deals with each topic more extensively, as well as a general bibliography. The fourteen chapters in this collection deal with reflections on the current state of canon law, what it means to be a canonist, canonical methodology, equality and variety in the Church, the notion of *status* (see below, canons 204-231), the aim of the Church, the fundamental rights of the faithful, consecrated life (see below, canon 573), the true meaning of "secularity" in the Church, charisms, associations (see below, canons 298-329), powers (see below, canon 129), ecclesiastical circumscriptions (see below, canons 368-374), and prelatures (see below, canons 294-297). (For bibliographical details see below, Books Received.)

HISTORICAL SUBJECTS

First millennium

AA XIII (2006), 245-265: Juan Manuel Gramajo: La organización constitucional romana y el origen de la personalidad internacional de la Santa Sede. (Article)

G.'s theme is the origin and sources of the international juridical personality of the Holy See. He traces its beginnings to the status afforded to the Bishop of Rome in the centuries following the Edict of Milan when the Church began to become part of the *res publica* and was integrated into and regulated by its legal and juridical system. In the upheaval and disintegration of the empire in the fifth and sixth centuries the Bishop of Rome found himself taking on a more important role in Roman public law, including those characteristics which belong to the essence of international juridical personality, namely *ius contrahendi* and *ius legationis*. This development greatly predates the acquisition of those territories which became the Papal States, over which the Pope had full sovereignty, thereby providing a clear basis for international juridical personality. The earlier acquisition of that status was based on the internationally-recognised spiritual and moral authority exercised by the Apostolic See.

ETL 83 4/07, 107-121: Geoffrey D. Dunn: The Validity of Marriage in Cases of Captivity – The Letter of Innocent I to Probus. (Article)

By Roman civil law, if a partner in a marriage was abducted and forced into slavery, the marriage was dissolved and the remaining spouse could marry again. In the course of barbarian invasions of Rome in the early fifth century, a wife, Ursa, was abducted in this way. The husband, Fortunius, remarried, this time to Restituta. However, Ursa eventually returned to Rome and wanted to resume her married life. Being a Christian, she brought her problem to the attention of Innocent I, who decreed that the validity of the first marriage endured and the second was therefore invalid.

J 67 (2007), 72-88: Clarence Gallagher: Patriarch Photius and Pope Nicholas I and the Council of 879. (Article)

Photius had been favoured as Patriarch of Constantinople, but was rejected by Rome. The Council of 869-870 was successful in restoring unity between Rome

and Constantinople. G. summarises the results of modern scholarship on the Council of Constantinople of 879, asking three questions: Why was this 879 Council forgotten in the West? Why was it replaced by the Council of 869-870? Why should it be remembered today?

REDC 63 160/06, 255-276: Miguel Falção: O *ius connubii* romano e o direito ao matrimónio. (Article)

See below, canon 1058.

Classical period

IC XLVI 93/07, 119-139: Giannamaria Caserta: Considerations about the Marriage Regulations of Canon Law and the Apostolic Penitentiary in Late Middle Ages. (Article)

Since canon law has often been understood as a homogeneous collection of laws that were interpreted in a similar way throughout Christendom, there has been little study of the differences of interpretation of the norms of canon law. C. aims at an understanding of the medieval canonical marriage regulations among Christians, especially from the viewpoint of whether, and in what way, they were applied and interpreted differently in different parts of the Christian West in the late Middle Ages. The sources on which her study is based are the petitions submitted to the Apostolic Penitentiary – one of the most important offices in the Papal Curia, especially in the late Middle Ages – during the pontificate of Pius II (1458-1464), amounting to almost 4,200 cases in all.

J 67 (2007), 39-57: Richard H. Helmholz: Children's Rights and the Canon Law: Law and Practice in Later Medieval England. (Article)

H. contrasts the tidal wave of concern in recent legislation for children to the scant amount of legislation on their behalf in medieval times. Medieval law recognised the underlying justice of granting special rights to children in need, but there was little sentimentality about childhood. Canonists had no separate title or book dealing with children's rights. Normally it was required to be beyond minor status to invoke ecclesiastical jurisdiction.

J 67 (2007), 58-71: James A. Brundage: Full and Partial Proof in Classical Canonical Procedure. (Article)

B. writes about some of the innovations in the law of evidence that became current during the thirteenth century. Innocent III wished to tighten proof, mainly to deal with clerics living in concubinage. Notoriety was a novel creation that had no real counterpart in Roman law. Tancred argued that notoriety could not displace the *ordo judiciarius* – there had to be a hearing and witnesses. This prevailed in England in the ecclesiastical courts in the thirteenth century. The speculations of the Popes and lawyers about evidential value were further developed by Pascal and Leibnitz. Many of the elements of modern probability theory rest in part upon foundations laid by the medieval lawyers concerning the law of proof.

16th-18th centuries

IC XLVI 93/07, 99-118: Marta García Alonso: La «contrarrevolución» jurídica de Calvino. La potestad de jurisdicción eclesial reformada. (Article)

G.A. argues that the three marks of the Calvinist Church (doctrine, sacraments, discipline) restate the three classical powers attributed to the Catholic Church: jurisdictional, sacramental and magisterial. Unlike Luther, for whom the only ecclesiastical powers were the authority to preach and teach, Calvin acknowledges not only the magisterial and sacramental powers of the Church, but also a jurisdictional power which supposes the existence of legislative and judicial power. This jurisdictional dimension is the key to explaining the role played by the Calvinist Church vis-à-vis the State, and its difference in relation to other Protestant creeds.

19th century

SC 40 2/06, 417-432: Arnaud Decroix: Perspectives canoniques autour des démissions épiscopales de l'an X. (Article)

In France, the Napoleonic Concordat of 1801 regulated relations between the Church and the State until the *Loi de séparation* of 1905. It continued to be applied, after the First World War, to the departments of Alsace-Moselle, which had become French after being under German sovereignty since 1870. As a result of long negotiations between the government and the Holy See, this Concordat is regarded as an act of compromise. The request of Rome to the

French bishops to renounce freely their episcopal sees constituted, without doubt, one of the more delicate provisions. This article proposes to extricate the points of law which were invoked for support of this singular demand, conspicuous for its collective character and the absence of any personal fault. If certain arguments can be drawn from the application of the famous adage *salus populi suprema lex esto*, the notion of the "impeded see" must also be carefully examined.

Vid 69 6/05, 431-443: Eliza Kent: Law of the Land: Indigenous Marriage Practices, Caste, and Indian Christians in 19th Century India. (Article)

K. considers the process of inculturation with particular reference to the issue of degrees of consanguinity permitted (or even recommended) according to local custom but prohibited by the law of various Christian denominations; and the development of the civil law in the nineteenth century to deal with such issues.

20th century

ELJ IX 41 5/07, 175-186: Rossella Bottoni: The Origins of Secularism in Turkey. (Article)

B., a Research Fellow in Canon Law in Piacenza, offers some remarks on the relationship between Ottoman reforms and Atatürk's revolutionary laws – a relationship that is generally minimised or misperceived. The first part focuses upon the Ottoman system of relations between the State and religious denominations. It challenges the theory of the theocratic character of the Ottoman Empire, which constitutes one of the traditional arguments strengthening the case against the importance of the Ottoman secularising reforms. The second part of the paper deals with the Ottoman reforms concerning dress, education and administration of justice. It stresses the secular character of such measures, and maintains that there is no historical grounding to the view that the secularisation of institutions is always accompanied by the secularisation of society. The third part takes into account the two elements that most distinguish Mustafa Kemal's reforms from the Ottoman ones: that is, the ideological nature of the principle of secularism, and the method of preparation and implementation of the revolutionary laws.

1917 Code

IC XLVI 93/07, 141-175: Diego Zalbidea González: Antecedentes del patrimonio estable (c. 1291 del CIC de 1983). (Article)

See below, canon 1291.

QDE 20 (2007), 82-104: Gianluca Marchetti: La riammisione alla Chiesa cattolica di coloro che hanno abbandonato la piena comunione. (Article)

See below, canon 751.

REDC 63 160/06, 199-227: Vicente Cárcel Ortí: Instrucciones al Nuncio Gaetano Cicognani en 1938. (Article)

C.O. provides the full Italian text of the instructions given to Archbishop Gaetano Cicognani on 10 June 1938 on his appointment as the first Papal Nuncio to the new Nationalist government of Spain, based at that time in Salamanca. Among other matters he was given information on the political, military, religious and diplomatic situation in both Nationalist and Republican zones, the charitable relief work undertaken by the Holy See in Spain, the vacancies in thirteen dioceses due to the murder, death or transfer of bishops, and the particularly sensitive situation in the Basque provinces among sections of the clergy. Instructions were also given on relationships with the diplomatic corps. In addition the Nuncio was asked to encourage support in Spain for the work of the Holy See, especially in the annual offering of Peter's Pence.

Ernest Caparros: The Juridical Mind of Saint Josemaría Escrivá: A Brief History of the Canonical Path of Opus Dei. (Book)

See below, canons 294-297.

Second Vatican Council and revision of the CIC

CpR LXXXVII 3-4/06, 393-422: O. Manzo: L'esenzione al Concilio Vaticano II tra incertezze e desiderio di rinnovamento. (Article)

In the period between the promulgation of the 1917 Code and the celebration of the Second Vatican Council, relations between bishops and religious institutes

were not a major subject for discussion in magisterial documents – M. points to Pius XII's allocation *Annus Sacer* (8 December 1950) as the sole exception. With the calling of the Council, however, renewed attention was given to the concept of exemption, and M. traces the teaching of the approved authors of the period and the drafts and final texts of the Council (particularly those leading up to no. 45 of *Lumen Gentium* and no. 35 of *Christus Dominus*). These show the attempt to achieve the correct balance regarding the faculty of the Roman Pontiff to exempt institutes and individual religious from the jurisdiction of the local ordinary for the good of the Church, the reference of exemption being primarily (but not exclusively) to the internal ordering of the institute and the protection of its charism.

REDC 63 160/06, 229-253: Myriam Cortés Diéguez: Del Concilio Vaticano II a la Ley Orgánica de Libertad Religiosa. La evolución del derecho a la libertad religiosa en España. (Article)

C.D. deals with the development in Spain of the right to religious freedom from the early days of the Franco dictatorship, which declared Spain to be a confessionally Catholic State whose laws were to be inspired by the teaching and faith of the Church (other religions being merely tolerated in the private exercise of their worship but with no public or visible manifestation, a situation enshrined in the 1953 Concordat with the Holy See) to the present situation guaranteed in the 1978 Spanish Constitution and the Law of Religious Freedom of 1980, which declared Spain to be a completely aconfessional state, neither professing nor favouring any specific religion, and recognising the freedom of worship and equality before the law of all religious groups. C.D. examines especially the part played in this development by the teaching of Vatican II and the lead given to the Spanish people by the recently-formed episcopal conference in the years immediately following the Council. This lead, initially hesitant, became more confident and firm from the late 1960s and was crucial in the years immediately following Franco's death in 1975, leading to the present recognition of the fundamental rights of all religious groups and the special Accords which the Spanish State has negotiated not only with the Catholic Church but also with the Protestant, Jewish and Muslim communities.

RTL 38 (2007), 3-28: Alphonse Borras: La théologie du diaconat. Où en sommes nous? (Article)

Vatican II gave the green light for the re-establishment of a permanent diaconate with a double background of pastoral and missionary preoccupations. The Fathers of the Council based their decision on some theological assertions which, afterwards, were to shed light on the re-establishment of this ministry

and at the same time provide the basis for later theological developments, in particular the clear and unequivocal affirmation of its sacramental nature. The practice of the newly-established diaconate in the period after the Council has led to a deeper theological investigation of its sacramental nature within the sacrament of ordination. B. wishes to bring out the implications for the question of its sacramental character, the configuration to Christ and the possible qualification of action by deacons *in persona Christi* as well as the question of *potestates*, that is to say the powers linked to the reception of the diaconate. Once we take into account the instituting and enabling effects of the ordination, does not the ministry of deacon imply the apostolic authenticity of the Gospel? B. concludes by recognising deacons as official guarantors of the *diakonia* undertaken in the name of Christ and with his authority.

Ernest Caparros: The Juridical Mind of Saint Josemaría Escrivá: A Brief History of the Canonical Path of Opus Dei. (Book)

See below, canons 294-297.

CODE OF CANONS OF THE EASTERN CHURCHES

IC XLVI 93/07, 239-240: Secretaría del Estado: «Rescriptum ex audientia» sobre constitución y provisión de circunscripciones eclesiásticas, 4.I.2006. (Document)

See below, canons 377-378.

IC XLVI 93/07, 241-251: Antonio Viana: Las competencias de la Curia romana sobre la constitución de circunscripciones y el nombramiento de obispos. (Commentary)

See below, canons 377-378.

J 67 (2007), 89-108: John D. Faris: Byzantines in Italy: A Microcosm of an Evolving Ecclesiology. (Article)

F. gives an account of difficulties between East and West with emphasis on the place of the Byzantines in Italian territory. Much of this was an unhappy period: Byzantines were for long periods subject to Western bishops who made no secret of their suspicions of the Byzantines. This affected the fundamental ecclesiology of the Roman Church. Some light broke through with Leo XIII, Benedict XV and Pius XI and the creation of eparchies for the Byzantines.

SC 40 2/06, 371-396: Jobe Abbass: Assemblies of Hierarchs for Eastern Catholic Bishops in the Diaspora. (Article)

Orientalium Ecclesiarum, no. 4, and *Christus Dominus*, no. 38, encouraged the development of structures to foster interecclesial cooperation and collaboration for the Eastern Churches. Canon 322 of the CCEO prescribes the establishment of assemblies of hierarchs of various Churches *sui iuris*, including the Latin Church, who exercise their powers in the same region. These assemblies will promote a unity of action and direction as taught by Vatican II. This article is a study of the evolution of the *iter* of CCEO, canon 322. Various questions arose during the preparation of the CCEO. Were these assemblies of hierarchs also envisioned for the diaspora, or only in patriarchal territories? What was the *mens legislatoris* on this question? The legislative evolution of canon 322 is first investigated by A. This is followed by a commentary on the four paragraphs of canon 322. The final section proposes the institution of assemblies of hierarchs for Eastern Catholic bishops in the diaspora, and also

their role as members of Latin conferences of bishops, especially in the United States and Canada.

Georgică Grigoriță: Il concetto di *Ecclesia sui iuris*. Un indagine storica, giuridica e canonica. (Thesis)

The concept of *Ecclesia sui iuris* made its official entry into canonical terminology with the Code of Canons of the Eastern Churches in 1990 (although the term *sui iuris* is to be found in earlier canonical texts). More than simply being a terminological innovation, it represents a new ecclesiological vision of the Catholic Church. In this work G. studies the content of the concept of *Ecclesia sui iuris* and attempts to highlight and explain the reasons why it may be of benefit for Catholic-Orthodox ecumenical dialogue. G.'s opinion is that the concept still needs further revision, as its rather tautological definition in canon 27 of the CCEO leaves a good deal of space for personal interpretation on the part of learned authors, with the result that there are currently many theories regarding the nature of an *Ecclesia sui iuris*. The new ecclesiological vision also implies that the Latin Church needs to be identified with an *Ecclesia sui iuris*, which G. considers is incorrect. Furthermore, the fact that the concept does not form part of the Eastern tradition may cause confusion in ecumenical dealings. The concept of *Ecclesia sui iuris* therefore needs to be clarified, both from the point of view of the internal ordering of the Catholic Church and from that of ecumenical relations with the Orthodox, in order to help achieve the unity of the one Church of Christ. (For bibliographical details see below, Books Received.)

BOOK I: GENERAL NORMS

2

RTL 38 (2007), 187-203: Paul de Clerck: Existe-t-il une loi de la liturgie? (Conference presentation)

In a presentation given during the Liturgical Study Week held at the Orthodox Saint-Serge Institute of Theology in Paris (June 2006), de C. asks whether there is a governing authority for liturgy. He begins by studying the significance of the adage *lex orandi, lex credendi*; in doing so, he says, we discover that the *lex* in question is that of Scripture, as received by the Churches, and implemented in their liturgies. He then attempts to determine the levels of authority of each of these. Scripture appears as the fundamental norm; the Church has the duty to oversee that the Biblical input and the liturgical norms correspond; lastly, liturgists have the task of exercising a certain authority over liturgy so that what is attained corresponds to the intentions put forward.

7-8

QDE 20 (2007), 126-144: Giuliano Brugnotto: Tipologia degli atti legislativi del vescovo diocesano. (Article)

See below, canon 381.

11

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

See below, canons 204-205.

11

QDE 20 (2007), 60-81: Alberto Perlasca: L'abbandono della Chiesa cattolica e libertà religiosa. Implicazioni canoniche e di diritto ecclesiastico. (Article)

Leaving the Church is often understood as a key element and a specific application of religious freedom. Canon 11 however provides that merely ecclesiastical laws bind those who were baptised in the Catholic Church or received into it, and P. asks whether this provision constitutes a denial or

violation of that freedom. He first of all clarifies the meaning of religious freedom (or "freedom of religion"), especially in the light of the teaching of Vatican II's Declaration on Religious Freedom *Dignitatis Humanae*, before setting out the background to the wording of canon 11. After examining the opinions of various learned authors he studies the consequences that would follow in certain situations if the act of leaving the Church were to imply a complete "dissociation" from ecclesiastical laws, particularly in the area of marriage and the right to privacy (in this context, the alleged "right" to have one's name deleted from the baptismal register).

11

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See below, canon 205.

25

QDE 20 (2007), 117-125: G. Paolo Montini: La diocesi comunità capace di ricevere leggi, ossia il vescovo diocesano legislatore. (Article)

Starting from the consideration that the diocese is a "community capable at least of receiving a law", M. stresses that the making of particular laws (i.e. true laws and not merely administrative acts) is not only a duty for the bishop but is also something which the community have a right to receive.

29

QDE 20 (2007), 117-125: G. Paolo Montini: La diocesi comunità capace di ricevere leggi, ossia il vescovo diocesano legislatore. (Article)

See above, canon 25.

34

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

59

IC XLVI 93/07, 239-240: Secretaría del Estado: «Rescriptum ex audientia» sobre constitución y provisión de circunscripciones eclesiásticas, 4.I.2006. (Document)

See below, canons 377-378.

59

IC XLVI 93/07, 241-251: Antonio Viana: Las competencias de la Curia romana sobre la constitución de circunscripciones y el nombramiento de obispos. (Commentary)

See below, canons 377-378.

96

PCF VII (2005), 157-177: Gary Noel S. Formoso: The Problem of Validity of Aglipayan Baptism. (Article)

See below, canon 849.

96

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

See below, canons 204-205.

96

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See below, canon 205.

97

CpR LXXXVII 1-2/06, 149-170: M. Riondino: Il minore di fronte alla giustizia. (Article)

The Church has always been active in the service of minors, particularly those in need; R. surveys the law regarding minors as far as concerns their receiving justice. This law is grouped in three interrelated areas: the law of the family, penal law, and the civil law protecting minors. R. then briefly reviews the national law regarding minors in five European countries: Great Britain, France, Italy, Spain, and Germany.

113

AA XIII (2006), 245-265: Juan Manuel Gramajo: La organización constitucional romana y el origen de la personalidad internacional de la Santa Sede. (Article)

See above, Historical Subjects (*First millennium*).

116

AA XIII (2006), 187-213: Hugo A. von Ustinov: El régimen canónico de los bienes de propiedad de las personas jurídicas privadas. (Article)

U. considers from the canonical point of view the possession and administration of goods belonging to private juridical persons. He analyses who are the subjects and what are the norms governing juridical persons, both public and private, the juridical/canonical nature of their goods, the principle of ecclesial communion, the public nature of the mission and work of the Church, the oversight by ecclesiastical authorities and the statutes of private juridical persons. He concludes with some considerations on pious foundations, gifts and wills made to private juridical persons, ecclesiastical taxes or levies, special collections and prescription.

123

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

124

SC 40 2/06, 433-486: William L. Daniel: Juridic Acts in Book VII of the *Codex iuris canonici.* (Article)

The juridical act is one of the most fundamental elements of the canonical system; it is found in every aspect of canon law. In this article, the author gives focused attention to the juridical acts that can be found in Book VII of the 1983 Code. He begins by recalling the nature of a juridical act, highlighting especially the distinction between the *habilitas* and the *capacitas* of the person placing the juridical act. Then, he considers the juridical acts that entail the exercise of judicial power. Next, he shows that there are many non-judicial juridical acts in Book VII: those that do not require the exercise of the power of governance, those that entail the exercise of legislative power, and those that entail the exercise of executive power. Finally, he presents a theory by which it can be seen that judges are made legally capable of placing acts of executive power by universal law itself.

124-126

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See below, canon 205.

124-126

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See below, canon 205.

126

CLSN 149/07, 38-53: Anthony Kerin: Determining Error. (Conference presentation)

See below, canon 1099.

129

TS 68 2/07, 348-367: Phyllis Zagano: The Question of Governance and Ministry for Women. (Article)

See below, canon 1024.

129

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. H. deals with the various ways in which the laity can exercise power in the Church, and refers to a rather limited vision which at times emerges in the 1983 Code, for example in canon 1421, which allows only one lay judge in a college of judges. H.'s view is that there is no intrinsic reason for such a limitation; no reason, in fact, why a lay person could not be a judicial vicar. That the Code does not allow this should be seen simply as a restriction of positive law. A lay person should be able to be a judge at any level, including the Roman Rota or the Apostolic Signatura. What really matters is the degree of his or her knowledge and formation.

137

PCF VII (2005), 255-262: Javier González: Invalid Delegation of a Religious Sister to Assist at Marriages? (Consultation)

See below, canons 1112-1113.

144

BEF LXXXII 6/06, 981-986: Javier González: The *Ecclesia Supplet* Principle: Why and when is it applied? (Consultation)

G. explains the rationale, meaning and use of *Ecclesia supplet*.

144

SC 40 2/06, 293-348: John M. Huels: The Supply of the Faculty to Confirm in Common Error. (Article)

See below, canon 883.

145

SC 40 2/06, 349-370: Alphonse Borras: Quelle régulation canonique pour les ministères de laïcs? Du Code au droit particulier. (Article)

See below, canon 228.

171

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See below, canon 205.

194

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See below, canon 205.

BOOK II, PART I: CHRIST'S FAITHFUL

204-205

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

C. looks at what it means to belong to the Church, and to abandon it. He starts by studying the various levels of Catholic identity. The deepest level is that which results from baptism, but there is another level based on a person's degree of communion (which may be "full" or "non-full"). After setting out the teaching of the Second Vatican Council on membership of the Church, C. proceeds to examine the content of the terms "incorporation" and "full communion". He then explains the conditions for full communion and how this may be lost. For someone who has been baptised in the Catholic Church, such loss of full communion requires a positive rejection of one or more of the three "bonds" in canon 205 (profession of faith, the sacraments, and ecclesiastical governance). C. arrives at the following conclusions: 1. By means of the sacrament of baptism one is incorporated into Christ and into the Church, and constituted a person in the Church and a *Christifidelis* with all the relevant rights and duties (canons 96, 204 §1). 2. Those who have been baptised in the Catholic Church remain, in general, subject to ecclesiastical laws (canon 11). 3. Full communion is the "institutional reality" of the Catholic Church, and those who are in full communion are the baptised who maintain the three bonds of communion (canon 205). 4. Apostasy, heresy and schism produce a rupture of full communion, with the result that a *Christifidelis* can no longer properly be considered a faithful Catholic (canon 751). 5. Those who are excommunicated or under interdict, and those who cannot be admitted to Eucharistic Communion (canons 915-916), continue to be Catholics to all effects and should be considered such (provided they have not broken the bonds of full communion). 6. Those who have been baptised and who live out their faith in Churches and ecclesial communities separated from the Catholic Church are incorporated into the Church of Christ, but in a situation of non-full and non-perfect communion. 7. Catechumens are not yet incorporated into the Church and therefore cannot be properly considered persons in the Church (canon 96) or *Christifideles* (canon 204 §1); nor are they subject to merely ecclesiastical laws (canon 11).

204-231

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. Dealing with the principles of equality and variety, H. points out that all members of the Church, as such, are in the same

juridical position as one another (*principle of equality*). Formerly there was a principle of "inequality" in the Church, since there were different "classes" or "*status*" (*status clericalis, status religiosus, status laicalis*). Now, however, all the faithful, *qua* faithful, are called to participate actively in the life of the Church and its mission: all are called to sanctity without distinction of class or *status*, and all are "faithful" and have the rights and duties of the faithful. The *principle of variety* refers to the different ways in which the faithful may pursue sanctity and carry out apostolate: this is what gives rise to the distinction of clerics, lay persons, and consecrated persons. But these are all types of "faithful", and therefore this distinction does not pertain to the constitutional structure of the Church. Traditionally the constitutional elements have been seen as "clergy" and "laity", but (without denying the essential difference between the ministerial priesthood and the common priesthood of the faithful) H. argues that, from the constitutional point of view, this distinction should be replaced by that between "faithful" on the one hand (i.e. all members of the Church, as such) and "ecclesiastical organisation" on the other. The latter concept refers to the organisational structure of offices and public ministries in the Church, and is not to be identified with the *ordo clericalis*. Some of the old *status* mentality remains today, and is reflected in the view that the laity cannot perform certain ecclesial offices or ministries, when in fact many of such offices or ministries are not "clerical" or "lay" in themselves but simply "ecclesial". On the other hand, the involvement of the laity in the ecclesiastical organisation is bound to be of relatively minor importance, given that the backbone of the ecclesiastical organisation is the *ordo* or set of functions proper to bishops, priests and deacons; and that the vast majority of the laity are called to sanctify earthly realities and dedicate themselves to the *negotia saecularia* according to the spirit of Christ.

205

PCF VII (2005), 157-177: Gary Noel S. Formoso: The Problem of Validity of Aglipayan Baptism. (Article)

See below, canon 849.

205

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

M. analyses the ways in which the 1983 Code deals with the question of those who wish to leave the Church. The Code uses a variety of expressions to describe the ways in which Catholics may, in a juridically significant manner,

reject their faith or their membership of the Church, and these various categories can be grouped together under two main headings: 1. public or notorious rejection of or defection from the faith or from ecclesial communion; and 2. defection from the Church by means of a formal act. In the first set of cases the Code uses the phrases *fidem catholicam abicere* (*publice* in canons 194 §1 2º and 316 §1; *notorie* in canons 694 §1 1º and 1071 §1 4º) or *ab Ecclesiae communione deficere* (*publice* in canons 194 §1 2º and 316 §1; *notorie* in canon 171 §1 4º). M. examines the meanings of these expressions, and makes clear that in applying them to concrete cases (which is not without its difficulties) the starting point must always be the effective and interior desire of the individual to leave the Church (hence these categories would not be applicable in the case of a Catholic who simply failed to practise his faith, or even in that of a Catholic who adhered in some way to a sect or movement outside the Church if there were no actual intention on his part to leave the Church). The second set of cases, involving leaving the Church by means of a formal act (*deficere ab Ecclesia Catholica actu formali*: canons 1086 §1, 1117 and 1124) were introduced by the 1983 Code principally in order to avoid problems of marriages of "ex-"Catholics being rendered invalid through non-observance of canonical form. Here too it is necessary that the external act of the individual should correspond to an effective desire to leave the Church. In a Declaration of 13 March 2006 the Pontifical Council for Legislative Texts specified that this "formal act" needs to be in writing, before the competent ecclesiastical authority (the Ordinary or proper pastor). M. ends by referring to a number of residual difficulties, and offers some suggestions for the future.

205

QDE 20 (2007), 60-81: Alberto Perlasca: L'abbandono della Chiesa cattolica e libertà religiosa. Implicazioni canoniche e di diritto ecclesiastico. (Article)

See above, canon 11.

205

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

The document in question is the circular from the Pontifical Council for Legislative Texts concerning those who abandon the Catholic Church *actu formali defectionis*. The document attempts to answer questions theological and

doctrinal as well as canonical and juridical on the meaning and application of canon 1086, particularly relevant in certain marriage situations. A.G. comments that although the principle *semel catholicus, semper catholicus* was upheld in the 1917 Code, nevertheless exceptionally the obligation of canonical form was lifted from those who, although baptised in the Catholic Church, had been brought up from infancy "in heresy, schism, infidelity or no religion" (canon 1099 §2 of the 1917 Code). This exception was abrogated in 1948 because of the uncertainty and ambiguity it led to. In the preparation of the 1983 Code various solutions were discussed, the more general and wider suggestions finally giving way to the more restrictive wording found in the present canon. Because of doubts and divergent practices as to how an *actus formalis defectionis* was to be understood and dealt with, the circular under consideration requires that a) there be a true internal decision to abandon the Catholic Church, that is, to separate oneself from the constitutive elements of the Church in its sacramental life and means of grace, the equivalent of apostasy, heresy or schism; b) there be an external, public manifestation of this decision, made in a personal, deliberate and free fashion; c) there be a direct reception of this manifestation by the competent ecclesiastical authority (bishop or parish priest). The most fundamental of these three is the genuine internal decision to abandon/reject the life of grace in the Church; decisions based purely on fiscal or monetary considerations (to avoid paying certain taxes in some countries) can hardly be called heresy, apostasy or schism. The last part of A.G.'s article deals with the norms presently in use in some Spanish dioceses and includes a number of model *pro forma* declarations of abandonment of the Catholic Church. This is to be recorded in a special diocesan register and a marginal note made in the baptismal register of the parish. He ends with a statistical survey of the numbers of people availing themselves of this procedure in most of the dioceses until 2006.

207

TS 68 2/07, 320-347: Patricia A. Sullivan: The Nonvowed Form of the Lay State in the Life of the Church. (Article)

S. discusses and evaluates the vocation of laity who are living in the single state, that is, they are not bound by any commitment to the life of the counsels. The article develops the idea of a vocation of stewardship by giving a critique of the teaching of Hans Urs von Balthasar, Karl Rahner and Bernard Haring on the role of the laity. S. then explains her own opinions.

208

IC XLVI 93/07, 13-50: Tomás Rincón-Pérez: La justa autonomía de los institutos religiosos y su proyección sobre los monasterios de monjas. (Article)

See below, canon 586.

209

CLSN 150/07, 38-40: Gordon Read: Mass Obligation and the Support of One's Own Parish. (Article)

See below, canons 1247-1248.

209

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

209

QDE 20 (2007), 60-81: Alberto Perlasca: L'abbandono della Chiesa cattolica e libertà religiosa. Implicazioni canoniche e di diritto ecclesiastico. (Article)

See above, canon 11.

210

CpR LXXXVII 3-4/06, 353-391: Jorge Ignacio Villa Urrego: La santidad de los fieles como precepto canónico universal según la normativa del can. 210. (Article)

Sanctity, as an essential and ontological note of Christ and of the Church, acquires a moral and a juridical sense, so that inasmuch as the salvation of souls is always the supreme goal of the entire ecclesial order, it must also be the goal of all of the Christian faithful. V.U. reviews the process by which chapter 5 of *Lumen Gentium* and canon 210 were drafted, and then studies three key points in the promulgated norm: the notion of "Christian faithful", the condition of the Christian faithful, and the fundamental equality of the Christian faithful. This last point has important consequences with regard to the obligation to lead a holy life, as well as the obligation to promote and assist the Church's sanctity.

215

SC 40 2/06, 397-415: Dominic LeRouzès: Le Droit canonique et les communautés nouvelles. (Article)

See below, canon 605.

215

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects, and below, canons 298-329.

224-231

IC XLVI 93/07, 51-72: Arturo Cattaneo: El sacerdote al servicio de la misión de los laicos. (Article)

C. considers the way in which the priestly ministry is essentially at the service of the mission of the lay Christian faithful. Priests are required to understand the proper identity of the laity, as well as the characteristics and difficulties of the laity's mission. C. refers to the teaching of Vatican II on the "secular character" of the laity, and their specific task of imbuing the temporal order with the spirit of the Gospel. In carrying out this task they are not acting as a *longa manus* of the hierarchy, but rather with the freedom and responsibility befitting their dignity as Christian faithful. Finally C. offers some reflections on the development of the non-ordained ministries. Alongside positive experiences one must also recognise in this development certain negative tendencies, such as the confusion between the common and the ministerial priesthood, the "clericalisation" of the laity, and their transformation into "professional" ministers.

225

Vid 69 5/05, 355-369: S. Arulsamy: The Urgency of Promoting Lay Leadership in Emerging India I. (Article)

A. reviews the theology of the laity in the Second Vatican Council, and its development in theory and practice since the Council. He considers that the state of affairs in India, "both in the Church and in social, economic, and political life, calls with particular urgency for the action of the lay faithful" (*Christifideles Laici*, 3). He reflects on the "inability of the present Church leadership to rise to the challenges" posed by the current situation, and on "how the laity can respond to the demands and the challenges in an adequate and appropriate way". The mission of the laity is twofold – to the Church and to the world; and the laity needs "to be empowered to the building up of the faith community and in the Church's mission of salvation". (See also the following entry.)

225

Vid 69 7/05, 500-513: S. Arulsamy: The Urgency of Promoting Lay Leadership in Emerging India II. (Article)

(See preceding entry.) Continuing and concluding his article, A. considers ways in which the laity may be encouraged to fulfil their role in and for the Church, and hence also provide much-needed leadership in Indian secular life. To accomplish this goal, the Church must promote and form lay readers, well-versed in Christian faith, values, and spirituality.

226

INT 13 1/07, 53-63: David M. Thomas: What's so Spiritual about Marriage? (Article)

T.'s experience is that most couples believe that their marriage is spiritual but tend to identify this with particular moments, such as the birth of a child. What many miss is that God's presence is in everything and is to be found in the sharing and appreciation of ordinary daily married life. T. quotes Pope Paul VI in an address to married couples in 1970: "Like all who are baptised, you are called to holiness … But you are to pursue that goal in your own way, in and through your life as couples" – an echo of *Lumen Gentium*.

226

INT 13 1/07, 64-73: Adrian Thatcher: Theology for Parents. (Article)

T. asserts that theology has little to say about parenting, and what there is tends to reinforce a traditional patriarchal view. With this in mind, he explores six particular aspects of parenting within a theological context; these include "God the Father and Human Mothering", "The Mother of God and Human Fathering", and "Gendered Mutual Relations". The article is based on his recent book *Theology and Families* (2007).

226

INT 13 1/07, 84-92: Gisbert Greshake: Die Bewertung der Ehe bei Charles de Foucauld in seiner Korrespondenz mit Louis Massignon. (Article)

Unlike many of his contemporaries Charles de Foucauld (who was beatified in 2005) did not regard marriage as inferior to the single state. This is apparent in his correspondence with Louis Massignon to whom he gave support in his decision to marry. Discerning and living out one's true vocation, according to the will of God, was what was important. Marriage could be the best path for

the sanctification of the person; further, married people had their own special apostleship to fulfil.

228

SC 40 2/06, 349-370: Alphonse Borras: Quelle régulation canonique pour les ministères de laïcs? Du Code au droit particulier. (Article)

This article explores how the provisions of the 1983 Code of Canon Law apply to what are commonly called "lay ministries". Various canons are examined with an alertness to the teachings of Vatican II and the foundational ecclesiological principles. It is shown how the exercise of these ministries is regulated, with an awareness that these ministries are performed both in the Church and for the world. B. identifies the nuances of certain terms which are often employed in the discussion of these ministries. The article concludes with the identification of several principles and suggestions for a broader elaboration of particular law at both diocesan and episcopal conference level.

237

Per XCV 3/06, 465-482: James J. Conn: Visite apostoliche nei seminari degli Stati Uniti. (Conference presentation)

In this presentation to the 2006 Gregorian Colloquium, C. considers the apostolic visitation of seminaries in the United States. He makes it clear from the beginning that the impetus for this visitation came, not from the Instruction *In continuità* of November 2005 (see below, canon 241), but from the meeting of the US Cardinals at the Holy See in 2002 at which the problem of sexual abuse of minors by clergy was discussed. The *Instrumentum laboris* for this visitation was distributed earlier in 2005 and was published in *Origins* in September of that year. C. uses some of the details of this document to contrast the more recent visitation with that conducted in the mid-1980s.

241

Per XCV 3/06, 391-448: Gianfranco Ghirlanda: Aspetti canonici dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

On 4 November 2005, the Congregation for Catholic Education issued an Instruction dealing with criteria for the vocational discernment of those persons with a homosexual orientation who seek to be admitted to the seminary and to sacred orders. In his presentation to the Gregorian Colloquium of June 2006, G. examines the document from a canonical point of view. He considers the

Instruction in the context of other pronouncements of the Apostolic See, such as *Persona Humana* (29 December 1975), *Homosexualitatis Problema* (1 October 1986), *Potissimum Institutioni* (2 February 1990), *Pastores Dabo Vobis* (25 March 1992), and a Circular Letter issued to Bishops and other Ordinaries by the Congregation for Divine Worship and the Discipline of the Sacraments in 1997. He examines the theological reasons behind this intervention, the responsibility of those charged with vocational discernment, the need for the assistance of psychologists, and the limitations of that assistance. From a canonical point of view, the major considerations have to do with the individual's right to privacy, the common good, and the freedom of the candidate for orders.

241

Per XCV 3/06, 449-464: Giuseppe Versaldi: Implicazioni psicologiche dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

In this presentation to the 2006 Gregorian Colloquium at Brescia, G. considers the Instruction concerning the suitability for admission to seminary and sacred orders of persons with a homosexual orientation from a psychological perspective. After providing some clarification from psychological sources, G. concludes that the document is not some kind of attack on homosexual persons or an effort to exclude them from the sacred ministry, but a valid instrument for the discernment of vocations to priestly ministry, bearing in mind that the Lord does not call someone to assume obligations that are impossible.

245

IC XLVI 93/07, 51-72: Arturo Cattaneo: El sacerdote al servicio de la misión de los laicos. (Article)

See above, canons 224-231.

247

AA XIII (2006), 137-155: Javier Fronza: El celibato – don, propuesta y tarea (la necesaria madurez humana y el derecho). (Article)

See below, canon 277.

265

Per XCV 4/06, 567-595: Michael Mullaney: Incardination and the universal dimension of the priestly ministry. (Article)

M. examines the institution of incardination, its origins and its development through the teaching of Vatican II to the current norms of the 1983 Code. While it remains fundamentally a juridical institution, M. points out that the theological reflection on the nature of the relationship between bishop and priests has allowed for greater flexibility in responding to the pastoral and social changes of the contemporary world and Church.

277

AA XIII (2006), 137-155: Javier Fronza: El celibato – don, propuesta y tarea (la necesaria madurez humana y el derecho). (Article)

Celibacy in the Catholic Church is not simply an individual's choice or a purely human aspiration but a divine gift. F. looks at the historical background to celibacy among priests, religious and laity. He puts priestly celibacy in the context of a vocational response to the call of Christ lived out in a life of personal love for Christ and through him for all people. He goes on to consider the necessary discernment concerning the gift of celibacy in prospective candidates for the priesthood preparing for a life which requires a considerable level of emotional and affective maturity, enabling them to face the inevitable tensions and temptations inherent in the celibate state. He ends with some brief remarks on the canonical penalties for the violation of celibacy (canons 1394-1395).

278

AA XIII (2006), 119-135: Ariel David Busso: Los derechos y las obligaciones del clérigo en la sociedad civil a la luz del Código de Derecho Canónico. (Article)

See below, canons 285-289.

280

HPR 10/05, 8-13: Gary Coulter: Priestly common life and associations. (Article)

Common life for clergy has its roots in the early Church, as a means of promoting the apostolate as well as supporting greater priestly stability. Both

the 1917 and 1983 Codes encourage this, while allowing freedom in the implementation of the discipline of common life (encouraged rather than imposed). The common life of priests has historically been connected with priestly associations, and C. reviews the development of associations of diocesan priests over the last two centuries.

285

CLSN 150/07, 7-10: Gordon Read: The Suspension of Bishop Fernando Lugo. (Article)

See below, canon 1333.

285-289

AA XIII (2006), 119-135: Ariel David Busso: Los derechos y las obligaciones del clérigo en la sociedad civil a la luz del Código de Derecho Canónico. (Article)

Any person in sacred orders or the religious life is no longer simply a private individual; their words and actions take on a special relevance given their status in the Church. B. comments on some of the more likely or controversial areas where such interventions must be carefully judged, and relates them to appropriate canons. He deals with the use of the mass media (radio and television) by clerics and religious, cases of priests wishing to adopt a child (whether fathered by them or not), membership of societies or associations prohibited to clerics, such as those which work against the hierarchy of the Church or priestly identity, which pursue political ends, which attempt to form trade unions of priests and deacons, or which openly conspire against the Church. The last part of his article deals in more general terms with clerical intervention and activity in the social, political, economic and military aspects of civil society.

287

CLSN 150/07, 7-10: Gordon Read: The Suspension of Bishop Fernando Lugo. (Article)

See below, canon 1333.

294-297

Ernest Caparros: The Juridical Mind of Saint Josemaría Escrivá: A Brief History of the Canonical Path of Opus Dei. (Book)

St Josemaría Escrivá knew from the beginning of his foundational task in 1928 that Opus Dei should be a personal jurisdiction within the hierarchical structure of the Church, and that it should not be a religious order or congregation, since the essence of the message he had received was the call to holiness and apostolate through ordinary work in the world. C. summarises the canonical steps taken by Saint Josemaría during his life as founder of Opus Dei, pointing out the depth of the canonical "gap" that needed to be bridged, and the necessary but inadequate solutions that had to be accepted while awaiting the definitive canonical solution. This solution was made possible by the Second Vatican Council; and the completion of the canonical path came with the establishment of Opus Dei as a personal Prelature in 1982. (For bibliographical details see below, Books Received.)

294-297

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. H. examines the development of the concept of "prelature" in the Church. Until 1917 the term referred only to the position or dignity held by a prelate; with the 1917 Code it came to mean the ecclesiastical body presided over by a prelate *nullius dioecesis*. Under the present law the functions of the prelate within the prelature are quasi-episcopal, and the prelate's power is proper (not vicarious) as it pertains to him by the law itself rather than by virtue of a singular act of the Pope. The statutes of a prelature mentioned in canon 295 are not statutes in the sense of canon 94, but form the fundamental nucleus of the particular law of the prelature, given directly by the Apostolic See. H. looks at the central characteristics of a prelature, making clear on the one hand that it is not a particular Church in the strict sense, and on the other that it is of a completely different nature from that of an association. He also comments on the purpose of a prelature, and the membership of laity.

298-329

J 67 (2007), 227-244: Sharon Holland: New Societies for a New World. (Article)

H. considers two broad periods. She sketches the emergence of societies between the sixteenth and twentieth centuries. After the Council of Trent there was reluctance to admit new forms of religious life. Despite this, religious

congregations such as those of St Philip Neri, Bérulle, Olier, St. John Eudes, and St. Vincent de Paul made care of the poor one of their cherished aims. Colonisation showed the face of other forms of poverty and the need for outreach: missionaries had not only to preach the Gospel but also to feed the poor. A common life such as religious congregations lead is not necessarily the answer to the problem. Canon 312 and subsequent canons offer a charter which is supple enough to meet current needs. Time will tell whether Beyer's call for a review of Book II is necessary.

298-329

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. H. looks at the right of association in the Church and its basis, and sets out the properties of a true association of the faithful. Certain kinds of public "association" do not, strictly speaking, result from the exercise of the fundamental right of association of the faithful, but rather from a decision on the part of the hierarchy.

316

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

320

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

326

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

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

331

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 22 March 2006 the Pontifical Council for Promoting Christian Unity announced that the Pope had abandoned the title "Patriarch of the West". The historical complexity of this title, the new ecclesial context and the desire to facilitate ecumenical dialogue were the reasons given for this decision. The title had become obsolete over history and practically unusable, and it seemed pointless to insist on maintaining it. In harmony with this decision it was announced in December 2006 that the four Patriarchal Basilicas in Rome would henceforward be called "Papal" Basilicas.

331

Per XCV 4/06, 597-618: Homero Val Perez: La potestà ordinaria del Romano Pontefice e dei Vescovi sugli stessi fedeli: dal Concilio Vaticano I fino al CIC 1983. (Article)

Taking Pope John Paul's words in *Ut unum sint* as his inspiration, V.P. explores the two ordinary powers that affect the faithful, that of the Roman Pontiff and that of the diocesan bishop. He considers the concurrence or coexistence of these two powers as it was outlined in the First Vatican Council, the 1917 Code, Vatican II, and the 1983 Code.

342-348

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 29 September 2006 the Cardinal Secretary of State announced the Pope's decision to publish a new *Ordo* (statutes) of the Synod of Bishops, to replace the previous dispositions published in 1969 and revised in 1971. The new norms contain 41 articles, plus an Appendix containing a further 9 articles on the procedure to be followed by the various language groups.

360-361

CpR LXXXVII 1-2/06, 207-227: D. Andrés Gutiérrez: El exuberante servicio postcodical de la C.I.V.C.S.V.A. en favor de los consagrados (años 1984-2004). (Article)

A.G. chronicles the activities of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life after the entry into force of the 1983 Code of Canon Law. Activity is broken down by year, and details are given of the travels of the prefect, secretary and undersecretary, the approval of constitutions, erection of new institutes and federations, revision of statutes, and the work of various offices within the Congregation. This article covers the years 2003-2004.

368-374

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. In current law "ecclesiastical circumscriptions" are divided into dioceses, prelatures, territorial abbacies, apostolic administrations, apostolic vicariates, apostolic prefectures and military ordinariates, most of which are determined according to territorial criteria, although some are determined according to personal or mixed criteria. The phrase *portio Populi Dei* should be taken as referring to ecclesiastical circumscriptions rather than being treated as synonymous with the diocese. H. proposes calling ecclesiastical circumscriptions "fundamental ecclesiastical corporations". Some of these constitute particular Churches; others are complementary structures. H. looks at their essential characteristics, and examines the relationship of the particular Church to the universal Church.

369

HPR 4/05, 8-12: Gary Coulter: The Presbyterium of the Diocese. (Article)

C. notes that the *presbyterium* of a diocese is not the same as the universal presbyterate within a diocese, and suggests that the term be left untranslated in English. He traces the scriptural foundations of this term, its use in the Fathers, and particularly the discussion in the documents of the Second Vatican Council of the body of priests who exercise pastoral offices in a diocese.

369

J 67 (2007), 153-175: Joseph W. Pokusa: Dioceses, Parishes, Pastors and Pastoral Care. (Article)

Recently a number of United States dioceses have been declared bankrupt. The parish, not the parishioners, is the body corporate. Parishioners do not govern but render assistance to the ecclesiastical agents who exercise governance. In the United States there are variations in the structures concerning the relation between Church and civil government. Examples of this are given for New York and New Hampshire. Despite the effort of bishops to insist on the use of civil law to protect Church property it is claimed by some that dioceses, and more often parishes, are really unincorporated associations under the law of a particular State. P. feels that this should not be too hastily accepted, and he stresses that parishes should make sure what their civil law status is. (See also below, canon 1255.)

373

IC XLVI 93/07, 239-240: Secretaría del Estado: «Rescriptum ex audientia» sobre constitución y provisión de circunscripciones eclesiásticas, 4.I.2006. (Document)

See below, canons 377-378.

373

IC XLVI 93/07, 241-251: Antonio Viana: Las competencias de la Curia romana sobre la constitución de circunscripciones y el nombramiento de obispos. (Commentary)

See below, canons 377-378.

377-378

IC XLVI 93/07, 239-240: Secretaría del Estado: «Rescriptum ex audientia» sobre constitución y provisión de circunscripciones eclesiásticas, 4.I.2006. (Document)

This document effects a reordering of the competences of several dicasteries of the Roman Curia (specifically the Congregation for Bishops, the Congregation for the Oriental Churches, the Congregation for the Evangelisation of Peoples, and the Secretariat of State) in respect of the establishment of, and the appointment of bishops for, the numerous ecclesiastical circumscriptions existing in Europe (see following entry).

377-378

IC XLVI 93/07, 241-251: Antonio Viana: Las competencias de la Curia romana sobre la constitución de circunscripciones y el nombramiento de obispos. (Commentary)

Commenting on the *rescriptum ex audientia* issued by the Secretary of State on 4 January 2006 (see preceding entry), V. dwells on the aspect of the appointment of bishops, including the requirements for suitability in canon 378 of the 1983 Code (canon 180 of the CCEO) and the specific procedures for the selection and appointment of bishops (canon 377 of the 1983 Code; cf. canons 63-77, 149, 168 and 180-189 of the CCEO). After setting out the main provisions of the document, V. explains the nature of a *rescriptum ex audientia*, which differs from a normal rescript in at least two aspects: first, although the Roman Pontiff's will is communicated in writing, the rescript as such is given orally, and thus it does not fulfil the general requirement of canon 59 that a rescript be in writing; secondly, rescripts *ex audientia* not only contain privileges, dispensations and other favours, but may also include norms of a general character. In fact, this particular *rescriptum ex audientia* resembles a general decree delimiting, or reordering, some of the competences established by *Pastor Bonus*. V. looks into the reasons behind the document.

381

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects, and below, canons 454-455.

381

Per XCV 4/06, 597-618: Homero Val Perez: La potestà ordinaria del Romano Pontefice e dei Vescovi sugli stessi fedeli: dal Concilio Vaticano I fino al CIC 1983. (Article)

See above, canon 331.

381

QDE 20 (2007), 117-125: G. Paolo Montini: La diocesi comunità capace di ricevere leggi, ossia il vescovo diocesano legislatore. (Article)

See above, canon 25.

381

QDE 20 (2007), 126-144: Giuliano Brugnotto: Tipologia degli atti legislativi del vescovo diocesano. (Article)

B. considers, in the light of some specific examples taken from a diocese in the north of Italy, the different types of legislative measure available to a diocesan bishop. He looks at the concept of an ecclesiastical law, examining its external aspects (i.e. its formalities) and its internal structure, and finds that there are five basic types: disciplinary (further subdivided into preceptive, prohibitive and permissive); penal; liturgical; constitutional; and procedural. Based on his study of the diocese in question, B. shows how these may be brought into being by means of a diocesan synod, a pastoral liturgical directory, a pastoral letter, or a particular law for a specific community or body. In practice it can be difficult to distinguish a legislative act from one that is merely administrative.

381

QDE 20 (2007), 145-155: Alberto Perlasca: La *potestas* legislativa del vescovo diocesano nelle conferenze episcopali. (Article)

See below, canon 455.

384

Vid 70 1/06, 37-47: Arulselvam Rayappan: Bishops, Love Your Priests as Jesus Loved the Apostles. (Article)

R. considers that the renewal of the Church depends on an improvement in the relationship between priests and their bishops, which, he says, is unsatisfactory "in more than a few cases". He briefly reviews the theology of the priesthood and the episcopate according to the Second Vatican Council and certain post-conciliar documents, in particular *Pastores Gregis*, *Pastores Dabo Vobis*, and *Apostolorum Successores*. He considers the obligations of the bishop towards his priests and the various suggested structures through which these obligations may be fulfilled; and the obligations of priests towards their bishop and towards the Church and its mission. He exhorts bishops to fulfil their office "not merely by issuing authoritative decrees" but "with the involvement of those concerned in the decision-making process".

391

QDE 20 (2007), 117-125: G. Paolo Montini: La diocesi comunità capace di ricevere leggi, ossia il vescovo diocesano legislatore. (Article)

See above, canon 25.

391

QDE 20 (2007), 126-144: Giuliano Brugnotto: Tipologia degli atti legislativi del vescovo diocesano. (Article)

See above, canon 381.

393

J 67 (2007), 194-226: Mark E. Chopko: An Overview of the Parish and the Civil Law. (Article)

See below, canon 1255.

427-430

BEF LXXXII 2/06, 689-700: Manuel Monsanto: If a Retiring Bishop is Appointed Apostolic Administrator of his own Diocese, What are his Powers while the Diocese is *Sede Vacante*? (Consultation)

M. reviews the meaning in canon law of "apostolic administrator", commenting that in the case of a retiring bishop being appointed apostolic administrator of his own diocese we are really concerned with a "diocesan administrator", since the diocese is already established. He refers to some major actions which the retired bishop can do, and some which he now cannot do; he also comments on the cessation from office of the vicar general, episcopal vicars, bishop's council, council of priests, and diocesan pastoral council; and confirms that the college of consultors remains, as do the chancellor, vice-chancellor, judicial vicar, and diocesan financial administrator.

446

N XLIII 7-8/06, 376-384: Pontificium Consilium de Legum Textibus: Nota. (Reply)

See below, canons 455-456.

447

BEF LXXXI 850/05, 575-580: L. Legaspi: The Nature of the Relationship between the Catholic Bishops' Conference of the Philippines (CBCP), Individual Dioceses and Bishops. (Article)

L. considers in the Philippines context the nature and authority of the episcopal conference, recognising the fears that the authority of the individual bishops may be threatened by the conference, and the potential loss of diocesan identity in favour of a "national Church", as well as the benefits of shared information and collaboration between dioceses. L. comments on the importance of all episcopal decisions and actions, if they have the potential for affecting other dioceses, being communicated previously to the bishops concerned.

454-455

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 17 February 2006 the Congregation for Bishops replied to doubts arising in respect of the interpretation of art. 1 of the Complementary Norms of the *motu proprio Apostolos Suos*. The Congregation clarified that it is within the episcopal assembly that the bishops should cast their vote; and only in exceptional circumstances, foreseen in the statutes of the episcopal conference or specifically approved by the Holy See, can votes be cast in some other way (e.g. by correspondence, video conference, etc.). Secondly, the Congregation said that for "doctrinal" documents, it is only bishops, and not those "equivalent" to them according to canon 381 §2, who are entitled to vote. The "non-bishops" in the bishops' conference can vote on general decrees or other non-doctrinal documents and declarations.

455

BEF LXXXI 850/05, 575-580: L. Legaspi: The Nature of the Relationship between the Catholic Bishops' Conference of the Philippines (CBCP), Individual Dioceses and Bishops. (Article)

See above, canon 447.

455

CLSN 149/07, 67-68: Gordon Read: Extraordinary Ministers and the Purification of Sacred Vessels. (Article)

See below, canon 910. The second part of this article looks at the nature and significance of a *recognitio* given to local legislation, as explained by Cardinal Herranz in *Communicationes* 38 (2006). Particular legislation will not be given a *recognitio* if it is inconsistent with universal law, and where universal law subsequently changes, particular legislation should be brought into line with it, rather than an indult sought.

455

PCF VII (2005), 133-156: Augustin Opalalic: Canonical Aspects of the "Pastoral Guidelines on Sexual Abuses and Misconduct by the Clergy" issued by the Episcopal Conference of the Philippines. (Article)

The Permanent Council of the Catholic Bishops' Conference of the Philippines (CBCP) approved *Pastoral Guidelines on Sexual Abuses and Misconduct by the Clergy* in 2004. O. highlights and clarifies some of the significant canonical concepts mentioned in these Guidelines. The first part of his study discusses the juridical implications of the *Pastoral Guidelines* as a document of the CBCP. The second part presents the specific canonical provisions as they appear in sequence in different parts of the document. In the final section he draws some conclusions and raises some pertinent concrete questions for further reflection.

455

QDE 20 (2007), 145-155: Alberto Perlasca: La *potestas* legislativa del vescovo diocesano nelle conferenze episcopali. (Article)

P. takes as his starting point the novelties introduced by Pope John Paul II's *motu proprio Apostolos Suos* on the doctrinal deliberations of episcopal conferences. He expresses some puzzlement at the different conditions that apply in respect of, on the one hand, unanimous decisions on disciplinary matters (in which it appears that those who are "equivalent in law" to diocesan bishops may participate), and on the other hand, doctrinal declarations, where unanimity is given only by bishops. Furthermore, the *recognitio* of the Apostolic See is required for unanimous decisions on disciplinary matters, but not for those on doctrinal matters. P. wonders whether the exercise of legislative power by bishops in episcopal conferences is relegated to a secondary position, or at least understood as applying only to questions of a "practical" nature which have little or no bearing on doctrinal magisterium.

455-456

N XLIII 7-8/06, 376-384: Pontificium Consilium de Legum Textibus: Nota. (Reply)

This reply, dated 28 April 2006, addresses a number of questions raised by various bishops concerning the juridical nature and extent of the *recognitio* granted by the Holy See. This is required in a number of canons concerning legislation or decisions of conferences of bishops, and also teaching documents agreed by a two-thirds majority, but not unanimously (cf. *Apostolos Suos*, nos. 2-23). *Recognitio* is more than a simple authorisation or generic approval. It involves careful examination and revision to judge the congruity with universal norms or liturgical texts and may lead to modifications being imposed. It is a form of check or safeguard. Authorisation is only a consequence of this action. Several documents spell out the meaning of the term: *Apostolorum Successores*, nos. 24 & 31; *Liturgiam Authenticam*, nos. 79-84; *Apostolos Suos*, no. 22. The note reviews a number of interpretations from canonists. They take the view that *recognitio* does not transform the act of the bishops' conference into the act of the superior, but is rather a precondition for it having force to bind. Without it, decrees lack binding force (canon 455).

460-468

BEF LXXXII 5/06, 807-810: Javier González: The Diocesan Synod: Consultative or Legislative? (Consultation)

G. explains briefly the nature, purpose, and constitution of the diocesan synod, and notes that it is consultative, the sole legislator being the diocesan bishop.

460-514

J 67 (2007), 109-152: Robert J. Kaslyn: Accountability of Diocesan Bishops: A Significant Aspect of Ecclesial Communion. (Article)

K. considers the ecclesiology of *communio* as the foundation of accountability in the Church. There is no place for a dead Church. He sees accountability as involving much more than financial accountability, and points to Book Two of the 1983 Code for the larger picture and the practical dimensions of accountability. These include the development of doctrine, and consultation with the various bodies already there (diocesan synods, presbyteral councils, etc.). He reminds us of John Henry Newman's emphasis on consulting the faithful. Accountability is a foundational imperative and an essential element in the ecclesiology of *communio*.

492-494

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

515

CLSN 150/07, 38-40: Gordon Read: Mass Obligation and the Support of One's Own Parish. (Article)

See below, canons 1247-1248.

515

J 67 (2007), 153-175: Joseph W. Pokusa: Dioceses, Parishes, Pastors and Pastoral Care. (Article)

See above, canon 369.

515

J 67 (2007), 194-226: Mark E. Chopko: An Overview of the Parish and the Civil Law. (Article)

See below, canon 1255.

517

J 67 (2007), 176-193: Roch Pagé: The Future of Parishes and the Present Canonical Legislation. (Article)

P. is not proposing solutions, original or otherwise. He is describing the problems of parishes as he sees them in Canada, the United States and Europe. He looks at canons that address the shortage of priests. He considers the methods that might be used to meet the problems of parishes that no longer have a parish priest – deacons, involvement of lay people, imported priests, retired priests, remodelling of parishes, clustering of parishes, and merger of parishes.

522

HPR 4/06, 8-17: Mark A. Pilon: Pastors and stability of office. (Article)

Taking as his background the debate over the translation of bishops in the early Church, P. argues that the canonical provision for the stability of parish priests has effectively been set aside, in favour of the frequent changing of clergy. Rather than a positive good in itself, as P. suggests the frequent transfer of parish priests has been presented, this movement serves to the detriment of the good of souls.

526

J 67 (2007), 176-193: Roch Pagé: The Future of Parishes and the Present Canonical Legislation. (Article)

See above, canon 517.

532

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

535

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See above, canon 205.

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

573

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, General Subjects. Consecrated life is a path towards sanctity, with the additional characteristic that it is a witness or sign foretelling the future life. Institutes of consecrated life form part of the public and official structure of the Church, although differing from the Church's hierarchical organisation. They enjoy autonomy, as they pertain to the ambit of freedom proper to the faithful, and constitute a form of associative phenomenon, based on the faithful's right of association. H. sees a certain inconsistency in the way the concept of consecration is dealt with, on the one hand, in canons 207 and 588 of the 1983 Code, and on the other, in canon 711 (dealing with the consecration of members of secular institutes).

586

IC XLVI 93/07, 13-50: Tomás Rincón-Pérez: La justa autonomía de los institutos religiosos y su proyección sobre los monasterios de monjas. (Article)

R.-P. analyses the theme of the true autonomy of religious institutes, starting from a doctrinal framework which emphasises especially the principle of unity in diversity, as a typical aspect of the notion of *communio*. This is followed by an analysis of the profound unity between freedom and obedience which should be found in the religious, and its consequences in canon law. The principle of the true autonomy of each institute is studied in its foundational aspects and in its application to monastic institutes, especially those of women.

586

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, canon 573.

587

CpR LXXXVII 1-2/06, 171-188: Bruno Primetshofer: Il valore giuridico del diritto proprio negli IVC e nelle SVA. (Article)

The 1983 Code imposes on all institutes of consecrated life the obligation of creating, within the limits of the universal law, a proper law for their respective institutes. The proper law is divided into two parts: a fundamental code or constitutions, and another part (without a special name) of lesser extent. In addition to these formal and written laws, P. presents two other forms of law that form a part of the proper law of each institute: privileges and customary law. Proper law comes from the chapters of the institute (on their various levels); for the most part, individual superiors, in their personal capacities, do not enjoy legislative power. P. deals with the question of whether legislative power of governance is exercised in institutes of consecrated life, or whether this power of governance is restricted to the Roman Pontiff and bishops. Finally, the question is raised of who is the competent authority to interrupt a custom *contra* or *praeter legem*, and how this relates to the concept of just autonomy.

588

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, canon 573.

604

CpR LXXXVII 3-4/06, 279-319: D. Andrés Gutiérrez: La Orden de las Vírgenes: estatuto teológico-canónico según el CIC (can. 604). (Article)

A.G. provides a canonical, historical and doctrinal gloss on canon 604 on the order of virgins, along with proposed statutes for an association of virgins as contemplated in §2. The order of virgins is a form of consecrated life with the character of an ecclesiastical status, open only to women (either individually or in associations), for the purpose of following Christ and offering to Him their virginity, through profession of their intention before the diocesan bishop who consecrates them to God, liturgically and publicly, in a solemn rite, and who assigns them ecclesiastical services and ministries. A. identifies three basic requirements for recognition as a virgin: the women must not be widows, must never have lived publicly in a stable state or condition contrary to Christian marriage or to chastity, and must offer proof of their previous behaviour in these matters as a guarantee of prudence and perseverance. The author reviews four canonical sources for the current canon, and seeks to distinguish which canons

in the section of the Code on consecrated life apply to consecrated virgins, and which do not.

605

CpR LXXXVII 1-2/06, 189-203: A. Pedretti: L'Istituto Id – Missionari e Missionarie Identes secondo la vita consacrata. (Article)

The Association "Id of Christ the Redeemer" was founded on 29 June 1959 by the Redemptorist Fr Fernando Rielo Pardal in Tenerife. *Id* is the imperative of the Spanish verb *ir* ("go"), and its members are called *identes* ("those who go"). The institute consists of three branches: clerics and laymen; celibate women who are consecrated by public vows of poverty, chastity and obedience and dedicated to works of the apostolate; and men and women who take temporary or perpetual promises to live the charism of the association. The association received approval as a new form of consecrated life from the Archbishop of Madrid in a decree of 22 October 2004. P. reviews the charism of the association, its structure and governance, its form of consecration and stability of life.

605

CpR LXXXVII 1-2/06, 229-265: E. Sastre Santos: El servicio de la *Clausula Salutaris* en la aprobación de las «nuevas formas» de vida consagrada. (Article)

S. asks what should be done when new forms of consecrated life contradict the current juridical forms, and finds an answer in the *clausula salutaris* as a way of remedying "illegal" situations. The article traces the use of the "saving clause" in the development of religious life for women in the classical period (1140-1563) and in the Tridentine period (1563-1917), particularly in the emerging distinction between religious life strictly so-called (regulars) and religious life broadly construed ("seculars"). The service of the *clausula salutaris* lies in the discernment of spirits, and in the protection of praiseworthy although "illegal" ways of life, but presents certain difficulties in system of the 1917 and 1983 Codes of Canon Law. S. argues that the novelties found in new forms of religious life are fruits of the Spirit, and can find an opportunity to develop and achieve eventual legal formulation through the use of the *clausula salutaris*.

605

SC 40 2/06, 397-415: Dominic LeRouzès: Le Droit canonique et les communautés nouvelles. (Article)

The new ecclesial communities experience unique encounters with canon law, including the challenge of obtaining canonical recognition. The heterogeneous character of these new ecclesial communities as well as the universal dimension of this phenomenon justifies the study of these consequences from a canonical perspective. In the first part of this article, there is a proposed definition of the new communities in order to contextualise their phenomenon. The second part indicates various tensions which are inherent when it concerns their relationship with the law. Without trying to reconcile the present canonical categories and the living and complex reality of this new ecclesial gift, this survey presents some indications of the kinds of delicate questions which are involved. The fundamental challenge where it concerns the regulation of these areas which are proper to new ecclesial communities is the ecclesiological order. This is a positive dimension, because the phenomenon compels us to deepen in the teachings of Vatican II.

613-615

IC XLVI 93/07, 13-50: Tomás Rincón-Pérez: La justa autonomía de los institutos religiosos y su proyección sobre los monasterios de monjas. (Article)

See above, canon 586.

634-640

RfR 66 1/07, 95-100: Elizabeth McDonough: Bona Ecclesiastica. (Article)

M. discusses the requirements of the Code with regard to the administration of temporal goods in religious institutes. Reference is made to secular institutes (canon 718) and societies of apostolic life (canon 741) as well as to Book V of the Code dealing with the acquisition and administration of temporal goods for public juridical persons.

634-640

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

642

Per XCV 3/06, 391-448: Gianfranco Ghirlanda: Aspetti canonici dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

See above, canon 241.

642

Per XCV 3/06, 449-464: Giuseppe Versaldi: Implicazioni psicologiche dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

See above, canon 241.

663

CpR LXXXVII 3-4/06, 321-351: J. D. Noguera: Las normas sobre la Eucaristía en el Código de derecho canónico de la Iglesia Latina del año 83 con ocasión del año de la Eucaristía. (Article)

Three norms for the spiritual life of religious are given in the second paragraph of canon 663: participation in the Eucharist, reception or Communion of the Body of Christ, and adoration of the Lord present in the Blessed Sacrament. N. studies in depth the Latin words used in this canon, and points out how each of these norms (participation, reception, and adoration) is sustenance for the contemplative life of all religious.

669

CpR LXXXVII 3-4/06, 423-454: E. Sastre Santos: Se l'abito fa il monaco. (Article)

The aphorism "the habit makes the monk" has a long history, as a question, a negation, and an affirmation. S. points out that, until 12 June 1858, the habit *did* legally make one a monk – on that date the possibility of "tacit profession" was abolished by the decree *Sanctissimus* of the Congregation for the State of Regulars. The earliest use of the habit was as a sign of belonging to the monastic order, as well as a testimony of the religious life as a penitential state. Until the classical era (1140), oblation (*professio paterna*) by parents was a possible means of entrance into monastic life as well. After the patristic era, profession became recognised as the gateway to monastic life, although the practice arose of receiving the monastic habit on one's deathbed. In the classical period of canon law, regular profession, either tacit or expressed, became the only form of entrance into religious life, while the habit became the symbol and

identity of the religious order. After Trent, there was a gradual departure from an identification of the habit with the religious order, until tacit profession was finally abolished. S. concludes with questions regarding the need for a sign of consecrated life and the various new forms of consecrated life.

673-683

IC XLVI 93/07, 13-50: Tomás Rincón-Pérez: La justa autonomía de los institutos religiosos y su proyección sobre los monasterios de monjas. (Article)

See above, canon 586.

686-687

BEF LXXXII 1/06, 187-192: Javier González: Temporary Profession and Exclaustration. (Consultation)

G. considers in detail the law concerning temporary profession in a religious institute, and the rights and obligations of a religious who is exclaustrated.

690

BEF LXXXI 850/05, 725-731: Javier González: Is Re-Admission to the same Religious Institute Possible? (Consultation)

G. considers that readmission to the same religious institute is possible, but adds qualifications and conditions, and comments on the appropriate procedures.

694

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

711

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, canon 573.

718

RfR 66 1/07, 95-100: Elizabeth McDonough: Bona Ecclesiastica. (Article)

See above, canons 634-640.

731

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 8 September 2006 Pope Benedict XVI established the "Good Shepherd Institute" as a society of apostolic life of Pontifical rite, the new institute including a number of priests and seminarians who had belonged to the Society of St Pius X and had now returned to full communion with the Church. The statutes of the institute, approved *ad experimentum* for five years, authorised exclusive use of the Gregorian liturgy contained in the liturgical books in force in 1962, namely the Pontifical, the Missal, the Breviary and the Roman Ritual. [Editor's note: this was prior to the publication of the *motu proprio Summorum Pontificum* (7 July 2007), authorising the celebration of Mass according to the 1962 Missal as the extraordinary form of the Liturgy of the Church.] The manner of the institute's presence in the Archdiocese of Bordeaux was to be regulated by an agreement between both parties. Cardinal Darío Castrillón Hornos, President of the Pontifical Commission *Ecclesia Dei*, which had been involved in the Pope's decision to erect the new institute, commented that the situation now called for "a whole endeavour of pacification, reconciliation and communion".

741

RfR 66 1/07, 95-100: Elizabeth McDonough: Bona Ecclesiastica. (Article)

See above, canons 634-640.

BOOK III: THE TEACHING OFFICE OF THE CHURCH

751

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

See above, canons 204-205.

751

QDE 20 (2007), 82-104: Gianluca Marchetti: La riammisione alla Chiesa cattolica di coloro che hanno abbandonato la piena comunione. (Article)

M. deals with the readmission to the Catholic Church, i.e. to full communion, of those who have left it culpably. He first describes the rite of reconciliation of apostates, heretics and schismatics under the 1917 Code, before dealing with the various stages that may be involved in the process of readmission, including the remission of any excommunication and the dispensation from any irregularity that may apply, and the rite of admission itself. For this purpose he adapts the rite of admission to full communion of baptised non-Christians which is to be found in the Roman Ritual. At the end of the article M. offers some sample forms which could be made available to those called upon to work in this area, and which can help provide juridical certainty by certifying the act of having left the Church and the act of subsequent readmission to full ecclesial communion.

751

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See above, canon 205.

753

N XLIII 7-8/06, 376-384: Pontificium Consilium de Legum Textibus: Nota. (Reply)

See above, canons 455-456.

757

RTL 38 (2007), 3-28: Alphonse Borras: La théologie du diaconat. Où en sommes nous? (Article)

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

780

Vid 70 11/06, 849-862: S. Devaraj: Lay Catechists in the Documents of the Church. (Article)

See below, canon 785.

785

Vid 70 11/06, 849-862: S. Devaraj: Lay Catechists in the Documents of the Church. (Article)

D. considers the development of the notion of "catechist" in official Papal documents in the twentieth century, from being virtually overlooked to being recognised as "indispensable helpers" in the work of evangelisation. He then considers the role of catechist according to the Second Vatican Council, not as "a supplier for the priest" but as "in his/her own right a witness to Christ in the community to which he belongs". He develops this theme, in terms of the catechist's ministry of the Word, of worship, and of service, and notes that this essential ministry requires adequate formation and support. He suggests that the Church in India needs to set up a recognised ministry of catechist, as allowed by *Ministeria Quaedam*, to provide a more "official" status for catechists in the Church in India.

794-797

Vid 69 9/05, 675-686: G. de Lima: Catholic Education: Challenges and Prospects. (Article)

De L. considers the social context now shaping education in India, and the characteristics of an effective Catholic school in this context. A particular aim of Catholic education must be "communion" at every level, within the context of pluralism. He concludes with a few comments on the consequences for Catholic involvement in higher education, which in India means Catholic colleges.

800

Vid 69 9/05, 675-686: G. de Lima: Catholic Education: Challenges and Prospects. (Article)

See above, canons 794-797.

807-810

Vid 69 9/05, 675-686: G. de Lima: Catholic Education: Challenges and Prospects. (Article)

See above, canons 794-797.

822

AA XIII (2006), 157-186: Juan G. Navarro Floria: Iglesias, medios de comunicación y libertad religiosa en la República Argentina. (Conference presentation)

See above, General Subjects.

BOOK IV: THE SANCTIFYING OFFICE OF THE CHURCH

838

CLSN 149/07, 59-63: Gordon Read: The translation of "*pro multis*". (Article)

R. looks at the controversy over the proposed translation of *pro multis* in the Eucharistic Prayer as "for many" rather than "for all" (see following entry). This has been discussed on the *Zenit* website which looked at the arguments in favour of "for all" put forward by M. Zerwick in 1970, in response to a request from Archbishop Annibale Bugnini. Although Zerwick argued that the use of "for all" would not lead to the erroneous belief amongst Catholics that "all" would be actually saved, R. questions the validity of this argument: indeed he says that in his own experience it is indeed a common assertion derived principally from the text in question.

838

CLSN 149/07, 64-65: Cardinal Francis Arinze: Letter in *Notitiae* regarding "*pro multis*". (Document)

This letter, dated 17 October 2006, explains why, following consultation amongst the episcopate, it was decided that the expression *pro multis* for the consecration of the Precious Blood should be translated in future as "for many" and not "for all". This did not in any way question the validity of Masses celebrated with the phrase "for all". The change was deemed appropriate because it is faithful to the Scriptural texts; the Roman rite has never said *pro omnibus*; the Oriental rites – no matter what language – have the equivalent of the Latin *pro multis*; and the phrase "for many", while remaining open to the inclusion of all in salvation, avoids giving the impression that all are saved without any willing participation in God's plan. Where "for all" has been used there will be the need for the necessary catechesis to explain the introduction of the precise vernacular translation.

838

CLSN 149/07, 66: Gordon Read: "Pray Brethren"… or "Brothers and Sisters". (Article)

R. looks at how *Orate fratres* is sometime translated in an effort by the celebrant to be more inclusive. He makes reference to *Liturgiam Authenticam* which draws attention to the dangers in departing from the usage in the Latin

text. He concludes that a congregation is entitled to the use of officially approved texts no matter what the celebrant thinks of them. He wonders how many celebrants correct the material heresy found in the ICEL translation of the Preface of Eucharistic Prayer IV ("You alone are God", addressed to the Father).

838

N XLIII 7-8/06, 376-384: Pontificium Consilium de Legum Textibus: Nota. (Reply)

See above, canons 455-456.

BOOK IV, PART I: THE SACRAMENTS

846

CLSN 150/07, 36-37: Gordon Read: Explanatory Comments during Mass. (Article)

R. refers to a query raised on this subject on the *Zenit* website. He points out that whereas the reply quotes the *General Instruction of the Roman Missal* (GIRM), no. 31, mention could also have been made of GIRM, no. 105, and the use of a commentator at Mass. Such commentators, in England at least, were quite common at the time of the renewal of the liturgy, especially on such occasions as ordination Masses. This is not a recent innovation but was indeed mandated by the Council of Trent, which instructed pastors – either themselves or through others – to explain frequently during the celebration of Mass something of what was being said at Mass (Session XXII, cap. VIII).

846

HPR 8-9/04, 8-15: Thomas J. Paprocki: Why stick to the book? (Article)

Using parallel canons and selections from the *General Instruction of the Roman Missal*, P. presents the underlying reasons for the requirement that no person may add, remove, or change any of the texts or ceremonies of the liturgical books, except in cases of licit adaptation. The author is auxiliary bishop of the Archdiocese of Chicago.

BOOK IV, PART I, TITLE I: BAPTISM

849

PCF VII (2005), 157-177: Gary Noel S. Formoso: The Problem of Validity of Aglipayan Baptism. (Article)

One of the most popular Churches in the Philippines, the Aglipayan Church, was founded in 1902 by Gregorio Aglipay, a former Catholic priest excommunicated in 1899. It is called *Iglesia Filipino Independiente* (IFI). Most if not all Catholic doctrines became part of the official doctrines of this Church; and its sacraments and liturgy, as well as the décor of its churches, bear a close resemblance to Roman Catholic churches and acts of worship. Since marriage between Catholics and Aglipayans is very common in the Philippines, the question of how to categorise these marriages arises: under disparity of cult or under mixed marriages? This will depend on the nature of the baptism of the Aglipayan party. Bearing in mind that the IFI is in full communion with most of the Anglican Churches, participates actively in ecumenical discussion and activities in the Philippines, and is one of the founding members of the World Council of Churches and the East Asia Christian Conference, F. examines the Aglipayan doctrines and manner of celebration of the sacrament of baptism. He says that we cannot decide that baptism of the Aglipayan Church is valid or invalid until we have ascertained which faction of this Church is in question. If it is the faction which uses the Unitarian formula in their celebration of baptism, it is invalid. If it is the De Los Reyes Faction, which canonically meets the requirements for validity in the celebration of baptism, it is valid. The validity will be verified by the baptismal certificate which states that this person was baptised in the Aglipayan Church, using the Trinitarian formula. Once this has been established, a marriage between an Aglipayan and a Catholic will be categorised as a mixed marriage.

861

CLSN 149/07, 54-58: Gordon Read: Unauthorised Baptism. (Article)

See below, canons 867-868.

867-868

CLSN 149/07, 54-58: Gordon Read: Unauthorised Baptism. (Article)

The article follows on from a question discussed on the *Zenit* news agency site about a grandmother secretly baptising her grandchild. Obviously for the

grandmother the impetus was that baptism is necessary for salvation. R. looks at what the *Catechism of the Catholic Church* says about the fate of the unbaptised, a question also examined in a report of the International Theological Commission issued in April 2007. Although the Code permits the baptism of a child *in periculo mortis* without the parents' consent, no other circumstances are envisaged when this would be lawful. If it were to happen, there could be many unforeseen consequences, especially as there is no record of the baptism. The question also arises as to which Church or ecclesial community the child has been baptised into.

867-868

HPR 1/06, 63-65: William B. Smith: Without Parental Consent. (Response)

S. notes that all exceptions to the rule that parental consent is required for the baptism of infants are limited to cases of danger of death. Apart from these exceptions, parental consent is required along with a realistic hope that the child will be brought up in the Catholic faith.

868

BEF LXXXII 2/06, 371-386: Javier González: May Children of Unmarried Parents be Barred from Baptism? (Consultation)

G. surveys the different opinions on this and related issues, and argues that baptism should not be refused, though it may be deferred; and that the marital state of the parents should not be the determining factor.

877-878

BEF LXXXI 849/05, 526-536: Javier González: Changes in the Baptismal Records. (Consultation)

Four groups of questions are asked: What should be recorded in the baptismal register? Can the record be changed, and if so, how? What can be done if the record cannot be produced for any reason? What should be done in this regard if the baptism is conferred in special circumstances, such as in a hospital? G. answers these questions in regard to canon law, in the context of the civil law of the Philippines, and with special reference to the particular law of the Philippine Church.

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

883

SC 40 2/06, 293-348: John M. Huels: The Supply of the Faculty to Confirm in Common Error. (Article)

The laws on the grant and use of faculties are numerous and complex, and frequently there arises confusion as to whether a presbyter is delegated validly to administer the sacrament of confirmation. Closely linked to this issue is the canonical principle of common error, and whether it may be applied to a situation when it is clear that a requirement for validity was not observed. Canonical discussion on common error has largely focused upon the sacraments of penance and marriage. This study is an analysis of the faculty of confirmation and the application of the canonical doctrine of common error when there is a question of validity. H. presents the discussion in three major divisions. The first part examines canon 144 and common error. Part Two examines the evolution of the law on the presbyter as a minister of confirmation. Part Three considers a variety of questions related to confirmation and common error and concludes with several recommendations.

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

910

CLSN 149/07, 67-68: Gordon Read: Extraordinary Ministers and the Purification of Sacred Vessels. (Article)

It is a widespread practice in England and Wales for extraordinary ministers of Holy Communion to purify the sacred vessels at Mass, even though this is not allowed by the *General Instruction of the Roman Missal*, nos. 183 and 192, or by *Redemptionis Sacramentum*, no. 119. Although permission for this was sought by the Conference of Bishops of England and Wales, this was refused. This permission, which had initially been granted to the United States bishops for three years, was not renewed upon expiry of that period. Cardinal Arinze, in an explanatory letter, wrote that, whilst wishing to uphold the sign value of receiving Communion under both kinds, when there are large numbers at Mass it is inadvisable for the faithful to receive the Precious Blood from the chalice. Rather this is better done by intinction, and in any event it is still of course possible to receive validly and completely from the Host alone, so there should be no need for such permission for extraordinary ministers to purify the sacred vessels on account of large numbers at Mass. (The other part of the article looks at the nature and significance of a *recognitio* given to local legislation, for which see above, canon 455.)

915

Per XCVI 1/07, 3-58: Raymond L. Burke: Canon 915: The discipline regarding the denial of Holy Communion to those obstinately persevering in manifest grave sin. (Article)

The Archbishop of St Louis outlines the origins of the canonical discipline found in canon 915 and reflects on the implications of its implementation. He traces the law from 1 Corinthians, through the Fathers of the Church, the Roman Ritual of 1614, Eastern Synods, Pope Benedict XIV, the 1917, 1983 and 1990 Codes, as well as interventions from competent dicasteries of the Holy See. He concludes that the current canons of the Codes (1983 and 1990) "articulate an essential element of the shepherds' responsibility, namely, the perennial discipline of the Church by which the minister of Holy Communion is to deny the Sacrament to those who obstinately persevere in manifest grave sin".

915-916

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

See above, canons 204-205.

928

CLSN 150/07, 36-37: Gordon Read: Explanatory Comments during Mass. (Article)

See above, canon 846.

941

N XLIII [sic] 3-4/07, 182-183: Congregatio de Cultu Divino et Disciplina Sacramentorum: Responsa ad Dubia Proposita. (Reply)

The Congregation replies in the negative to the question whether it is permitted to expose the Precious Blood for adoration. The norms of *Inaestimabile Donum*, no. 14, the *General Instruction of the Roman Missal*, and also *Redemptionis Sacramentum*, no. 104, prohibit the reservation of the Precious Blood. Only sufficient is to be consecrated as will be needed for distribution, and any surplus must be consumed. The only exception is for the taking of Holy Communion to a sick person unable to receive under the form of bread, something that should be done within a short space of time because of the danger of corruption of the species. It is unlawful to expose the Precious Blood for adoration, either by itself, or together with the Sacred Host. Moreover the making or use of an *ostensorium* designed to expose the Precious Blood is reprobated.

941-942

N XLIII 9-10/06, 493-504: [Bishops' Committee on the Liturgy of the United States Conference of Catholic Bishops]: Questions on Adoration of the Blessed Sacrament. (Directory)

Given here are extracts from the document on the worship of the Eucharist outside of Mass produced by the United States Bishops' Conference. The first part, quoted in full, explains the rationale behind Exposition. The remainder, with some omissions, answers questions concerning the manner of Exposition, and in particular where perpetual adoration is established.

946

BEF LXXXII 3/06, 701-704: Javier González: Gregorian Masses: Is there any recent modification of the Church teaching? (Consultation)

G. reviews the meaning of the term "Gregorian Masses" and the current discipline of the Church, concluding with some remarks in regard to offerings for Mass.

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

959-991

AA XIII (2006), 9-54: Carlos Baccioli: Los requisitos psicológicos en el penitente y en el confesor para la eficacia del Sacramento de la Reconciliación. (Article)

In the face of the present falling away in the use of the sacrament of reconciliation, the increase in moral relativism and the loss of the sense of sin, B. presents the anthropological, theological and biblical foundations of the sacrament and considers the psychological requirements for its most effective use both in the penitent (adequate discernment, awareness of sin with genuine repentance and purpose of amendment) and in the confessor (sufficient doctrinal formation, and the necessary pastoral, psychological and human qualities). He also considers the need for the confessor to discern between normal and psychologically pathological conditions in penitents, such as guilt complex, repression, regression, scruples and other types of personality disorders. He concludes with some observations on the imposition of a penance and the obligation to observe the seal of the sacrament. His article is accompanied by many and copious footnotes and references, especially to Papal discourses and the literature of psychology.

983-984

REDC 63 160/06, 47-123: José Joaquim Almeida Lopes: O delito canónico e civil de violaçao do sigilo sacramental. (Article)

A.L. examines the seal of confession and its violation as it is dealt with by both canon law and Portuguese civil law. He provides a historical analysis of the background and development of this area from the early Celtic penitentials, through the middle ages, the 1917 Code and the present Code. He examines what the inviolability of the seal really means and what exactly is covered by it, the basis for this discipline, the difference between the seal and the secret of confession, direct and indirect violation of the seal, release by express permission of the penitent from the obligation of keeping the seal, the prohibition on the use of knowledge acquired by the confessor in confession, especially on its use in the external forum by religious superiors or authorities, and the penal process for the punishment of the crime of violation of the seal. In Portuguese civil law the crime of breaking professional secrecy also covers the seal of confession. He contrasts the present law (1995) which carries a sentence of one year's imprisonment or a fine, with an earlier law (1769) which imposed the death penalty and confiscation of all goods. The second part of A.L.'s article considers the historical development of Portuguese criminal law in this matter.

BOOK IV, PART I, TITLE VI: ORDERS

1008

RTL 38 (2007), 3-28: Alphonse Borras: La théologie du diaconat. Où en sommes nous? (Article)

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

1008-1009

Vid 70 1/06, 37-47: Arulselvam Rayappan: Bishops, Love Your Priests as Jesus Loved the Apostles. (Article)

See above, canon 384.

1024

Per XCV 3/06, 391-448: Gianfranco Ghirlanda: Aspetti canonici dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

See above, canon 241.

1024

Per XCV 3/06, 449-464: Giuseppe Versaldi: Implicazioni psicologiche dell'Istr. *In continuità* del 4 novembre 2005. (Conference presentation)

See above, canon 241.

1024

TS 68 2/07, 348-367: Phyllis Zagano: The Question of Governance and Ministry for Women. (Article)

Z.'s argument is that, independent of the discussion about women priests, it would seem that today the Church has both the authority and power to ordain women deacons. At a meeting with the priests of the Diocese of Rome on 2 March 2006, Pope Benedict spoke of the possibility of women having a role of governance and ministry in the Church. Z. claims that this possibility could only

be realised by ordaining women to the diaconate. She defends her opinion by citing examples from practice in the history of the early centuries of the Church.

1040-1049

QDE 20 (2007), 82-104: Gianluca Marchetti: La riammisione alla Chiesa cattolica di coloro che hanno abbandonato la piena comunione. (Article)

See above, canon 751.

1041-1042

BEF LXXXII 1/06, 181-186: Javier González: May a man who has had a child be ordained Priest? (Consultation)

While it is possible for a man who has had a child to be ordained priest there may nevertheless be some considerations, such as the natural obligation to support the child, which would preclude him from receiving ordination.

BOOK IV, PART I, TITLE VII: MARRIAGE

1055

CLSN 149/07, 24-37: Rotal Decision *coram* Civili, 8 November 2000 (Slovakia). (Document)

See below, canon 1101.

1055

INT 13 1/07, 53-63: David M. Thomas: What's so Spiritual about Marriage? (Article)

See above, canon 226.

1055

INT 13 1/07, 64-73: Adrian Thatcher: Theology for Parents. (Article)

See above, canon 226.

1055

INT 13 1/07, 84-92: Gisbert Greshake: Die Bewertung der Ehe bei Charles de Foucauld in seiner Korrespondenz mit Louis Massignon. (Article)

See above, canon 226.

1055

J 67 (2007), 245-279: William Varvaro: Some Recent Rotal Jurisprudence on *Bonum Coniugum*. (Article)

Though *bonum coniugum* featured in the 1983 Code (canon 1055) it was not until 2000 that decisions in marriage tribunals were reflecting its impact on the validity of marriages. Mgr Cormac Burke was one influential voice to give it due weight. V. gives an account of several Rotal decisions from 1999 to 2004 that are important for the understanding and application of this canon. Two of these judgements by Mgr Boccafola are published here for the first time.

1055

Per XCV 4/06, 675-695: Sententia definitiva, coram McKay, 19 maii 2005: Nullitas Matrimonii ob incapacitatem discretionis iudicii et ob incapacitatem adsumendi onera matrimonii; ob exclusionem boni coniugum. (Sentence)

See below, canon 1095 2º-3º.

1055

Per XCVI 1/07, 59-64: Janusz Kowal: Breve annotazione sul *bonum coniugum* come capo di nullità. (Article)

See below, canon 1101.

1055

Per XCVI 1/07, 65-92: Sententia definitiva, coram Turnaturi, 13 maii 2004: Nullitas Matrimonii ob exclusionem boni coniugum. (Sentence)

See below, canon 1101.

1055-1057

AA XIII (2006), 55-86: José Bonet Alcón: La belleza de la verdad sobre el matrimonio. Comentario al discurso del Santo Padre a la Rota Romana del 27 de enero de 2007. (Commentary)

See below, canon 1101.

1055-1057

CLSN 149/07, 8-12: Papal Allocution to Rotal Auditors and Officials, 27 January 2007. (Document)

The Holy Father points out how because of cultural influences today, the "truth" of marriage can be obscured and marriage seen as "a mere social formalisation of ties". This understanding of marriage can also affect the attitudes of many of the faithful and lead to an incorrect interpretation of *Gaudium et Spes*, no. 48. It is therefore important that those who administer justice as well as all the faithful keep in mind that the indissolubility of the marital bond does not depend on the commitment of the parties but rather it is a "powerful bond established by the Creator". Therefore those who work in tribunals should avoid the temptation to

see tribunal processes as simply a means to allowing people in irregular marriages to receive the sacraments regardless of the truth regarding their prior marital bond.

1055-1057

IC XLVI 93/07, 217-222: Benedicto XVI: Discurso al Tribunal de la Rota romana, 27.I.2007. (Address)

The text is given of Pope Benedict XVI's address to the Rota on 27 January 2007. After recalling his 2006 address in which he spoke of the matrimonial process as a service to the truth, the Pope points out that the "truth of marriage" loses its existential importance in a cultural context marked by relativism and juridical positivism. The crisis of the meaning of marriage has come to affect many of the faithful, who have been led to believe that the Second Vatican Council's teaching on marriage as *intima communitas vitae et amoris* is incompatible with the concept of an indissoluble conjugal bond, since this would be an "ideal" to which "normal Christians" cannot be "constrained". Hence it is considered in some quarters that the pastoral good of people who are in irregular marriage situations demands a sort of canonical regularisation, independent of the objective truth regarding the nullity or otherwise of their marriage. The Pope states that the Council certainly did describe marriage as *intima communitas vitae et amoris*, but this partnership is determined by a series of principles of divine law which establish its true and permanent anthropological meaning. The Magisterium of Popes Paul VI and John Paul II, as well as the Latin and Eastern Codes of Canon Law, provide an understanding of marriage which is in hermeneutical continuity with the Council. The anthropological and saving truth of marriage is already present in Scripture, and it is possible to work out an authentic juridical anthropology of marriage. Indissolubility does not come from the definitive commitment of the spouses, but is intrinsic in the nature of the bond established by God. The Church's doctrine in this regard follows the teachings of Jesus, the Apostles and the Fathers. All the activity of the Church and her faithful in the area of the family needs to be based on the truth about marriage and its intrinsic juridical dimension. In defending the truth of marriage it is important not be seduced by interpretations that break with the Church's Tradition. The contribution of ecclesiastical tribunals to helping overcome the crisis of the true understanding of marriage has a significant value of witness, and is of deep reassurance to all.

1055-1057

IC XLVI 93/07, 223-237: Juan Ignacio Bañares: La dimensión jurídica intrínseca al matrimonio. El discurso de Benedicto XVI al Tribunal de la Rota romana de 27 de enero de 2007. (Commentary)

In his 2007 address to the Rota Benedict XVI warned against relativism and juridical positivism which regard marriage as a mere social formalisation of emotional ties. In this article B. explains that if marriage has no objective reality it is simply defined by the parties and the legislator. From the parties' point of view, the absence of a link to objective reality is what constitutes the essence of relativism. From the legislator's point of view, the absence of any reference to objective reality leads to the affirmation of the legislator's absolute independence in making laws (positivism). B. discusses what the Pope refers to as the "hermeneutic of discontinuity and rupture", according to which the texts of the Second Vatican Council are regarded as not truly representing the spirit of the Council – hence it is necessary to follow not those texts, but the "spirit" (an approach which obviously lends itself to arbitrariness, as there is no clear way of knowing what that "spirit" is supposed to be). He then looks at what the Pope calls the "hermeneutic of renewal in continuity". Scripture, Tradition and the Magisterium all make clear the powerful unity between the truth of the person as a sexual being and the intrinsic juridical nature of marriage.

1055-1057

QDE 20 (2007), 171-184: Adolfo Zambon: La simulazione del consenso (can. 1101). (Conference presentation)

See below, canon 1101.

1056

Per XCV 4/06, 619-625: Kevin Flannery: Tommaso d'Aquino sulla possibilità che l'inclinazione naturale verso il matrimonio sia sradicata dalla psyche del nubendo. (Article)

Beginning from some texts of St Thomas concerning marriage and the natural law, F. concludes that the natural inclination to marry includes, of necessity, the essential property of indissolubility.

1056

QDE 20 (2007), 185-198: Adolfo Zambon: L'esclusione dell'indissolubilità del vincolo. (Conference presentation)

See below, canon 1101.

1056

SC 40 2/06, 501-512: Diocese of Poznań, *coram* Bottone, 9 October 2003. (Sentence)

See below, canon 1101.

1058

IC XLVI 93/07, 73-97: Héctor Franceschi F.: El contenido y la determinación del *ius connubii* y sus manifestaciones en el sistema matrimonial canónico vigente. (Article)

In explaining marriage and the *ius connubii*, F. sets out from the starting-point of "juridical realism". Marriage, before being a juridical set of norms, is a reality which demands a juridical system that recognises, regulates, promotes and protects it. From this viewpoint it is possible to understand why there should be a juridical matrimonial system. Faced with the rupture of the juridical and cultural unity of the West, it is necessary to try to rediscover the roots of our matrimonial system, which is not a superstructure that places narrow limits on the otherwise unlimited freedom of the person as regards his or her decision on the use of sexuality, but rather a system which, availing itself of the treasures of centuries-old teachings, sets about responding to the demands of the *ius connubii* as a fundamental right of the person and of the Christian faithful, based on the complementarity of masculinity and femininity.

1058

REDC 63 160/06, 255-276: Miguel Falção: O *ius connubii* romano e o direito ao matrimónio. (Article)

The first part of F.'s study looks at the *ius connubii* in Roman law of the classical period, the distinction between *iustum matrimonium* and *iniustum matrimonium* and their juridical relevance. Marriage was viewed as a *de facto* situation with legal consequences, for not all classes of Roman society could establish a *iustum matrimonium*. The second part of his study is the text of a presentation given by him at the University of Navarra in September 1998

entitled "The Right to Marry in the Third Millennium". The Church has always recognised certain impediments to marriage and although these have been somewhat reduced in the present Code, the area of incapacity/inability has expanded. F. considers the increasing distance between the law and the reality of marriage, and appeals for a return to what he sees as an earlier juridical realism where marriage is viewed not primarily as a juridical system of norms but rather a theological reality in accord with the teachings of the Scriptures and the Church which requires a juridical structure to recognise, regulate and protect it.

1059

AA XIII (2006), 267-294: María del Mar Leal Adorna / María Reyes León Benítez: Las decisiones de tribunales estatales españoles sobre el reconocimiento de la nulidad matrimonial canónica: la jurisprudencia del año 2005. (Article)

Neither a canonical declaration of nullity of marriage nor a dissolution *in favorem fidei* is automatically recognised in Spanish civil law. It can be recognised if one or both parties so request and if the canonical decision is in keeping with State law. However, this is not always a straightforward affair as the requirement that the canonical decision conform to Spanish civil law has been interpreted differently in various civil court judgements. The absence of one of the contending parties is unacceptable in civil cases, whereas it may not be so (indeed, it may be inevitable) in some canonical cases. Therefore if total equivalence is demanded between the two systems a canonical declaration of nullity may not be given civil recognition. Nevertheless, the voluntary absence of one of the parties (having been informed and given the opportunity to participate in the process) would not normally preclude civil recognition since what is being safeguarded by the law is the right of defence. However, another scenario is possible where a party, having been invited to do so, refuses to cooperate in the canonical process alleging religious, ideological or other personal grounds. In one such case, given the aconfessional nature of the Spanish State, the civil court refused recognition of the canonical decision on the grounds that to do so would violate the contending party's freedom of religion. The State is not in the business of imposing the Church's law on unwilling parties. This effectively allows a recalcitrant or obstructive respondent to deny the petitioner's legitimate right to civil recognition of the canonical decision; yet the regulations of the Council of Europe (no. 2201/2004, article 63) make reference to those countries of the European Union which have Accords or Concordats with the Holy See in these matters. The co-authors of this article use three specific civil court decisions delivered in 2005 to develop their ideas, and they provide the texts of these judgements as appendices.

1061

CLSN 149/07, 13-23: Aidan McGrath: A Question of Interpretation: The Roman Rota and the Theology of Marriage. (Article)

See below, canon 1084.

1071

HPR 11/06, 70-71: Brian T. Mullady: Marriage for elderly without state recognition. (Response)

Is it permissible for two elderly people, otherwise free to marry, to contract marriage privately without it being registered civilly? While recognising the reasons and difficulties for older people to marry (in particular, the increased tax liability on the married couple), M. notes that marriage is a public act and that performing secret marriages is truly exceptional. It can also lead to scandal: respect for the public esteem of the Church and the good order of the State demands that pastors respect requirements in civil law for the public registration of marriages.

1071

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

1084

CLSN 149/07, 13-23: Aidan McGrath: A Question of Interpretation: The Roman Rota and the Theology of Marriage. (Article)

This article was first published in the *Ecclesiastical Law Journal* of July 2006 (see *Canon Law Abstracts*, no. 98, p. 73). McG. looks at the history of the subject and how Sánchez's interpretation of *Cum frequenter* became the authoritative one; and also at the different approaches of the Rota and the Holy Office when dealing with the marriages of those men forcibly sterilised under the Nazis. He looks at the decree of Sacred Congregation for the Doctrine of the Faith of 13 May 1977, and the Rotal decision *coram* Serrano (January 1986) that followed. The article is not about impotence alone: as the title suggests it is about the correct interpretation of documents, and therefore McG. concludes that there is a need in interpretation to study documents carefully, giving proper attention to their internal structure, literary form and historical context.

1085

ETL 83 4/07, 107-121: Geoffrey D. Dunn: The Validity of Marriage in Cases of Captivity – The Letter of Innocent I to Probus. (Article)

See above, Historical Subjects (*First millennium*).

1086

PCF VII (2005), 157-177: Gary Noel S. Formoso: The Problem of Validity of Aglipayan Baptism. (Article)

See above, canon 849.

1086

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

1086

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See above, canon 205.

1092

HPR 12/06, 67-68: Brian T. Mullady: Marriage of deceased spouse's sibling. (Response)

If a man's wife dies, can he marry her sister? M. summarises the Church's discipline regarding the impediments of consanguinity and affinity, and concludes that it would not be "sinful" to marry the brother or sister of a deceased spouse. "In fact, the Church now seems to encourage affinity in the collateral line as families do not live as closely as they once did and this can be a very effective means of assuring the care of the children left from the first marriage."

1095

CLSN 150/07, 11-35: Supreme Tribunal of the Apostolic Signatura, Prot. n. 28252/97: Question regarding the Use of Experts in Nullity Cases. (Document with commentary by Augustine Mendonça)

See below, canon 1680.

1095

HPR 12/05, 14-21: Robert J. Kendra: American annulment mills. (Article)

K. presents a statistical review of the operations of American tribunals, concluding that most of these decisions are "phoney annulments". He then presents a case study of his own marriage, which was "victim to two decrees of nullity by a US Tribunal".

1095

J 67 (2007), 245-279: William Varvaro: Some Recent Rotal Jurisprudence on *Bonum Coniugum*. (Article)

See above, canon 1055.

1095 2º-3º

Per XCV 4/06, 675-695: Sententia definitiva, coram McKay, 19 maii 2005: Nullitas Matrimonii ob incapacitatem discretionis iudicii et ob incapacitatem adsumendi onera matrimonii; ob exclusionem boni coniugum. (Sentence)

This Rotal decision began in Orange in California. The *Ponens* considers the case on three grounds: the plaintiff's grave lack of discretion of judgement, at second instance; and the respondent's inability to assume the essential obligations of marriage and exclusion of the good of the spouses, at first instance. The case had received an affirmative decision at first instance, but the respondent appealed directly to the Roman Rota. The other two grounds were added by the advocate at the Rota. The decision was negative on all three.

1095 2º-3º

REDC 63 160/06, 9-45: Pietro Pellegrino: La capacità di intendere e di volere nel nuovo Codice Giovanneo-Paolino. (Article)

P analyses nos. 2º and 3º of canon 1095 from the point of view of Aquinas's teaching on the inseparability of the intellectual and volitional faculties. Among other doctrinal and jurisprudential aspects of this teaching he studies the difference between the essence of marriage, its essential properties and the substance of marriage, and what in this context is sometimes referred to as "moral impotence".

1095 2º-3º

REDC 63 160/06, 377-393: c. Celestino Carrodeguas Nieto: Tribunal de la Archidiócesis de Toledo, nulidad de matrimonio (exclusión de la prole, exclusión de la indisolubilidad y defecto de discreción de juicio), sentencia del 6 de noviembre de 2006. (Sentence)

See below, canon 1101.

1095 2º-3º

REDC 63 160/06, 395-405: c. Roberto Serres López de Guereñu: Tribunal de la Archidiócesis de Madrid: nulidad de matrimonio (defecto de discreción de juicio, falta de libertad interna, incapacidad para asumir las obligaciones), sentencia del 27 de marzo de 2006. (Sentence)

The interest in this case resides in the possible grounds of nullity based on the alleged inability of the female respondent to assume and fulfil the essential obligations of marriage. The fact that at the beginning of the case the judge deemed it advisable to appoint a curator for the respondent, since her mental state seemed to render her unable to participate fully in the process, would initially appear to favour such a ground of nullity. The marriage lasted forty years. For many of those years she was receiving psychiatric treatment for her schizoid condition. However, as S.L.G. makes clear in his *in iure* section, an alleged invalidating inability must be shown to be present at the time of consent. The evidence showed that the respondent's health only began to deteriorate some years into the marriage when one of her daughters was seriously ill and in danger of death. A negative decision was returned on all grounds.

1095 2º-3º

REDC 63 160/06, 467-500: Félix Rúiz de Larriñaga Escudero: Tribunal del Obispado de Vitoria, nulidad de matrimonio (defecto de discreción de juicio e incapacidad para asumir las obligaciones), sentencia del 17 de junio de 2004. (Sentence)

During a four-year courtship much of the male respondent's time was taken up in his work as a professional football coach, which had a negative effect on the relationship. This situation continued and became more acute in the marriage. He was ambitious in his career, worked until late at night on weekdays, undertook courses and training and was travelling at weekends to football matches. The couple saw little of each other and the petitioner felt isolated and alone. The witnesses agreed it had not been a good marriage from the beginning. A declaration of nullity was sought by the wife on the grounds of grave lack of discretion and inability to assume the essential obligations of marriage in both parties. In his *in iure* section R.L.E. when considering inability to assume deals especially with certain psychological anomalies which were to emerge in the psychiatric report which formed part of the *acta*, namely, emotional/affective immaturity, narcissistic and obsessive-compulsive personality, dependent personality and depression. After an exhaustive examination of the evidence (the sentence runs to 171 paragraphs) a decision for nullity was reached on the stated grounds, but in the female petitioner only.

1095 3°

Per XCV 4/06, 627-645: Alberto Vanzi: L'incapacità educativa dei coniugi verso la prole, come incapacità ad assumere gli oneri essenziali del matrimonio (can. 1095 3°). (Article)

This is a summary of V.'s doctoral thesis. It concerns the element of the education of children as relevant to the consideration of a person's incapacity to assume the essential obligations of marriage. He begins by reflecting on the ordering of marriage in canon 1055 §1 to the procreation and education of children. After a brief reflection on the place of education in the Magisterium and current canonical discipline, he addresses the issue in relation to the jurisprudence of the Rota concerning incapacity to assume the essential obligations of marriage.

1099

CLSN 149/07, 38-53: Anthony Kerin: Determining Error. (Conference presentation)

This paper was given at the 40th Conference of the Canon Law Society of Australia and New Zealand. Comparisons are made between ideas in contemporary psychology and those contained in Christian anthropology as to how people make decisions and how actions are taken. From the canonical perspective comparison is also made with grounds of grave lack of discretion of judgement and simulation, and how this might be applied to sacramental dignity, indissolubility and unity, and what proofs can be produced in support of error. A reluctance by first instance courts to use the ground of error is perhaps due to their concern that at second instance the courts may not be aware of recent jurisprudence. K. therefore advises that prudently at first instance "they ensure the point of issue embraces both defect of consent due to determining error and a grave lack of discretion of judgement."

1099

QDE 20 (2007), 185-198: Adolfo Zambon: L'esclusione dell'indissolubilità del vincolo. (Conference presentation)

See below, canon 1101.

1099

REDC 63 160/06, 407-416: c. Pablo González Cámara: Tribunal del Arzobispado de Burgos, nulidad de matrimonio (exclusión de la indisolubilidad, error de derecho), sentencia del 2 de septiembre de 2000. (Sentence)

See below, canon 1101.

1101

AA XIII (2006), 55-86: José Bonet Alcón: La belleza de la verdad sobre el matrimonio. Comentario al discurso del Santo Padre a la Rota Romana del 27 de enero de 2007. (Commentary)

B.A. comments on Pope Benedict XVI's allocution to the Roman Rota on 27 January 2007, dealing especially with the question of the indissolubility of marriage, intrinsic to its very nature, in the face of moral relativism and juridical positivism which see marriage as either a simple social recognition of the bond

of affection between two people or as a legal superstructure which can be adapted and changed at will (even to depriving marriage of its heterosexual nature). After looking at several of the antecedents of this theme in earlier Papal allocutions he comments on some of the pastoral consequences for marriage preparation in an age of overwhelming divorce mentality. The final part of his commentary considers the implications of the Papal allocution for marriage nullity cases in the practice of the Church's tribunals. The fact that the vast majority of declarations of nullity are based on invalid consent due to causes of a psychological nature leads B.A. to wonder whether modern society really is so psychologically wounded as to justify such percentages. He suggests that the failure of many of these marriages may be due not so much to psychological problems as to what could be called ethical failure, and he thinks that greater use could be made of canon 1101 §2 on the exclusion of indissolubility, fidelity and *bonum prolis*. He adds that in many cases the apparent difficulty of proving "a positive act of will" might be overcome when an exclusion (e.g. of indissolubility) which is habitual in a person's overall mentality and understanding of marriage becomes actual when referred to their own marriage, it being unnecessary (and even psychologically impossible) that they positively and explicitly exclude what they had never included in the first place.

1101

CLSN 149/07, 24-37: Rotal Decision *coram* Civili, 8 November 2000 (Slovakia). (Document)

This case concerns an affirmative decision that was given on the ground of exclusion of the good of the spouses on the part of the respondent male. The judges concluded: "The antecedent, concomitant and subsequent circumstances demonstrate that in contracting marriage the Respondent was unwilling to establish with the Petitioner a dual interpersonal relationship and one founded on equal dignity of the spouses. He certainly did not respect the fundamental rights of the woman, which are derived from her intrinsic human dignity."

1101

J 67 (2007), 245-279: William Varvaro: Some Recent Rotal Jurisprudence on *Bonum Coniugum*. (Article)

See above, canon 1055.

1101

Per XCV 4/06, 675-695: Sententia definitiva, coram McKay, 19 maii 2005: Nullitas Matrimonii ob incapacitatem discretionis iudicii et ob incapacitatem adsumendi onera matrimonii; ob exclusionem boni coniugum. (Sentence)

See above, canon 1095 2º-3º.

1101

Per XCVI 1/07, 59-64: Janusz Kowal: Breve annotazione sul *bonum coniugum* come capo di nullità. (Article)

K. offers some brief observations on the emerging phenomenon of declarations of nullity of marriage invoking the ground of an exclusion of the good of the spouses. He provides some statistics for first instance tribunals. He makes his remarks in the context of a sentence from the Roman Rota *coram* Turnaturi which gave an affirmative decision on this ground. (See following entry.)

1101

Per XCVI 1/07, 65-92: Sententia definitiva, coram Turnaturi, 13 maii 2004: Nullitas Matrimonii ob exclusionem boni coniugum. (Sentence)

This Rotal decision originates in Italy. It concerns a marriage between a couple whose relationship began while they were both married to other partners. Once widowed, a marriage was celebrated in 1994, when the man was 65 and the woman 51. The marital relationship fell apart within two years and the man petitioned for nullity on the grounds of total simulation or exclusion of the good of the spouses on the part of the woman. In this lengthy sentence, the *Ponens* explores the notion of the good of the spouses and its juridical content, and offers some guidelines for proof in such cases. The case received an affirmative decision on exclusion of the good of the spouses.

1101

QDE 20 (2007), 171-184: Adolfo Zambon: La simulazione del consenso (can. 1101). (Conference presentation)

Z. deals with the nature and importance of matrimonial consent, and the value of the presumption in canon 1101 §1 that the internal consent of the mind conforms to the words or signs used in the celebration of marriage. He examines the essence of simulation, which involves the exclusion of marriage itself or one

of its essential elements or essential properties, in such a way that the object of consent is no longer "marriage" as understood by the Church and in canon law. He explains why simulation cannot be joined either to *metus* (canon 1103) or to lack of use of reason (canon 1095 1º) as a head of nullity, except in a subordinate way. In practice it does tend to be joined in a subordinate way to either canon 1095 2º or 3º. He refers to the different types of simulation: bilateral and unilateral; formal and equivalent; total and partial. He explains the differences between total and partial simulation, although he points out that the distinction is not always clear-cut.

1101

QDE 20 (2007), 185-198: Adolfo Zambon: L'esclusione dell'indissolubilità del vincolo. (Conference presentation)

Z. looks at the content of the concepts of indissolubility and its exclusion. Exclusion of indissolubility involves an intention to establish a trial or experimental marriage, or to reject perpetuity, or to contract marriage as dissoluble, founded on a rescindable matrimonial bond. All these scenarios involve "revocable" consent – reserving the faculty to break the bond. Exclusion may be absolute (where perpetuity is excluded independently of any event or circumstance) or hypothetical (dependent on a future event); in relation to the latter term Z. points out proper and improper uses. He then examines the relationship between error and the exclusion of indissolubility, before looking at some particular circumstances connected with the exclusion of indissolubility: the desire to celebrate a civil wedding; divorce; living together; attempts to save the marriage; and the presence or otherwise of children. In considering such factors it becomes even clearer that to establish a true exclusion of indissolubility it is necessary to show that there was a positive act of the will, not simply general ideas.

1101

QDE 20 (2007), 199-217: Adolfo Zambon: L'atto positivo di volontà e la prova della simulazione. (Conference presentation)

When enquiring into whether there has been simulation the important thing is not what the allegedly simulating party thought in a general sort of way, but what he or she wanted or positively rejected. Z. analyses each of the components of the term "positive act of will" in canon 1101 §2, before going on to discuss "actual", "virtual", "explicit" and "implicit" positive acts of will, and attitudes or dispositions that do not constitute a positive act of will (such as "habitual" will, or a merely negative will lacking any true decisiveness, or the

so-called "interpretative" will, which reinterprets things *a posteriori*). Z. then considers the question of proofs, and the difficulties which these involve. To prove simulation there needs to be a concurrence of the following elements: the judicial and extrajudicial confession of the simulating party, confirmed by credible witnesses; a grave and proportionate motive for simulating; and the presence of antecedent, concomitant and subsequent circumstances proving the exclusion of marriage or of one of its essential elements or properties. Z. ends with some practical considerations to bear in mind when investigating simulation cases.

1101

REDC 63 160/06, 377-393: c. Celestino Carrodeguas Nieto: Tribunal de la Archidiócesis de Toledo, nulidad de matrimonio (exclusión de la prole, exclusión de la indisolubilidad y defecto de discreción de juicio), sentencia del 6 de noviembre de 2006. (Sentence)

A young, socially upwardly mobile couple set up home together within one month of knowing each other. Although baptised as Catholics, neither practised nor believed any longer. They agreed to stay together but only as long as they loved each other, and they also agreed they would have no children. After a year the prospect of promotion in their careers and the possibility of an *entrée* into certain social circles convinced them it would be better for their social and professional ambitions if they were now seen to be married. Accordingly they went through a wedding ceremony, but with no change to their previously agreed intentions and understanding of their relationship. The evidence of witnesses clearly confirmed this scenario and an affirmative decision was returned on the grounds of exclusion of children and indissolubility in both parties. Indications also existed of a grave lack of discretion of judgement, but as this was a secondary ground and moral certainty was more difficult to establish, a negative decision was reached on this issue.

1101

REDC 63 160/06, 407-416: c. Pablo González Cámara: Tribunal del Arzobispado de Burgos, nulidad de matrimonio (exclusión de la indisolubilidad, error de derecho), sentencia del 2 de septiembre de 2000. (Sentence)

A Spanish Catholic immigrant in Germany in the 1970s married a local woman brought up and educated in the Protestant Reformed Church where she had been taught that marriage was not indissoluble and divorce was quite allowable (her own parents had been divorced). In 1990 she decided to end the marriage and

left without explanation. The question to be decided was whether it could be shown that a person brought up with such a divorcist concept of marriage truly excludes indissolubility or at least suffers from an essential lack of knowledge as to what a true marriage is. In his sentence G.C. understands that in this particular case the nullity of marriage derives not so much from error in the female respondent as from the influence of the error on her will. It is inconceivable that with such a religious formation on this issue and a family history of divorce she should act in any other way, that is, by accepting unequivocally the indissolubility of marriage. A decision for nullity was returned on ground of exclusion of indissolubility alone.

1101

REDC 63 160/06, 417-466: c. José Antonio Fuentes Caballero: Tribunal del Obispado de Coria-Cáceres, nulidad de matrimonio (defecto de discreción de juicio, falta de libertad interna, exclusión total, exclusión de la prole, error en cualidad, miedo grave), sentencia del 4 de junio de 2003. (Sentence)

In this case a single petition for a declaration of nullity contains many different grounds (grave lack of discretion, lack of internal freedom, total simulation, partial simulation by exclusion of the *bonum prolis*, error of quality and grave fear). F.C. in his *in iure* section provides a long and detailed consideration of each of the proposed grounds, with special attention dedicated to the exclusion of the *bonum prolis* and total simulation, with copious references to and quotations from Rotal jurisprudence. His examination of the evidence in the case is equally careful and methodical. In the end nullity was considered proven on the sole ground of the female respondent's exclusion of the *bonum prolis.*

1101

SC 40 2/06, 487-500: Diocese of Napoli, *coram* Sciacca, 6 February 2004. (Sentence)

After a common life of about fifteen years (preceded by a very long engagement period), the husband petitioned the regional tribunal of Campagna/Napoli for a declaration of nullity. The proposed ground was exclusion of the good of the sacrament on the part of both spouses, or if not, on the part of the husband, as well as force and fear inflicted upon him. An affirmative decision at first instance was granted on 7 March 1997 on the ground of exclusion of the good of the sacrament on the part of the husband. The second instance decision by the Appellate Tribunal of the Vicariate of Rome reversed the first instance decision on 4 June 1999. The *in iure* section of the Rotal decision examines the principle

of nullity on the basis of the exclusion of the good of the sacrament-indissolubility, whether through the attachment of a condition, a mutual agreement by the parties, or by a positive act of the will. The Rota has applied the principles of law in numerous cases, and noted that this case does not pose any special questions as to the law. Thus the decision revisits the principles of marital consent, and marital affection, with reference to authors such as Navarrete, Robleda and Staffa. Also reviewed are the jurisprudential principles that consent is not vitiated by simple error. Only a positive act of the will can vitiate consent, not even an "intention of backing out" as is often typified in a divorce mentality or a more casual attitude should a marriage begin to break down. Also considered here is the possibility of simulation, but the court observed that simulation cannot be deduced from the mere cause of contracting.

The Rota noted the observation of the second instance court which distinguished between a mentality of "backing out" versus a positive act of the will applied to a marriage. The court proceeded to explore the ground of simulation. Contradictions between the testimony of the petitioner and responded were noted, and concluded that the husband did not possess the requisite act of the will. Nor did the testimony of the witness convince the court in the light of certain established facts. The Rotal *turnus* concluded negatively that no convincing argument in favour of the exclusion of indissolubility was established on the part of the petitioner.

1101

SC 40 2/06, 501-512: Diocese of Poznań, *coram* Bottone, 9 October 2003. (Sentence)

The parties were childhood friends and experienced a largely peaceful courtship, but soon after the marriage there were difficulties with the behaviour of the wife respondent. The husband was absent for military service for six months, and upon his return he discovered the wife to be distant, unfaithful, and pregnant by another man, but the pregnancy ended with a miscarriage. The wife received a divorce in March 1989 and rejected all efforts towards reconciliation. The husband petitioned the tribunal of Poznań in April 1991 on the grounds of exclusion of the unity of marriage by the respondent and also her incapacity to assume marital obligations due to a psychic cause. The petition was rejected initially, but within a few weeks was accepted after appeal. An affirmative decision was given on the ground of exclusion of the unity of marriage on the part of the respondent, but the ground of her incapacity to assume the obligations of marriage was rejected. The appellate tribunal in Warsaw heard the case by an ordinary examination on the ground of exclusion of the unity of marriage. The appellate tribunal rendered a negative decision. The case was appealed to the Roman Rota, with the doubt again on the exclusion of the

property of unity by the respondent. A supplemental instruction was carried out through a rogatory to the tribunal of Poznań.

The *in iure* section of the decision reviews the jurisprudence on the ends of marriage and the essential properties of unity and indissolubility and what it means to have a positive act of the will to exclude an element or property of marriage. It declares that unity is excluded when a contracting party reserves the right to have one or more spouse. The evolving jurisprudence more recently stressed "the importance of denying to the other party the perpetual and exclusive right rather than of granting it to a third person". The same applies to the rejection of this same exclusive right which is granted by the partner. Regarding proof: the confession of the simulator, trustworthy testimonies, an appropriate cause and the related circumstances must all concur. Even if the party refuses to admit the simulation, the various parts of the acts can be examined to prove simulation.

The Rotal auditors noted the poor instruction of this case at both first and second instances. The testimony of the witnesses supported the position that the testimony of the petitioner was much more trustworthy than the respondent's. Contradictions and inconsistencies in the respondent's testimony were noted several times. Her behaviour contradicted her testimony and confirmed the petitioner's statements concerning her intention, especially in regard to fidelity. The auditors also observed that the overall behaviour of the woman indicated that a divorce mentality and openness to infidelity passed into her will at the time the wedding was celebrated. The auditors decided the case in the affirmative due to the exclusion of the essential property of the unity of marriage on the part of the woman respondent.

1103

SC 40 2/06, 487-500: Diocese of Napoli, *coram* Sciacca, 6 February 2004. (Sentence)

See above, canon 1101.

1103

SC 40 2/06, 513-523: Diocese of Kielce, *coram* De Angelis, 5 November 2003. (Sentence)

The parties knew each other in childhood. A number of years later, the fathers of both parties arranged for the man and woman to wed, and they were civilly married three days later in February 1970. This arrangement would also benefit the payment of debt incurred by the man's father. Later there was a religious

marriage, but the conjugal life deteriorated within a few days and the husband abandoned his wife, who was already pregnant, but the paternity was uncertain in the mind of the husband. A civil divorce was obtained and the man later married another woman. He petitioned the Tribunal of Kielce in February 1992 on the ground of defect of consent due to force and fear inflicted on him by his father. A negative decision was given in February 1993. The petitioner husband appealed to the Tribunal of Krakow which issued an affirmative sentence. In May 1996, a doubt was formulated by the Roman Rota on the same ground as at the first and second instances. The case was archived and reopened in January 2002, and in April 2002 a decision was postponed because the acts needed to be completed, including a request for the civil divorce sentence. The Tribunal of Krakow notified the Roman Rota that the petitioner had left his previous domicile and the woman respondent did not reply.

The *in iure* section of the decision notes that this marriage was contracted in 1970 and thus 1917 CIC, canon 1087 §1, applied. The Benedictine Code differs from the 1983 Code, canon 1103, regarding force and fear. It is no longer said in the revised Code that the invalidating fear must be inflicted unjustly. The reason for the invalidating law is to protect the freedom of the contractant which is demanded both by the nature of marriage itself and the dignity of the human person. Any grave fear directed towards marriage is considered to be unjustly inflicted. It is noted that the formulated doubt is not totally accurate when it speaks of defect of consent due to fear. In such consent, the contractant wanted marriage. The prescript of canon 1103 provides for nullity even beyond a defect of consent. The *in iure* section then discusses the various categories of fear, i.e., "from without", "from within", "reverential fear" vs. "common fear". The auditors observe that even if the acts demonstrate proof of coercion towards marriage, one should not hastily conclude in favour of nullity without considering the question of aversion of the mind. Fear is not present from the threat of a grave evil when a person freely contracts marriage or at least contracts not unwillingly, i.e., willingly. However, if coercion is proven, grave aversion can be more easily presumed because the threats seek to influence the mind of the contractant. This section concludes with the identification of six criteria for proof of the existence of the ground of fear.

While the petitioner's testimony is not entirely credible, it is credible on the elements about the coercion to marry the respondent. Several witnesses especially affirm the arranged marriage; also the petitioner's sister testified about his aversion to the marriage. The respondent did not appear before the tribunal, although she was cited. The petitioner also entertained doubts about a religious wedding, because after the civil marriage he discovered his wife to be pregnant. Her family exerted great pressure for the religious marriage. The husband fled the marriage several days later. The petitioner also admitted to being intoxicated at the time of the religious wedding. The Rotal auditors

concluded that on the basis of testimonies supporting the coercion of the petitioner's authoritarian father and uncle, the difficulty of life under Russian domination, and the doubtful paternity of the petitioner's child, there was a credible assembly of testimony. An affirmative decision was granted.

1108-1117

IC XLVI 93/07, 177-214: Paola Buselli Mondin: L'assenza della forma canonica preclude l'operatività del processo di nullità matrimoniale? Un'ipotesi. (Article)

Art. 5 §3 of *Dignitas Connubii* provides that "in order to establish the free state of those who, while bound to observe the canonical form of marriage according to canon 1117, attempted marriage before a civil official or non-Catholic minister, it is sufficient to use the prematrimonial investigation in accordance with cann. 1066-1071." However the present canonical system does not seem to exclude the possibility of a matrimonial process in relation to such marriages. The "just cause" for the process would be the fact that two Catholics are "united in marriage", which brings into play three factors that could be considered to justify the exercise of jurisdictional power over the marriage. The first is the function which canonical form now has in Church legislation: that of a *conditio iuris* for the validity but not for the existence of marriage. The other two factors are the renewed dynamic dimension of Church membership, and the pastoral dimension of the canonical process. The *fumus boni iuris* of the petition would be satisfied precisely by the fact that two Catholics had chosen to celebrate their marriage in a manner conforming to an institutionalised marriage rite.

1112-1113

PCF VII (2005), 255-262: Javier González: Invalid Delegation of a Religious Sister to Assist at Marriages? (Consultation)

The question posed is whether a religious sister working as a catechist and parish pastoral administrator in a diocese in the Philippines was validly delegated by the diocesan bishop to solemnise marriages, and whether the marriages in question were valid. G. examines every aspect of the question in the light of canons 137, 1112 §1 and 1113. Having also checked his opinion against those of other Filipino canonists, he concludes that the delegation is valid as are the marriages solemnised by this sister.

1117

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

1117

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See above, canon 205.

1120

N XLIII 7-8/06, 376-384: Pontificium Consilium de Legum Textibus: Nota. (Reply)

See above, canons 455-456.

1124

PCF VII (2005), 157-177: Gary Noel S. Formoso: The Problem of Validity of Aglipayan Baptism. (Article)

See above, canon 849.

1124

QDE 20 (2007), 35-59: Marino Mosconi: L'abbandono pubblico o notorio della Chiesa e in particolare l'abbandono con atto formale. (Article)

See above, canon 205.

1124

REDC 63 160/06, 125-196: Federico R. Aznar Gil: Consejo Pontificio para los Textos Legislativos. Carta circular sobre el *actus formalis defectionis ab Ecclesia catholica*, 13 marzo 2006 (Prot. no. 10279/2006). Texto y comentario. (Document and commentary)

See above, canon 205.

1124-1128

Vid 69 7/05, 523-534: Jude Asanbe: Mixed Marriages in the Light of Ecumenism. (Article)

A. examines the provisions in regard to marriages between a baptised Catholic and a baptised Christian of a different denomination as they have evolved through history, and considers some ecumenical opportunities and particular difficulties that sometimes occur.

1156

Per XCVI 2/07, 285-288: Supremum Signaturae Apostolicae Tribunal: Decretum 23 novembris 2005. (Decree)

This decree of the Apostolic Signatura refers to a recourse by the defender of the bond at the Roman Rota. A case had been appealed in second instance to the Rota by the respondent who was unhappy at the affirmative first instance decision. The ground at first instance was "defective convalidation". The Rotal *turnus* did not ratify by decree but remitted the case for ordinary examination. In their consideration of the case, the Rotal judges modified the ground to read "on the ground of the defect of the new act of the will on the part of the respondent wife in a convalidated marriage" and added explicit reference to canons 1156 and 1157. The eventual outcome was a decision confirming that of first instance. The defender of the bond sought a new proposal of the case. This was turned down by the Rotal *turnus*. The defender then interposed a recourse against the Rotal decree to the Apostolic Signatura. The Supreme Tribunal conceded a new proposition of the case. (See also the following two entries.)

1156

Per XCVI 2/07, 289-306: Urbano Navarrete: Supremum Signaturae Apostolicae Tribunal: Decretum 23 novembris 2005: Commentario. (Commentary)

(See preceding entry.) N. offers a few brief comments on the decree of the Apostolic Signatura of 23 November 2005. He focuses particularly on the increasingly common phenomenon in some parts of the world of declaring marriages invalid because of a defective convalidation. He restricts his comments to what is the proper focus of the decree, i.e. the recourse against a decree refusing a new proposal of the case. However, it is clear from his comments that there is a major doctrinal and jurisprudential question underlying the decree. This has to do with the difference between the act necessary to convalidate a marriage which is invalid by reason of a diriment impediment

(canon 1156) and the act necessary to celebrate a valid marriage in the case of a marriage invalid by defect of form (canon 1160). (See also the following entry.)

1156

Per XCVI 2/07, 307-361: Urbano Navarrete: A proposito del Decreto del S. T. della Segnatura Apostolica del 23 novembre 2005. (Article)

(See the preceding two entries.) N. elucidates on his comments on the decree of the Apostolic Signatura of 23 November 2005. This time the focus is not on the procedural matter that was dealt with by the decree, but the underlying doctrinal and jurisprudential issue. He makes several distinctions to make matters clear: there is a fundamental difference between a marriage invalid by reason of a diriment impediment and one that is invalid by reason of a defect of form. Although some literature has focused on moral issues related to civil marriage or marriage celebrated in other Churches by parties at least one of whom is bound to canonical form, N. points out that such marriages do not have any canonical significance; what follows these "civil marriages" is not convalidation but a celebration of canonical marriage. Thus he distinguishes consent that is renewed from consent that is expressed for the first time. He has grave reservations about the existence and use of the ground of nullity of marriage known as "defective convalidation" and he hopes that his clarification of matters might be of assistance to the lower tribunals.

1160

Per XCVI 2/07, 289-306: Urbano Navarrete: Supremum Signaturae Apostolicae Tribunal: Decretum 23 novembris 2005: Commentario. (Article)

See above, canon 1156.

1160

Per XCVI 2/07, 307-361: Urbano Navarrete: A proposito del Decreto del S. T. della Segnatura Apostolica del 23 novembre 2005. (Article)

See above, canon 1156.

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

1176

BEF LXXXI 851/05, 899-910: Javier González: Cremation: A Valid Option for Catholics? (Consultation)

G. responds to this question with reference to canon law, the *Catechism of the Catholic Church*, and official guidelines from the Episcopal Commission on Liturgy of the Philippines (2001), in the context of current practical and social considerations.

1186-1187

N XLIII 11-12/06, 617-621: Congregatio de Cultu Divino et Disciplina Sacramentorum: L'Ordinaria della Congregazione. (Report, Notification and Comment)

On 6 November 2006 the Ordinary session of the Congregation for Divine Worship and the Discipline of the Sacraments considered the best way to incorporate newly-canonised saints into the universal calendar, and prepared norms for the Holy Father. These were approved *in forma communi* on 7 December 2006, and a Notification issued on 25 December 2006 entitled *L'inserimento di santi nel Calendario Romano Generale.* This establishes a general principle that only saints of universal significance, i.e. on every continent, should be inserted in the universal calendar. This should normally be tested by a ten-year period confined to the proper calendar. A request may then be made by the conference of bishops, after a two-thirds vote in favour, or by the association or institute. If necessary, the Congregation will consult bishops' conferences on three continents before making a decision. It is for the Congregation to suggest the appropriate rank of celebration. The final decision will be made by the Pope. A short, unattributed, comment explains the background. The Congregation had become concerned that the numerous canonisations of recent years had made it more difficult to observe the principles established in *Sacrosanctum Concilium*, nos. 104 & 111, leaving fewer and fewer free days in the calendar. It was important to have rational criteria to apply. Saints not in the general calendar could still be honoured in accordance with the provisions of the *General Instruction of the Roman Missal*, no. 355.

BOOK IV, PART III: SACRED PLACES AND TIMES

1205-1234

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

See below, canons 1254-1310.

1222

ELJ IX 41 5/07, 152-160 [see also **CLSN 150/07, 47-54**]**: Graeme Knowles: Mission, Ministry and Masonry: The Challenge of Heritage Buildings for Christian Witness.** (Lecture)

This is the text of the 2006 Lyndwood Lecture, delivered at St Paul's Cathedral, London, on 15 November 2006 to the Canon Law Society of Great Britain & Ireland and the Ecclesiastical Law Society. While it might be said that the present state of repair of the majority of the churches in use in England is better than it has ever been before, the congregations of England, whether they be Catholic, Anglican, Methodist or Baptist, face the day-by-day challenge of maintaining a substantial section of the nation's built heritage. K., Anglican Bishop of Sodor and Man, examines the legal framework and possible avenues for the funding of this work, looking at the structures and models of State aid offered by other European countries. He also considers the tension that exists between the legal imperative to view our churches not only as historic monuments but also as local centres of mission and worship. Moving on from this theme of funding, K. then examines the problems faced by all denominations in disposing of buildings no longer required for divine worship. He questions why the Church should continue to pay for the upkeep of buildings it no longer needs, and concludes, in the words of T. S. Eliot, that "the Church must be forever building".

1247-1248

CLSN 150/07, 38-40: Gordon Read: Mass Obligation and the Support of One's Own Parish. (Article)

This article follows on from a question discussed on the *Zenit* news agency site as to whether people are obliged to attend Sunday Mass in their own parish. R. points out that the response in *Zenit* is incorrect in stating that the ability to fulfil the Sunday obligation in places other than the person's parish is an innovation of the present Code. The 1983 Code however is more expansive in

that the obligation can be fulfilled by attending Mass the preceding evening. That said, the Council of Trent was concerned that people should support their local parishes. Although the present Code views the parish from the perspective of the community of the faithful and not just the rights of the parish priest, the different forms of parish communities recognised by the Code show that the territorial parish is not the only kind. The question was prompted in part by the financial support that should be given to one's local parish, and a direct obligation as such cannot be found in the Code. But the Code does speak of an obligation of maintaining communion with, and of obligations towards, the universal Church, and thereby implies an obligation as such towards the diocese and the parish. R. concludes that the Church wishes to respect people's freedom of choice in worship, and whilst it is desirable that they support their local parish by their presence and financial contributions, to legislate for this would do more harm than good.

1248

CLSN 150/07, 55-61: Sunday Celebrations in the Absence of a Priest. Guidelines for the Dioceses of Australia. (Document)

The Guidelines are reproduced from the Canon Law Society of Australia and New Zealand's *Newsletter*, No. 2, 2006. They advise as to what should happen when there is a shortage of priests to celebrate Mass on a Sunday, and what should be prepared in anticipation of this. The document looks at the role of the diocesan bishop; the discerning of the need for Sunday celebrations in the absence of a priest; Sunday celebrations of the Word or Hours on a regular basis; and the formation of the Sunday assembly and formation of leaders of prayer.

BOOK V: THE TEMPORAL GOODS OF THE CHURCH

1254-1310

Juan Ignacio Arrieta (ed.): Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa. (Book)

In September 2005 the Italian Bishops' Conference issued an "Instruction on administrative matters". This book brings together a series of studies by various authors on different aspects of the Instruction. After an Introduction by Juan Ignacio Arrieta (pp. 5-12) on the administrative activity and ecclesial role of the episcopal conference, there are articles of a general nature on the sources of patrimonial law in Italy (Franco Edoardo Adami, pp. 15-46) and the principal features of the Instruction (Mauro Rivella, pp. 47-57). At a more specific canonical level the following topics are dealt with: administration of goods in canon law (Francesco Grazian, pp. 61-70); responsibility for diocesan ecclesiastical goods (Jesús Miñambres, pp. 71-86); parishes (Luigi Mistò, pp. 87-96); institutes of consecrated life (Luis Okulik, pp. 97-115); places of worship (Bruno Fabio Pighin, pp. 115-138); particular legislation of certain episcopal conferences on alienation of goods (Diego Zalbidea, pp. 139-161); and the liquidisation of the patrimony of associations of the faithful in the case of suppression (Juan González Ayesta, pp. 163-172). In connection with ecclesiastical law there are articles on juridical personality (Venerando Marano, pp. 175-189); commercial activity of ecclesiastical bodies (Andrea Bettetini, pp. 191-210); taxation issues (Settimo Carmignani Caridi, pp. 211-240); non-profit registered charity status (Pierangela Floris, pp. 241-256); civil law and canon law understandings of what constitutes a church building (Chiara Minaelli, pp. 257-271); civil and canonical oversight of the administration of ecclesiastical goods (Paolo Cavana, pp. 273-298); and cultural goods (Antonio Chizzoniti, pp. 299-310). Finally there is a compilation of the principal canons to which the Instruction relates (Jesús Miñambres, pp. 313-324). (For bibliographical details see below, Books Received.)

1255

J 67 (2007), 194-226: Mark E. Chopko: An Overview of the Parish and the Civil Law. (Article)

C. writes of the background to this problem which has become more acute with the liability of dioceses and bankruptcies. Parishes have a civil status and therefore rights, duties, and liabilities. C. describes how these are exercised. Despite the efforts of bishops to insist on the civil law to protect Church property it is sometimes argued that parishes are really unincorporated associations under the

law of a particular State. C. shows why this view is dangerous. He has two sections on bankruptcy, and he provides a lengthy illustration from actual court cases to show the importance of having dioceses and parishes establish their status under civil law. Three dioceses in the USA had been declared bankrupt at the time of his writing. (See also above, canon 369.)

1257

AA XIII (2006), 187-213: Hugo A. von Ustinov: El régimen canónico de los bienes de propiedad de las personas jurídicas privadas. (Article)

See above, canon 116.

1259-1310

RfR 66 1/07, 95-100: Elizabeth McDonough: Bona Ecclesiastica. (Article)

See above, canons 634-640.

1276

ELJ IX 41 5/07, 152-160 [see also **CLSN 150/07, 47-54**]**: Graeme Knowles: Mission, Ministry and Masonry: The Challenge of Heritage Buildings for Christian Witness.** (Lecture)

See above, canon 1222.

1291

IC XLVI 93/07, 141-175: Diego Zalbidea González: Antecedentes del patrimonio estable (c. 1291 del CIC de 1983). (Article)

Stable patrimony, at least from a formal point of view, is a novelty introduced in the 1983 Code. It has antecedents in the protection given to ecclesiastical patrimony against certain alienations. Z.G. studies the period from Pope Paul II's Apostolic Constitution *Ambitiosae* (1468) to the 1917 Code, focusing his attention on the first codification. The documents of the Vatican Secret Archives have thrown much light on the process of codification of the relevant canons. Z.G. also looks at the opinions of learned authors both prior to and following the 1917 Code, which were an important factor in the introduction of the concept of stable patrimony into canon law. Money and the role it plays within ecclesiastical patrimony constitute one of the main ways of renewal of the norms on alienation.

BOOK VI: SANCTIONS IN THE CHURCH

1313

Per XCVI 2/07, 183-248: Damián G. Astigueta: La legge penale più favorevole (can. 1313). (Article)

In this lengthy article, A. examines the apparently obvious text of canon 1313. He looks at the implications of changes in the penal law, and applies it to some concrete circumstances, including the delicts mentioned in *Sacramentorum Sanctitatis Tutela* of 2001.

1319

CLSN 150/07, 7-10: Gordon Read: The Suspension of Bishop Fernando Lugo. (Article)

See below, canon 1333.

1333

CLSN 150/07, 7-10: Gordon Read: The Suspension of Bishop Fernando Lugo. (Article)

Following his resignation from active ministry in January 2005, purportedly for health reasons, Bishop Lugo petitioned the Congregation for Clergy for a return to the lay state. Whilst such petitions from bishops have not been unknown in the past, what was different in this case was that it was not for personal reasons, but so that the bishop could be a candidate in the presidential elections in Paraguay, which would not be possible if he were a cleric. The bishop's request was turned down as he was told that "the episcopacy is a service accepted freely for ever". Despite the response from the Congregation the bishop announced himself as a candidate, and it was declared that he had been suspended *a divinis* as a consequence. R. notes that the prohibition is on clergy in general, not just bishops, from being involved in politics. He does note an exception which was the laicisation of Talleyrand as part of the package in establishing the Concordat between the Church and Napoleon in 1801, and it was not something that Talleyrand himself was particularly interested in. The way in which Bishop Lugo's case was dealt with is consistent with the policy regarding priests involved in politics in Haiti and Nicaragua in the last two decades.

1354-1363

QDE 20 (2007), 82-104: Gianluca Marchetti: La riammisione alla Chiesa cattolica di coloro che hanno abbandonato la piena comunione. (Article)

See above, canon 751.

1364

QDE 20 (2007), 8-34: Renato Coronelli: Appartenenza alla Chiesa e abbandono: aspetti fondamentali e questioni terminologiche. (Article)

See above, canons 204-205.

1374

AA XIII (2006), 119-135: Ariel David Busso: Los derechos y las obligaciones del clérigo en la sociedad civil a la luz del Código de Derecho Canónico. (Article)

See above, canons 285-289.

1382

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 26 September 2006 the Vatican Press Office issued a communication explaining the reasons why Archbishop Emmanuel Milingo of Lusaka, Zambia, was considered to have incurred a *latae sententiae* excommunication, by the fact of his having ordained four priests as bishops without a pontifical mandate. The Church did not recognise those ordinations, nor would it recognise any ordinations deriving from them.

1388

REDC 63 160/06, 47-123: José Joaquim Almeida Lopes: O delito canónico e civil de violaçao do sigilo sacramental. (Article)

See above, canons 983-984.

1394-1395

AA XIII (2006), 137-155: Javier Fronza: El celibato – don, propuesta y tarea (la necesaria madurez humana y el derecho). (Article)

See above, canon 277.

BOOK VII: PROCESSES

1403

IC XLVI 93/07, 307-334: Joaquín Sedano: Crónica de Derecho canónico del año 2006. (Report)

See above, General Subjects. On 24 April 2006 Pope Benedict XVI announced that the Congregation for the Causes of Saints would prepare an Instruction for the diocesan investigation of causes of saints, with a view to achieving the objectives of the Apostolic Constitution *Divinus Perfectionis Magister* promulgated by John Paul II in 1983 and facilitating the application of the *Normae servandae in inquisitionibus ab Episcopis faciendis in causis Sanctorum*, published the same year. These objectives are fundamentally those of ensuring the seriousness of diocesan investigations into a) the virtues of Servants of God (where there must be a true reputation for sanctity); b) miracles (which must be physical, not simply "moral"); and c) cases of martyrdom (where there must be irrefutable proof both of the acceptance of martyrdom by the victim and of *odium fidei* on the part of the aggressor).

1420-1421

Javier Hervada: Pensieri di un canonista nell'ora presente. (Book)

See above, canon 129.

1455-1457

EdeV XXXVI (2006), 119-142: Francisco Jiménez Ambel: Algunas consideraciones sobre el abogado canonista. (Article)

See below, canons 1481-1490.

1481-1490

AA XIII (2006), 87-118: Alejandro W. Bunge: Servidores de la verdad: la función pastoral de los patronos en los juicios de nulidad matrimonial. (Article)

B. provides some points of reflection for advocates and procurators involved in marriage nullity processes but whose primary training, formation and practice has been in civil law. For those with such a background he highlights the

specific nature of the Church's canon law. He considers the role of law in the pastoral mission of the Church, drawing especially on the teaching of recent Popes, and then comments on the functions of advocate and procurator. Each tribunal is expected, as far as is possible, to have a list of available legal representatives from which the parties can choose procurators or advocates if required, and to draw up regulations concerning their remuneration. B.'s underlying intention is to remind all practitioners in ecclesiastical courts that the exercise of the law has an ultimately pastoral end in promoting justice and truth in the overall sacramental and salvific mission of the Church.

1481-1490

EdeV XXXVI (2006), 119-142: Francisco Jiménez Ambel: Algunas consideraciones sobre el abogado canonista. (Article)

J.A. asks what exactly it means to be an advocate. His main focus is on the fact that within the Code of Canon Law the advocate appears as a juridical concept already known and accepted by all; the article is an attempt to offer a definition from numerous different sources. He begins by looking at the etymology of the word, and the history of the work of advocates in the Graeco-Roman world, in the Church, and in the history and context of Spain. He sets out fundamental points of virtue proper to any advocate. He also concerns himself with the necessity of an advocate in a canonical process, the right of defence, and what is prohibited by the canons. He concludes with a consideration of the contribution that advocates make to truth in the canonical process. This discussion is examined in the light of the 1983 Code and the Instruction *Dignitas Connubii*.

1488

QDE 20 (2007), 156-166: Eugenio Zanetti: Fraudolenta sottrazione di cause matrimoniali ai competenti tribunali da parte di avvocati e procuratori (can. 1488 §2). (Article)

Canon 1488 §2 provides for sanctions to be imposed on advocates and procurators who fraudulently exploit the law by withdrawing cases from competent tribunals so that they may be judged more favourably by other tribunals. Z. first of all sets out the background to the canon, before examining the meaning of "fraudulently" (*in fraudem legis*). In this context the term seems to refer to acts which give the appearance of formal observance of the law but which in fact hide the reality (for example, the creation of a fictitious domicile or place of residence). As for the phrase "so that they may be judged more favourably by other tribunals", Z. feels that this is unfortunate as it seems to imply a necessary acceptance of the fact that there will be some tribunals that

decide cases more easily than others. (He points out that *Dignitas Connubii* has adopted a more "prudent" approach and has dropped this particular phrase: cf. art. 110 4º.) He then goes on to deal with the sanctions that may be imposed and the consequences for the cause itself, which may vary according to the stage of the process at which the fraud comes to light.

1536

Per XCV 4/06, 647-674: Gero P. Weishaupt: De necessitate partium credibilitatis intrinsecae ad certitudinem moralem in causis matrimonialibus dipiscendam. (Article)

Moral certainty is required for any decision concerning matrimonial causes. The foundation of this certainty is the truth. W. considers how this truth might be elicited from the depositions of the parties. He indicates that there are intrinsic and extrinsic elements for achieving such certainty when pondering the evidence of parties. For him, however, the intrinsic elements are of much greater importance. He begins his reflections by referring to Pope Benedict XVI's allocution to the Rota in 2006, and rests his conclusions firmly on the jurisprudence of the Roman Rota.

1536

QDE 20 (2007), 199-217: Adolfo Zambon: L'atto positivo di volontà e la prova della simulazione. (Conference presentation)

See above, canon 1101.

1572-1573

QDE 20 (2007), 199-217: Adolfo Zambon: L'atto positivo di volontà e la prova della simulazione. (Conference presentation)

See above, canon 1101.

1574-1581

CLSN 150/07, 11-35: Supreme Tribunal of the Apostolic Signatura, Prot. n. 28252/97: Question regarding the Use of Experts in Nullity Cases. (Document with commentary by Augustine Mendonça)

See below, canon 1680.

1608

CLSN 150/07, 11-35: Supreme Tribunal of the Apostolic Signatura, Prot. n. 28252/97: Question regarding the Use of Experts in Nullity Cases. (Document with commentary by Augustine Mendonça)

See below, canon 1680.

1644

Per XCV 3/06, 483-551: G. Paolo Montini: Alcune questioni processuali intorno alla decretazione di conformità equivalente. (Conference presentation)

The issue of equivalent conformity of sentences is now more clearly regulated by *Dignitas Connubii*, art. 291. In this lengthy presentation to the 2006 Gregorian Colloquium, M. considers a number of detailed procedural matters related to conformity of sentence and how this is to be decreed.

1644

Per XCVI 2/07, 285-288: Supremum Signaturae Apostolicae Tribunal: Decretum 23 novembris 2005. (Decree)

See above, canon 1156.

1645

Per VC 3/06, 553-565: Acta Tribunalium Sanctae Sedis. Supremum Signaturae Apostolicae Tribunal. F. Daneels. Responsio in re particulari de remedio restitutionis in integrum in causis nullitatis matrimonii. Commentarium. (Document and commentary)

On 22 June 2006, the Cardinal Prefect of the Apostolic Signatura issued a response concerning the use of the *restitutio in integrum* in marriage nullity cases. The Supreme Tribunal made it clear that such a remedy could not be used against definitive sentences in marriage nullity cases, whether the decisions were affirmative or negative. The full text of that response is presented here (pp. 553-554), along with a brief commentary by F. Daneels, Promoter of Justice at the Supreme Tribunal.

1673

QDE 20 (2007), 156-166: Eugenio Zanetti: Fraudolenta sottrazione di cause matrimoniali ai competenti tribunali da parte di avvocati e procuratori (can. 1488 §2). (Article)

See above, canon 1488.

1679

Per XCV 4/06, 647-674: Gero P. Weishaupt: De necessitate partium credibilitatis intrinsecae ad certitudinem moralem in causis matrimonialibus dipiscendam. (Article)

See above, canon 1536.

1680

CLSN 150/07, 11-35: Supreme Tribunal of the Apostolic Signatura, Prot. n. 28252/97: Question regarding the Use of Experts in Nullity Cases. (Document with commentary by Augustine Mendonça)

This response of the Signatura addresses the question of whether, in a country where psychologists and psychiatrists are prohibited from giving their services to tribunals, judges can give an affirmative decision if they can reach moral certainty without such services. The response states that, while canon 1680 of the 1983 Code allows the services of experts to be dispensed with if such services would obviously serve no purpose, this should be considered the exception rather than the norm, given the complexities involved in canon 1095. The response concludes: "Since the services of experts … are to be considered of great importance in settling marriage cases of nullity based on the grounds dealt with in canon 1095, one must absolutely see to it that the principles indicated above are duly explained to those whom it concerns." In his commentary on the response, M. looks at the value of expert reports and their importance in the light of the Papal allocutions to the Rota of 1987 and 1988. Despite their value and importance, experts' reports do not supplant the need for the ecclesiastical judge to analyse critically all the evidence, including the reports in question. If because of the restrictions placed on experts by the civil law they cannot produce a report *(peritia*), then an opinion *(votum*) could be sought. This would also have the advantage that it need not be made available to the parties. M. concludes that "the general principle [is] that, in order to pronounce an affirmative decision, the law demands the use of services of experts in cases involving … canon 1095. But this is not an absolute requirement. It is the Judge who determines in each concrete case whether or

not the intervention of an expert is necessary." (M.'s commentary first appeared in *Studia Canonica* 35/1, 2001, pp. 33-58: see *Canon Law Abstracts*, no. 87, p. 112.)

1683

REDC 63 160/06, 371-375: c. Juan José García Faílde: Tribunal de la Rota de la Nunciatura Apostólica, nulidad de matrimonio (incidente procesal de admisión de un nuevo capítulo de nulidad matrimonial en apelación), decreto del 24 de febrero de 2000. (Sentence)

The interest in this case concerns the procedural issue of when a new ground of nullity can be presented before an appeal tribunal. The first instance decision had been negative, the petitioner had appealed, the appeal process had been concluded, and the *acta* sent to the judges for a definitive decision. It was at this point, but before a judgement had been given, that the petitioner through his advocate presented a new ground of nullity. The respondent had objected to this, alleging it had been presented *extra tempore*. G.F. in his decision examines canon 1683 and concludes that since it does not establish the precise moment in the appeal process when a new ground can be introduced (provided it is not after a final decision has been reached) and since the canon favours the rights of the parties, it must be interpreted broadly and not restrictively. Accordingly, the new ground of nullity must be admitted. G.F. notes that although this canon could conceivably lead to some cases of abuse (e.g. a recalcitrant respondent attempting to delay or sabotage the case), nevertheless the rights of the parties take precedence over possible cases of abuse.

1684

Per XCV 3/06, 483-551: G. Paolo Montini: Alcune questioni processuali intorno alla decretazione di conformità equivalente. (Conference presentation)

See above, canon 1644.

1686

IC XLVI 93/07, 177-214: Paola Buselli Mondin: L'assenza della forma canonica preclude l'operatività del processo di nullità matrimoniale? Un'ipotesi. (Article)

See above, canons 1108-1117.

1739

Per XCVI 2/07, 249-284: Andrea D'Auria: *Causa petendi* e *reformatio in peius*: alcune considerazioni sul can. 1739. (Article)

After making some detailed comments about various elements of the text of canon 1739, D'A. addresses a real case of a parish priest who was removed by his bishop and sought recourse to the competent Congregation. At first, this dicastery upheld his recourse, but the bishop interposed a counter-recourse. This time, the Congregation confirmed the decree of removal, but cited as the reason not economic mismanagement (the reason given by the bishop), but scandal caused by the parish priest's behaviour against the sixth Commandment. The parish priest had further recourse to the Apostolic Signatura, but the Supreme Tribunal upheld the action of the Congregation. D'A. explores the significance and implications of this decision.

EXCHANGE PERIODICALS

- African Ecclesial Review
- Angelicum
- Annales Canonici
- Année Canonique
- Anuario Argentino de Derecho Canónico
- Apollinaris
- Archiv für katholisches Kirchenrecht
- Boletin Eclesiastico de Filipinas
- Claretianum
- Commentarium pro Religiosis et Missionariis
- Communicationes
- De Processibus Matrimonialibus
- Ephrem's Theological Journal
- Estudio Agustiniano
- Estudios Eclesiásticos
- Folia Canonica
- Folia Theologica
- Forum
- Forum Iuridicum
- Idee
- Il Diritto Ecclesiastico
- Immaculate Conception School of Theology Journal
- Indian Theological Studies
- Intams
- Irish Theological Quarterly
- Ius Canonicum
- Ius Ecclesiae
- Journal of Sacred Scriptures
- The Jurist
- Laurentianum
- Law and Justice
- Louvain Studies
- Memorias (Curso de Actualización Canónica)
- Periodica
- Philippine Canonical Forum
- Philippiniana Sacra
- Praxis Juridique et Religion
- Proceedings of the Canon Law Society of America
- Quaderni di Diritto Ecclesiale
- Quaerens
- Review for Religious
- Revista Española de Derecho Canónico
- Revista Mexicana de Derecho Canónico
- Revue Théologique de Louvain
- Revue de Droit Canonique
- Salesianum
- Studia Canonica
- Studies in Church Law
- Studium Generale Marcianum
- Studium Ovetense
- Teología y Vida
- Theologische-praktische Quartalschrift
- Theologica Xaveriana
- Vida Religiosa
- Vidyajyoti

LIST OF ABBREVIATIONS, PERIODICALS AND ABSTRACTORS FOR THIS ISSUE

AA	Anuario Argentino de Derecho Canónico, Buenos Aires. V. Rev. J. A. McGee (Ayr).
BEF	Boletin Eclesiastico de Filipinas, Manila. Rev. J. Hadley (Leicester).
CLSN	Canon Law Society Newsletter, London. Rev. J. Conneely (London).
CpR	Commentarium pro Religiosis, Rome. Rev. W. Becket Soule OP (Washington).
EdeV	Escritos del Vedat, Valencia. Rev. G. Bell (Cumnock, Ayrshire).
ELJ	Ecclesiastical Law Journal, London. P. Barber (London).
ETL	Ephemerides Theologicae Lovanienses, Leuven. Canon D. Fogarty (Bognor Regis).
HPR	Homiletic and Pastoral Review, New York. Rev. W. Becket Soule OP (Washington).
IC	Ius Canonicum, Pamplona. (Abstracts supplied by publisher.)
INT	Intams, Belgium. Mrs M. Foster (Lancaster).
J	The Jurist, Washington. Rev. P. Corcoran SM (Dublin).
N	Notitiae, Rome. Rev. G. Read (Colchester).
PCF	Philippine Canonical Forum, Manila. Sr Mary Lyons RSM (Galway).
Per	Periodica, Rome. Rev. A. McGrath OFM (Dublin).
QDE	Quaderni di Diritto Ecclesiale, Milan. Rev. P. Hayward (London).
REDC	Revista Española de Derecho Canónico, Salamanca. V. Rev. J. A. McGee (Girvan, Ayrshire).
RfR	Review for Religious, St Louis, Missouri. Sr I. MacPherson SND (Fort William).
RTL	Revue théologique de Louvain, Louvain-la-Neuve. (Abstracts supplied by publisher.)
SC	Studia Canonica, Ottawa. Rev. P. Cogan SA (Ottawa).
TS	Theological Studies, Woodstock. Canon D. Fogarty (Bognor Regis).
Vid	Vidyajyoti, Delhi. Rev. J. Hadley (Leicester).

BOOKS RECEIVED

- Juan Ignacio ARRIETA: *Enti ecclesiastici e controllo dello Stato. Studi sull'Istruzione CEI in materia amministrativa,* Marcianum Press, Venezia, 2007, 327pp., ISBN 978-88-89736-24-1 [see above, canons 1254-1310]

- Ernest CAPARROS: *The Juridical Mind of Saint Josemaría Escrivá: A Brief History of the Canonical Path of Opus Dei* (Gratianus series, second updated edition), Wilson & Lafleur Ltée, Montréal, 2007, 67pp., ISBN 978-2-89127-833-1 [see above, canons 294-297]

- Georgică GRIGORIȚĂ: *Il concetto di Ecclesia sui iuris. Un indagine storica, giuridica e canonica,* Roma, 2007, 159pp. [see above, Code of Canons of the Eastern Churches]

- Javier HERVADA: *Pensieri di un canonista nell'ora presente,* Marcianum Press, Venezia, 2007, 245pp., ISBN 978-88-89736-25-8 [see above, General Subjects]