

A Practical Commentary on the Code of Canon Law (Book Review)

Joseph T. Tinnelly

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BOOK REVIEWS

A PRACTICAL COMMENTARY ON THE CODE OF CANON LAW. By Rev. Stanislaus Woywod. Revised by Rev. Callistus Smith. New York: Joseph F. Wagner, Inc., 1952. Part I, Pp. xvii, 833. Part II, Pp. 905.

In 1904 Pope Pius X, in response to a universally recognized need for a general revision of the laws of the Catholic Church, announced the beginning of a project which had as its objective a complete and orderly codification of all extant ecclesiastical laws. The obsolete and outdated ones were to be eliminated and all others were to be brought in conformity with modern conditions. Thirteen years later, his successor, Pope Benedict XV, announced the completion of the new Code of Canon Law which was promulgated on Pentecost, May 27, 1917, to become effective on Pentecost, May 19, 1918. A few Canons, however, went into effect at once.

The Code is divided into five distinct parts or books. The first contains the general rules; the second refers to persons; the third governs things such as the Sacraments, places of divine worship, the teaching authority of the Church, benefices, and temporal goods of the Church; the fourth is devoted to procedure in the various ecclesiastical courts; and the fifth book defines various crimes and penalties.

The original edition of the Code was written in Latin, the official language of the Catholic Church. In 1919 the Reverend Stanislaus Woywod, O.F.M., LL.B., who had previously prepared a paraphrased rendition of those parts of the Code to which the clergy made most frequent reference in their sacred ministry, published, in two volumes, a commentary on the Code in English. The Commentary adhered strictly to the order of the subjects and of the Canons in the Code. In addition, a literal translation of each Canon was followed, in most instances, by a short paragraph or two of explanation, history, or clarification. This two-volume set was very useful but its size made it inconvenient to use. Consequently, the Reverend Callistus Smith, O.F.M., J.C.L., after the original author's death, revised and condensed the work into a single, though somewhat bulky, volume. In order to preserve the form of the original work, however, the present single volume edition is still divided into two parts—one of 833 pages, and the other of 905 pages.

To a lawyer who has been educated in the tradition of the common law, the matter is extremely interesting. This is particularly true of those phases which treat of crimes and punishment, procedure, property rights, contracts, administration of estates, and other matters related to civil law. The volume is also of great utility to the attorney who has been retained in a matrimonial case which must be brought before the diocesan tribunal before recourse is had to the civil courts.

The present work, although it does not deviate from the original scope and aim, does contain the text as it has been amended in the light of official declarations of the Holy See. These decisions have been incorporated into that part of the text where they contribute most to the interpretation and clarification of the pertinent Canons. The index is satisfactory and the bibliography, while selective, is adequate. Of interest and practical utility to the attorney is information contained in some of the appendixes, *e.g.*: "Norms to be observed by the pastor in conducting the canonical investigations before candidates are admitted to marriage";¹ "Norms to be observed by diocesan courts in conducting cases of nullity of marriage";² "Rules to be observed in the institution of cases of ratified and non-consummated marriage."³

Since the author makes no claims to completeness or exhaustive treatment of the subject matter, an attorney who has a practical case must have recourse to other volumes as well.⁴ He will also find it necessary to consult the officials of the local diocesan chancery court. In attaining their limited objectives, however, the original author and the reviser of *A Practical Commentary on the Code of Canon Law* have been eminently successful.

REV. JOSEPH T. TINNELLY, C.M.*



CASES AND MATERIALS ON MODERN PROCEDURE AND JUDICIAL ADMINISTRATION.
By Arthur T. Vanderbilt. New York: Washington Square Publishing Corp., 1952. Pp. xx, 1390. \$8.50.

This book constitutes a landmark in the teaching of law. First of all, it is expository of the new Rules of Civil and of Criminal Procedure, now in effect in the federal courts, and it treats them, in a comparative way, in one volume under the new title of "Modern Procedure." Secondly, it extends the application of the theory of these rules from federal to state practice and judicial administration. Third, it differs from the classical type of casebook, designed to train students to analyze and distinguish apparently contradictory cases, by devoting considerable space to text material and then utilizing cases to illustrate the way in which the courts have analyzed and applied the material in their decisions. It is, in effect, a model of the new type of teaching tool which tends to combine, to some extent, text with cases. Besides, it undertakes to meet the contemporary demand for a guide on "how to" practice law,

¹ APPENDIX VIII, P. 719 (2d part).

² APPENDIX IX, *Docum. I*, P. 739 (2d part).

³ APPENDIX IX, *Docum. II*, P. 788 (2d part).

⁴ *E.g.*, REV. T. LINCOLN BOUSCAREN, S.J., S.T.D., LL.B., THE CANON LAW DIGEST (Vol. I 1934; Vol. II 1945; Supp. 1948).

* Dean, St. John's University School of Law.