

CANON LAW

A Text and Commentary

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PREFACE

A few remarks to introduce our book to those who may wish to use it. The problem of teaching canon law in seminaries is not a lack of erudition or of learned commentaries. Professors may be well versed in the law, and have a choice of several excellent commentaries both in Latin and in English. But the problem is *lack of time*. The years of theology are crowded with courses, of which several, notably dogmatic and moral theology and Sacred Scripture, outrank canon law in importance. The problem is how to use the relatively little time that is available for canon law in such a way that the student will learn as much as possible of the Code of Canon Law itself. The years of teaching experience have led the authors to the conviction that this objective can best be attained with a text which combines three features: first, the use of the vernacular; second, outline surveys of as much as possible of the Latin text of the Code; third, a judicious use of examples, cases, and questions.

Accordingly we have tried to produce, not the most learned commentary, but a practical book for seminaries and priests. The Latin text of the Code always remains the fundamental text, to which reference must constantly be made, and from which neither the textbook nor the professor can afford to become detached. Latin may be used as the medium for the lectures and quizzes if desired; nothing prevents it. We are studying the Code, but the Code needs to be cracked open to make it quickly available. For the relatively speedy absorption of the Latin Code itself, nothing helps the English-speaking student so much as a preview in English. The seminary course in canon law—we are not speaking of graduate study—is necessarily a rather streamlined preview. The best that can be hoped from it is that it will impart a sound understanding of certain essentials, plus a thirst for deeper drafts of learning. We are convinced that this can be done with a good English text, kept in close co-ordination with the Code.

This book is designed to be used in the closest co-ordination with the Latin text of the Code of Canon Law. The outlines and exposition follow the order of the Code and embrace those parts of it which

one may hope to teach in the course of canon law in seminaries: a summary of Book I, the general norms; a summary of nearly all of Book II, persons, clerics and the hierarchy, religious; in Book III, indulgences, the sacraments of marriage and orders (only), sacred places and times, divine worship, the teaching office of the Church (including the censure and prohibition of books), and the acquisition and administration of Church property; finally, a practical summary of Book V, crimes and penalties. We hope that few will condemn us for the almost complete omission of Book IV, *De Processibus*. Procedure is a professional subject calling for mature judgment and an accurate knowledge of a multiplicity of rules. We believe it should not be, and we know that commonly it is not, attempted in a seminary course.

The cases and questions which occur here and there in the text will, we believe, prove their usefulness in actual practice. Readers like concrete illustrations of principles. It is possible to spend much time on the text of the Code and the best commentaries, and then find that one can still learn much that is quite elementary about the law by applying it to a concrete practical case. As far as possible the principle involved, but not the full solution, is suggested in the questions by a reference to canons by number.

We hope that the book may also find a place on the desk of the busy priest, pastor and curate, who may find in it some guidance to the solution of his practical problems.

Very special thanks are due to the Reverend Francis J. O'Boyle, S.J., of West Baden College, Indiana, and to the Reverend James E. Risk, S.J., of Weston College, Weston, Massachusetts, for their careful and painstaking reading of the manuscript and for many useful suggestions. The Reverend Owen M. Cloran, S.J., of Saint Mary of the Lake Seminary, Mundelein, Illinois, has also kindly helped the authors at various times with valuable criticism and suggestions. Finally, the authors wish also to express their sincere thanks to several other friends who have made incidental contributions: to the Reverend Richard E. Tischler, S.J., for the chart of the organization of the Church; to the Reverend John Markoe, S.J., for the chart of the cycle of true time; and to the Reverend William C. Doyle, S.J., for checking the table of the time equation.

THE AUTHORS

West Baden Springs, Indiana
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INTRODUCTION

THE STUDY OF CANON LAW

1. History of Canon Law Before the Code.
2. The Making of the Code of Canon Law.
3. The Task of Official Interpretation.
4. Physical Make-up of the Code.
5. Books Used in the Study of Canon Law.
6. Guide to the Study of Sources in the *Corpus Juris*.

1. **History of Canon Law Before the Code.** The history of canonical legislation before the Code is too long and complicated to be dealt with adequately in these outlines. A good account of it is given in Latin in Cardinal Gasparri's Preface to the *Code of Canon Law*; and an excellent detailed account in English will be found in Archbishop Cicognani's *Canon Law*, pages 131-435. We shall give the barest outline—only what is absolutely necessary as a background before beginning the study of canon law in the Code. The history of canon law before the Code is usually divided into three periods:

1. from Apostolic times to the time of Gratian, A.D. 1140;
2. from Gratian to the Council of Trent, A.D. 1545;
3. from the Council of Trent to the Code.

From Apostolic Times to the Time of Gratian. Beginning with St. Clement, about the year A.D. 97, the Bishops of Rome carried on ecclesiastical government largely by means of correspondence, deciding cases submitted to them and settling points of general discipline. Many of these decisions acquired the force of law either immediately or in the course of time. Moreover, other Bishops enacted for their own dioceses such regulations as local conditions required. These regulations were not of themselves general; but sometimes they spread from one diocese to another, and ended by gaining universal recognition and thus becoming part of the general law. In the fourth century, A.D. 325, the

First Council of Nicaea, first of a series of twenty ecumenical councils, was held. These councils, of which the Second Council of the Lateran, A.D. 1139, held about Gratian's time, was the tenth, not only defined points of faith under the leadership and with the approval of the Popes, but also enacted numerous disciplinary laws for the whole Church. The development of law became particularly rapid when, after the Edict of Constantine at Milan, A.D. 313, the Church became free to develop her own organization. The principal sources of ecclesiastical legislation remained of the same general nature, that is, letters of the Popes and decisions of councils, but these now became more frequent.

Early collections of laws. One of the most interesting features of this growth of canon law was the attempt to keep the growing mass of legislation in order. There appeared an almost endless series of collections of laws: collections which were called apostolic, mostly apocryphal, that is, not authentic; Greek collections dating from before the Council of Chalcedon, A.D. 451; collections from Italy, Spain, France, Africa, and even from England and Ireland. The authorship of many of these collections was unknown; and many of them have since been proved not to have been authentic. The most famous of these latter is the so-called Pseudo-Isidorian Collection, or the "false decretals," which we now know to have been made in France about the middle of the ninth century. It contained a number of forged documents, many of which were accepted as genuine for more than six hundred years. The influence of this particular collection upon the growth of canon law has, however, been much exaggerated.

It may well be imagined that by the middle of the twelfth century canon law must have been in a rather confused condition. It was difficult to know which of the laws currently accepted were genuine; and still more difficult to discover whether they had been repealed either expressly or because they could not be reconciled with later laws.

From Gratian to the Council of Trent. At this time, about A.D. 1140, a learned Italian Camaldolese monk, named Gratian, performed a monumental work. He collected and attempted to put in order the entire mass of ecclesiastical legislation which had accumulated up to his time. He called his book *Concordantia Discordantium Canonum*, but it came to be called *Gratian's Decree*. Although unofficial, it was so useful that it soon became the best-known book of canon law. After the author's death, about A.D. 1158, the *Decretum Gratiani* was supplemented by several later collections of church laws, some authentic,

others private. Let us briefly notice five of these which were later incorporated together with Gratian's Decree in the *Corpus Iuris*.

The Decretals of Gregory IX (A.D. 1234) were the first authentic collection of the Church's laws, composed by the famous canonist, St. Raymond of Pennafort, O.P., and promulgated by order of the Supreme Pontiff. It was made up mostly of earlier laws, adding some which were new. Whatever was contained in it, including the chapter headings, had the force of law. It was at first called *Liber Extravagantium*, from the fact that it was outside the *Decretum*, and is still designated in the footnotes of the Code by the sign, "X."

Boniface VIII issued an authentic collection of laws in 1298, which was known as the *Liber Sextus* because it was an addition to the five books of the Decretals of Gregory IX. It is designated by the sign, "in VI°."

John XXII, in 1317, promulgated a body of laws taken mostly from the Constitutions of Clement V in the Council of Vienne (A.D. 1311-1312), which is known as the *Clementinae*, recognized in citations by the sign, "in Clem."

Finally, in 1500, a learned canonist, John Chappuis, edited all the previously mentioned laws and added to them two more collections, namely, the *Extravagantes* of John XXII and the *Extravagantes communes*. These contained the decretals of several Popes from Boniface VIII (d. 1303) to Sixtus IV (d. 1484). His entire work, containing the *Decretum Gratiani*, the Decretals of Gregory IX, the *Liber Sextus*, the *Clementinae*, the *Extravagantes* of John XXII, and the *Extravagantes communes*, became known as the *Corpus Iuris Canonici*. It is the chief source for the study of ante-Tridentine legislation. The sixth section of this introduction gives a key for deciphering the references to this famous old book in the footnotes of the Code.

Authors who commented upon or explained Gratian's Decree are called decretists; those who explained the decretals are known as decretalists, though this distinction is not always strictly observed. In explaining the *Corpus Iuris* in the schools, professors of canon law wrote in it marginal and interlinear notes which are called the *gloss*; the authors of the gloss are called *glossators*.

From the Council of Trent to the Code. The Council of Trent, A.D. 1545-1563, the nineteenth of the general or ecumenical councils, is a landmark in the history of the Church and of canon law. Besides defining many points of faith which had been attacked by the Reformation, it enacted many disciplinary measures. Thanks to the invention

of printing by the Catholic Johann Gutenberg, in 1444, not only the decrees of the Council of Trent but the enactments made since then by the successive Popes have been preserved more easily than was formerly possible, and by the beginning of the twentieth century constituted a considerable mass of new canonical legislation.

2. The Making of the Code of Canon Law. By the beginning of the twentieth century the laws of the Church were once more in a state of considerable confusion. No general codification had been even attempted for the past seven hundred years, and even the one which had been made by Gratian was not entirely authentic, and contained many errors. In the meantime new laws, some general and some particular, had been enacted; many of these had been repealed; those that remained in force were not easy to find; and the whole mass of legislation was further confused by the unofficial and not always judicious commentaries of various canonists and moralists. Canon law at that time resembled an ancient ruin buried beneath the drifting sands and accumulated debris of a thousand years. The work of bringing order out of this chaos was seen to be necessary; many Bishops present at the Vatican Council had demanded that a revision be undertaken, but the task was so stupendous that it appeared to be beyond the power of anything short of a general council of the Church.

Some hope was derived from the fact that partial codifications had been attended with success. Pius IX had clarified and arranged the law of the Church regarding censures by his Constitution, *Apostolicae Sedis*, of 12 October, 1869; and Leo XIII, by his Constitution, *Officiorum*, of 25 January, 1897, had promulgated a clear and complete piece of legislation on the prohibition and censure of books. But the codification of all the laws of the Church was an immensely greater task.

Nevertheless, Pius X dared to announce, on the Feast of St. Joseph, 1904, that he was determined to have a complete and orderly codification of all extant ecclesiastical laws, with the obsolete and outdated ones eliminated, and all others brought into conformity with modern conditions. The encyclical in which this announcement was made began with the words "*Arduum sane munus*," an arduous task indeed!

The work of preparing the Code of Canon Law started immediately. It is well described in Cardinal Gasparri's Preface. Briefly, the steps in the production of the Code were as follows.

A Commission of Cardinals was appointed for the work. The Holy

Father himself assumed the chairmanship of this Commission, with Cardinal Gasparri as Secretary.

On March 25, 1904, all Archbishops throughout the world were asked to confer with their Suffragans and within four months to send word as to which laws in their opinion required amendment. Collaborators of various kinds were employed. The Commission divided itself into two committees, one sitting on Sunday, the other on Thursday. Every Bishop had the right to keep a representative in Rome to attend the meetings.

When a tentative draft had been drawn up, it was not only submitted again to the expert canonists who acted as consultors, but moreover all the Bishops and those superiors of religious orders who are entitled to attend a general council were invited to express their opinions on it. These replies were collected by the Secretary, and were considered and discussed by the Commission. It is estimated that every canon of the Code was discussed from five to twelve times before being finally adopted.

While this work was in progress World War I broke out. It seemed impossible that anything final should be accomplished until the restoration of peace. Yet the work went right on. Pius X died, and the new Pope, Benedict XV, was soon able to announce that the work of building the Code of Canon Law, for which he modestly gave all the credit to his predecessor, was completed.

The new Code of Canon Law was promulgated on Pentecost, May 27, 1917, to become effective on Pentecost, May 19, 1918. A few canons, however, went into effect at once.

3. Official Interpretation of the Code. By the *Motu proprio* of September 15, 1917, a wise provision was made for the purpose of keeping the admirable order which had been produced at such great cost from going back to confusion. The document, which is printed after the Preface in most editions of the Code, makes three important provisions.

First, a Commission of Cardinals is created with power to give authentic interpretations of the Code. The title of this Commission is *Pontificia Commissio ad Codicis Canones Authentice Interpretandos*. We shall hereafter refer to it as the Code Commission. Cardinal Gasparri acted as its president.

Second, the Roman Congregations were thereafter to issue no new general decrees, unless some great need of the Church should require it. It was declared that their function will be rather to issue Instruc-

tions which shall both throw light on the provisions of the Code and provide efficaciously for their observance.

Third, in case any new general decree becomes necessary, it shall be drawn up by the proper Congregation; and if it is not in accord with the Code, the Congregation shall inform the Holy Father of that fact. After the decree shall have been approved by the Supreme Pontiff, the same Sacred Congregation shall present it to the Commission, whose office it shall then be to draw up a new canon or canons to be inserted in the Code. These new canons, however, shall be so numbered as not to interfere with the consecutive numbering of the present canons. The new canons are to be designated with the number of the preceding canon and the addition, *bis*, or *ter*, "so that no canon of the Code shall ever lose its place, nor the series of numbered canons be in any way confused."

4. Physical Make-up of the Code. The Code of Canon Law consists of an analytical index, printed at the beginning, a number of canons numbered successively from 1 to 2414, and nine documents printed immediately thereafter and numbered from I to IX. These parts are authentic; that is, they belong to the Code in the strictest sense as parts thereof. The Preface written by Cardinal Gasparri, the footnotes, or *Fontes*, which are references to former laws and which are printed as aids to historical study in some editions of the Code, and the alphabetical index, which was compiled by an expert canonist, Father Ojetti, S.J., of the Gregorian University, are not strictly authentic parts of the Code; that is, they have not the authority of a law promulgated by the Supreme Pontiff.

Division of the canons. The canons are divided into five books; and the major divisions of each book are called parts. The parts are sometimes further subdivided into sections, titles, and chapters. Here is a topical plan of the five books and their principal parts.

Topical Plan of the Five Books of the Code

- Book I. General Rules (Canons 1-86)
- Book II. Persons (Canons 87-725)
 - Part I. Clerics
 - Part II. Religious
 - Part III. Lay Persons
- Book III. Things (Canons 726-1551)
 - Part I. Sacraments
 - Part II. Sacred Places and Times
 - Part III. Divine Worship

- Part IV. The Teaching Authority of the Church
- Part V. Benefices and Other Noncollegiate Ecclesiastical Institutions
- Part VI. Temporal Goods of the Church

Book IV. Procedure (Canons 1552-2194)

- Part I. Trials
- Part II. Cases of Beatification and Canonization
- Part III. Procedure in Certain Matters or in Applying Penalties

Book V. Crimes and Penalties (Canons 2195-2414)

- Part I. Crimes
- Part II. Penalties
- Part III. Penalties for Particular Crimes

Value of the Code. About eight hundred years ago a great juristic scholar gave his life to the codification of the laws of the Church. He brought order out of chaos, and his work, applauded by the whole world, has come down to our own time. Yet Gratian's Decree was not an official codification; it remained of strictly private authority. Nor did later authentic collections entirely remedy the disorder. The Code of Canon Law has brought order out of an even greater mass of confused legislation; and it is absolutely authentic.

The Council of Trent is remembered as the great reform of Church discipline from within. Yet it was not complete; it covered only a part of the field of legislation. The Code is a complete system.

Thanks to the makers of the Code, we have a well-ordered system of laws in place of a confused mass of legislation; a complete and harmonious system instead of a patchwork of fragments; clear and definite provisions in place of obscure and doubtful ones; laws accommodated to the modern world instead of antiquated medieval decrees; finally, we have a succinct Code whose every word is loaded with sense, instead of the old rambling discussions where the state of the question was often obscured beneath a mass of words. We have a Code which settles authoritatively in a few words many important questions of moral theology about which experts disputed for centuries. And all this has come to us within the past thirty years. If one gives but the barest thought to these facts, there is but one conclusion: the Code of Canon Law merits our best efforts to get acquainted with it.

5. Books Used in the Study of Canon Law. Besides the Code itself, there are two types of books which are useful or necessary in the study of canon law; namely, commentaries, which explain or comment

on the canons, and source books, in which the text of laws or decisions is given. It is not at all necessary to give a complete list of these books. We will indicate merely a few which seem best adapted to our present purpose.

Commentaries. There are commentaries on the Code in English by Augustine and Woywod; and on several distinct parts of the Code by Ayrinhac. An excellent commentary on the first eighty-six canons is the book entitled *Canon Law* by Archbishop Cicognani, Apostolic Delegate to the United States. In Latin a great number of commentaries have been begun, but relatively few have been finished. Of the latter, probably the most serviceable for our purpose are: Beste, *Introductio in Codicem*, in one volume; Vermeersch-Creusen, *Epitome Iuris Canonici*, in three volumes; Cappello, *Summa Iuris Canonici*, in four volumes; a Coronata, *Institutiones Iuris Canonici*, in five volumes. Besides there are several excellent Latin commentaries on special parts of the Code.

Source books. In an elementary course in canon law there is not much opportunity for the study of any sources other than the text of the Code itself. However, it will be well at least to indicate two distinct problems that may arise regarding the study of sources; namely, how to find sources before the Code and since the Code.

a. Before the Code. All general laws which were enacted before the Code are rendered practically obsolete unless they are also contained in the Code itself (c. 6). Hence the Code is now properly called "the only source book of canon law." Still, the laws before the Code retain a historical interest; and besides their study is often useful, not to say necessary, for a thorough understanding of the present law. For this reason, Cardinal Gasparri, who for years acted as the Secretary to the Commission which drew up the Code, assisted by Cardinal Serédi, kept note of the references to former laws which have any relation to the laws of the Code. This was in itself an immense task, as some of the laws go back to the tenth century or earlier. Moreover, in the printed edition of the Code, they took care to have these references inserted as footnotes under the respective canons which they chiefly concern.

The study of the documents to which these footnotes refer is rather difficult without a little guidance, but it becomes easier when the fog of mystery which surrounds them is lifted. We shall therefore attempt to explain the significance of these footnotes.

We must begin by distinguishing between various classes of ref-

erences which occur. We may divide them broadly into three classes. First, there are many references to the *Corpus Iuris Canonici*. These present special difficulties, and must be dealt with in a special note, in section 6 of this Introduction. Putting these aside for the moment, we have, second, references to declarations of the Council of Trent, and third, references to decrees or decisions of later date. Those of the Council of Trent are available in several editions of the acts of the Council; but the later ones, until Cardinal Gasparri and his aides took hold of the problem, were very difficult to find, for they were scattered in a great many records of various offices of the Roman Curia, and some of them had never been published at all. Thanks to Cardinals Gasparri and Serédi, at least the footnotes annexed to the various canons of the Code now indicated that there existed an earlier official document dealing with the same subject as the canon. We repeat that these old documents are no longer law; they are only the historical background of the law; but still they are interesting and sometimes necessary for purposes of comparison and criticism. The references, therefore, were very valuable. The next problem was how to find the documents themselves in order to read and study them.

Cardinals Gasparri and Serédi therefore proceeded to collect the documents themselves to which the footnotes referred, and had them published in a work entitled *Codicis Iuris Canonici Fontes*, of which six volumes appeared before the death of Cardinal Gasparri, and three more volumes have since been edited by Cardinal Serédi.¹ The total number of documents included in the first eight volumes is 6464. The ninth volume consists of very elaborate indices. The order and arrangement of this monumental work must be studied by examining the work itself. It is here that one must look for the later documents which are cited in the footnotes to the Code. Some of them are also published in *Collectanea Sacrae Congregationis de Propaganda Fide*.² To sum up, therefore, we may say that the *Corpus Iuris Canonici*, the records of the Council of Trent, and the *Codicis Iuris Canonici Fontes* are the most essential source books for the study of the sources before the Code.

b. Since the Code. The official documents which have been issued since the Code are of more immediate practical importance. They are of various kinds: rescripts and decisions in particular cases; instructions regarding the application of the law; authentic interpretations made

¹ Vatican Press, 1939.

² Two Volumes, Polyglot Press, 1907.

by the Code Commission. These last have the force of law, as have also declarations or decrees made by the Roman Pontiff himself or by some branch of the Roman Curia with *specific*, instead of merely general, pontifical approval. It will be seen that the study of these recent sources is not merely a matter of erudition. It is a real necessity, because these decisions affect the law as it now is, and yet they are nowhere explicitly contained in the Code.

Where will we find these documents? Officially, they are published in the commentary of the Holy See, *Acta Apostolicæ Sedis*, which began in 1909 and reached volume 36 in 1944. As it would be difficult in practice, however, to search through thirty-odd volumes of the *Acta* for these documents, several collections have been made in which the documents are arranged either chronologically or in the order of the canons which they affect. The most important of these collections are probably the following:

1. The official collection, *Codicis Iuris Canonici Interpretationes Authenticæ*,³ of which later editions have since appeared;
2. *Enchiridion Canonicum*, by Sartori, which gives the principal documents in Latin, arranged in the order of the canons;
3. The *Canon Law Digest*.⁴

The last named of these collections is the one to which we shall most frequently refer in the text because it is convenient to read the documents in English.

6. Guide to the Study of Sources in the *Corpus Iuris*. *a. Make-up of the Book.* The *Corpus Iuris Canonici* is made up of distinct parts or books, as follows:

1. Gratian's Decree; Parts I, II and III (A.D. 1140);
2. The Decretals of Gregory IX (A.D. 1234);
3. The so-called *Liber Sextus*, promulgated by Boniface VIII (A.D. 1298);
4. The Constitutions of Clement V, called *Clementinæ*, promulgated by John XXII (A.D. 1317);
5. The *Extravagantes* of John XXII (A.D. 1499-1502);
6. The *Extravagantes communes* (A.D. 1499-1502).

b. Method of citation. The method of citing the *Corpus Iuris* dates from medieval times, and is unfortunately very different from the modern way. When we wish to cite a book, we give the name of the book, and then the page on which the citation is to be found.

³ Vatican Press, 1935.

⁴ Two volumes: Bruce, Milwaukee, 1934-1943.

The citations to the *Corpus Iuris* do not mention the name of the book. They vary according to which of the eight parts of the *Corpus Iuris* mentioned above is referred to; but even the part referred to is not mentioned by name; it must be deciphered from certain rather cryptic signs. Without going into lengthy explanations, it will perhaps be sufficient to give the following key, in which an example of a citation is first given, and then the explanation of what the citation means.

Key to Citations of the *Corpus Iuris*

1. *a.* The first Part of Gratian's Decree is divided into Distinctions and subdivided into canons. Thus, c. 7, D. I is a reference to Gratian's Decree, Part I, Distinction I, canon 7. The example is taken from the footnote to canon 2205, § 4, in the Code.

b. The second Part of Gratian's Decree is divided into Causes, which are subdivided into questions, and further into canons. Thus c. 116, C. I, q. 1 is a reference to Gratian's Decree, Part II, Cause I, question 1, canon 116. See the footnote to canon 728 in the Code.

Note: Special attention must be paid to citations from Cause XXXIII of this book. In this Cause, questions I, II, IV, and V are divided and cited in the manner above indicated; for example, c. 1, C. XXXIII, q. 1, in the footnote to canon 1068, § 1, in the Code. But question III of this Cause XXXIII has a distinctive title and is differently subdivided and differently cited. It is subdivided into Distinctions and canons, and is cited by the title, *de poenit.*—variously spelled, of course—with an indication of the Distinction and canon. Thus c. 6, D. I, *de poenit.* is a reference to Gratian's Decree, Part II, Cause XXXIII, question III, Distinction I, canon 6. See the footnote to canon 2353 in the Code. Note that the title *de poenit.* identifies not only the book, Gratian's Decree, Part II, but also the Cause XXXIII, and the question, III.

c. The third Part of Gratian's Decree is divided into Distinctions and subdivided into canons. The sign of this book in citations is *de cons.* which stands for *de consecratione*, the title to the entire book. Thus c. 18, D. I, *de cons.* means the third Part of Gratian's Decree, Distinction I, canon 18; it is the footnote to canon 1199, § 1, in the Code.

2. The Decretals of Gregory IX, always recognized by the sign, "X," consist of five books, which are subdivided into titles and finally into canons. Thus c. 13, X, I, 2 means the Decretals of Gregory IX, book I, title 2, canon 13; it is in the footnote to canon 10 in the Code.

3. *Liber Sextus*, the Decretals of Boniface VIII, always recognized

by the sign, "in VI°," is divided into five books, which are subdivided into titles and finally into canons. Thus c. 5, I, 3, in VI° means the Decretals of Boniface VIII, book I, title 3, canon 5; it is cited in the Code under canon 86.

4. The Constitutions of Clement V, or *Clementinae*, always recognized by the sign, "in Clem.," are divided into five books and subdivided into titles and canons. Thus c. 2, III, 7, in Clem. means the Constitutions of Clement V, book III, title 7, canon 2; cited under canon 874, § 1, in the Code.

5. The *Extravagantes* of John XXII are divided into titles and subdivided into canons. Thus c. un., title VII, in Extravag. Ioan. XXII means the single canon of title 7 of this book. See footnote to canon 81.

6. The *Extravagantes communes* are divided into five books, subdivided into titles and canons. Thus c. 3, V, 7, in Extravag. com. means Book V, title 7, canon 3 of the *Extravagantes communes*. See footnote to canon 2395 in the Code.

Note: A slight further difficulty occurs, which however can be easily obviated. Frequently, in addition to the number of the canon, its Latin title is given; e.g., c. 3, *de privilegiis*, V, 7, in Extravag. com., the example already given under n. 6 above. This is done quite regularly in the footnotes of the Code, whereas the Latin titles are omitted in the citations as given in the index volume of Serédi's *Fontes*. For practical purposes, provided the number of the canon is given, the Latin titles may be disregarded unless they are *de poenit.* (see note above under 1, b), or *de cons.* (see 1, c, above).

The *Regulae Iuris*. *Regulae Iuris*, or rules of law, occur in two places in the *Corpus Iuris*. The more important set of these rules is at the end of *Liber Sextus*. They are cited as follows: Reg. 13, R. J., in VI°. See footnote to canon 16, § 1. The few rules which occur at the end of the Decretals of Gregory IX (Book V, title 41) are cited in the same way as the other parts of that book. See n. 2, above.

It may now be useful to give a condensed key in which the various parts of the *Corpus Iuris* are listed successively, and after each is given merely the sign by which the book can be recognized. After the book is identified it will not be difficult to find the part which is referred to. Thus we shall be able, when it becomes necessary, to consult these old sources without hesitation or confusion.

Condensed Key

Books of the <i>Corpus Iuris</i>	Sign
1. <i>a. Decretum Gratiani</i> , Part I.	c. D.
<i>b. Decretum Gratiani</i> , Part II.	c. C. q.
But if the citation is to question III of Cause XXXIII of this book, the sign is.	<i>de poenit.</i>
<i>c. Decretum Gratiani</i> , Part III.	<i>de cons.</i>
2. Decretals of Gregory IX.	X
3. <i>Liber Sextus</i> (Decretals of Boniface VIII)	in VI°
4. <i>Clementinae</i>	in Clem.
5. <i>Extravagantes</i> of John XXII.	in Extravag. Ioan. XXII
6. <i>Extravagantes communes</i>	in Extravag. com.

Note that the first two Parts of Gratian's Decree are the only books of the *Corpus Iuris* which have no *unique* distinctive sign; these must be recognized by the names of the larger divisions, D., meaning Distinction, for Part I, and C., meaning Cause, for Part II. All the other books of the *Corpus Iuris* are immediately recognizable by a unique sign in their citation. Thus what seemed to be a very confused matter becomes really simple.