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Edmund J. Mazza

WHAT RATZINGER RENOUNCED AND WHAT IS IRREVOCABLE IN POPE EMERITUS*

I think we should be honest enough to admit the temptation of mammon in the history of the Church and to recognize to what extent it was a real power that worked to the distortion and corruption of both Church and theology, even to their inmost core. The separation of office as jurisdiction from office as rite was continued for reasons of prestige and financial benefits.

J. RATZINGER, *Principles of Catholic Theology*

The follower of Peter is not merely bound to a function.
Pope Emeritus BENEDICT XVI, *Last Testament: In His Own Words*

As we commemorate the 60th anniversary of the Second Vatican Council, it is worth observing that not a single aspect of the life and practice of the Roman Catholic Church has been left unaffected by it. So it would be naïve in the extreme to think that the 2013 Renunciation of Pope Benedict XVI was any exception. Indeed, the purpose of this article is to elucidate the ‘*communio*’¹ ecclesiology that underlies Benedict’s re-

* Contributo sottoposto a valutazione.

¹ «1. The concept of communion (*koinonia*), which appears with a certain prominence in the texts of the Second Vatican Council, is very suitable for expressing the core of the Mystery of the Church, and can certainly be a key for the renewal of Catholic ecclesiology. A deeper appreciation of the fact that the Church is a Communion is, indeed, a task of special importance, which provides ample latitude for theological reflection on the mystery of the Church, “whose nature is such that it always admits new and deeper exploring”. However, some approaches to ecclesiology suffer from a clearly inadequate awareness of the Church as a mystery of communion, especially insofar as they have not sufficiently integrated the concept of communion with the concepts

nunciation: a conspicuously conciliar one, which may have, in fact, irreparably undermined it.

In his last General Audience of Wednesday February 27, 2013, Pope Benedict XVI provided his own interpretation of his Declaration of Resignation of February 11th:

I have taken this step with full awareness of its gravity and *even its novelty*, but with profound interior serenity...

Here, allow me to go back once again to 19 April 2005. The real gravity of the decision was also due to the fact that from that moment on I was engaged always and forever by the Lord...

The “always” is also a “forever” – there is no longer a return to the private. My decision to *renounce the active exercise* of the ministry does not revoke this... I do not abandon the cross but remain in a new way with the Crucified Lord. *I no longer carry the power of the [Petrine] office for the government* of the Church, but in the service of prayer I remain, so to speak, in the precincts of St. Peter. Saint Benedict, whose name I bear as Pope, will be a great example to me in this. He has shown us the way to a life, which, active or passive, belongs totally to the work of God² (emphasis mine).

In the first place – and this cannot be overemphasized – Benedict states that his renunciation of the Papacy is a *qualified* one. He renounced only the «active exercise» of the Petrine ministry, not the passive exercise, not the Petrine ministry in its ontological dimension. This is undoubtedly the «novelty»

of People of God and of the Body of Christ, and have not given due importance to the relationship between the Church as communion and the Church as sacrament»: CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Letter to the Bishops of the Catholic Church on Some Aspects of the Church Understood as Communion*, 28 May 1992, in https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_28051992_communionis-notio_en.html.

«*Communio* was founded in 1972 by Hans Urs von Balthasar, Henri de Lubac, and Joseph Ratzinger. It stands for the renewal of theology in continuity with the living Christian tradition, the continuing dialogue of all believers, past and present, ‘as if all were simultaneously in the circle’» (in <https://www.communio-icr.com/about>).

² BENEDICT XVI, *General Audience*, 27 February 2013, in https://www.vatican.va/content/benedict-xvi/en/audiences/2013/documents/hf_ben-xvi_aud_20130227.html.

to which he refers. As Archbishop Georg Gänswein expressed amazedly, the Pope has not merely retired, he has somehow transformed the Papacy itself:

[Benedict] has been *daring enough* to open the door to a new phase, to that historical turning point which no one...could have ever imagined. Since then, we live in an historic era which in the 2,000-year history of the Church is without precedent. Many people even today continue to see this new situation as a kind of exceptional (not regular) state of the divinely instituted office of Peter (*[eine Art göttlichen Ausnahmestandes]*)... Since February 2013 *the papal ministry is therefore no longer what it was before*. It is and remains the foundation of the Catholic Church; and yet it is a foundation which Benedict XVI has profoundly and permanently transformed... But in the history of the Church it shall remain true that, in the year 2013, the famous theologian on the throne of Peter became history's first "pope emeritus". Since then, *his role – allow me to repeat it once again – is entirely different* from that, for example, of the holy Pope Celestine V [who resigned in 1294]³ (emphasis mine).

Benedict has applied the conciliar innovation of 'bishop emeritus' to the bishop of Rome⁴. As we shall shortly explore in more detail, the ecclesiology of the Council did away with the notion of a bishop having 'legitimacy' only through papal sanctioned office, e.g. 'Bishop of Milan'. As Ratzinger once wrote:

The most crucial event in the development of the Latin West was, I think, the increasing distinction between sacrament [*potestas ordinis*] and jurisdiction [*potestas iurisdictionis*], between liturgy and administration as such... I think we should be honest enough to admit the temptation of mammon in the history of the Church and to recognize to what extent it was a real power that worked to the distortion

³ *Complete English Text: Archbishop Georg Gänswein's 'Expanded Petrine Office' Speech*, in *Aleteia*, 30 May 2016 (in <https://aleteia.org/2016/05/30/complete-english-text-archbishop-georg-gansweins-expanded-petrine-office-speech/>).

⁴ Cf. CONGREGAZIONE PER I VESCOVI, *Il Vescovo emerito*, Vatican City, 2008.

and corruption of both Church and theology, even to their inmost core. *The separation of office as jurisdiction from office as rite was continued for reasons of prestige and financial benefits*⁵ (emphasis mine).

In giving up the «office as jurisdiction», in this case, the administration of the diocese of Rome – and the universal Church – Benedict is *not* parting with the «office as rite»⁶. To return to being Cardinal Ratzinger would be tantamount to denying the interpenetration of the functional and the sacramental. Thus he remains «pope» in the sense that a bishop remains a «bishop» even without a diocese:

This word “*emerito*” meant that he was no longer the active holder of the episcopal see, but that he had the special relationship of a former bishop to his see. In this respect, on the one hand, the need to define his office [as rite] in relation to a real diocese without making him a second bishop of his diocese was taken into account. The word “*emerito*” meant that he had fully relinquished his office [as jurisdiction], but the spiritual attachment [office as rite] to his previous see was now also recognized as a legal quality... *This relationship to a preceding see, which had hitherto been real, but which was seen as outside the realm of law is the new meaning of “emerito” formed after Vatican II.* It does not create any participation in the concrete legal content of the episcopal [diocesan] office, but at the same time sees the spiritual bond as a reality. Thus, there are not two bishops [of the diocese], but there is a spiritual mission [*munus* as rite], whose essence is to serve from within, from the Lord, in prayerful being with and for his previous diocese... no concrete legal authority anymore, but a spiritual assignment, which remains – even if invisible. Precisely this [now] legal-spiritual form [office as rite] avoids any thought of a coexistence of two popes: a bishop’s see can

⁵ J. RATZINGER, *Principles of Catholic Theology: Building Stones for a Fundamental Theology*, trans. M.F. MCCARTHY, Ignatius Press, San Francisco, 1987, p. 254 ss.

⁶ One may retire from the active or ‘Martha’ dimension of the Petrine ministry, but not the ‘Mary’ dimension, which in the end, «is the one thing necessary». Cf. Lk 10:38-42.

have only one holder. At the same time, a spiritual bond is expressed that cannot be taken away under any circumstances⁷ (emphasis mine).

To Ratzinger's mind, the situation is not a «coexistence of two popes: a bishop's see can have only one holder». That is, he defines 'Pope', properly speaking as the 'Bishop of Rome', the active holder of the diocese of Rome. Nevertheless, Benedict claims that a *papal bond* still adheres to his soul «that cannot be taken away under any circumstances». This would indicate that he has not renounced the papacy in its entirety. How do we know that Benedict's «spiritual bond» is «papal»? Because he claims a bond with the see of Rome and the see of Rome is the Apostolic See; it is the papal see.

Returning to his Last Audience, Ratzinger reminds the faithful that his renunciation of the active ministry «does not revoke» his original papal commitment of April 19, 2005, which is ongoing: «always and forever». He is giving up the active «power of the [Petrine] office for the government» of the diocese of Rome and the universal Church, but not the passive power of the [Petrine] office denoted by the Cross and by prayer. In an address he gave in 1977, Ratzinger maintains that «The office of the papacy is a cross, indeed, the greatest of all crosses... attachment to the Word and will of God because of the Lord is what makes the *sedes* [throne] a cross and thus proves the Vicar [the Pope] to be a representative [of Christ]»⁸.

Also in his Last Audience, Ratzinger reiterates that his sufferings and prayers are indeed *papal*: «I remain, so to speak, in the precincts of St. Peter» (Actually, not «so to speak» at all, but very *matter of fact* – Benedict has never left the Vatican!)

⁷ P. SEEWALD, *Benedikt XVI.: Ein Leben*, «Letzte Fragen an Benedikt XVI», Droemer, Munich, 2020. My translation from the German.

⁸ J. RATZINGER, October 1977, during the symposium *On the Nature and Commission of the Petrine Ministry* marking the 80th birthday of Pope Paul VI. Cf. *The Primacy of the Pope and the unity of the People of God*, published as *Der Primat des Papstes und die Einheit des Gottesvolkes* in a book Ratzinger edited, *Dienst an der Einheit (Service to Unity)*; it has also been republished in books by Ignatius Press and in *Communio* Spring 2014.

His namesake, St. Benedict, has taught him that being a Holy Father is not simply *'labora'*, but more importantly, *'ora'*⁹!

Thus Benedict's proper form of address is still 'His Holiness'. He still issues Apostolic Blessings *in his own name*. He still wears white. And still resides in the Vatican. An unprecedented situation which has troubled more than a few, for more than nine years now.

Roberto de Mattei has alleged that if the pope who resigns, nevertheless, retains the title of *«emeritus, that means that to some extent he remains pope*. It is clear, in fact, that in the definition the noun [pope] prevails over the adjective [*emeritus*]¹⁰. And he concludes that this can only be due to an indelible character received at election, but not lost at resignation: «The abdication would presuppose in this case the cessation of the exercise of power, but not the disappearance of the pontifical character. This indelible character attributed to the pope could be explained in its turn only by *an ecclesiological vision that would subordinate the juridical dimension [potestas iurisdictionis] of the pontificate to the sacramental [potestas ordinis]*» (emphasis mine).

Unsettling as all this «novelty» may be to some, none of it should surprise us. Already in his February 11th *Declaratio*, Benedict qualified what the Petrine office (*munus* in Latin) is and what he was (and what he was not) renouncing in connection to it:

I have come to the certainty that my strengths, due to an advanced age, are no longer suited to an adequate exercise of the *Petrine munus*.

I am well aware that this *munus, due to its essential spiritual nature*, must be carried out not only with words and deeds, but *no less with prayer and suffering*¹¹ (emphasis mine).

⁹ Famous maxim of St. Benedict: *'Ora et Labora'*; 'Prayer and Work'.

¹⁰ R. DE MATTEI, *One and One Alone is Pope*, quoted in *Reigning and Emeritus: The Enigma of the Two Popes* (cf. *Chiesa Espresso* [Sandro Magister's Blog], September 15, 2014. <http://chiesa.espresso.repubblica.it/articolo/1350868bdc4.html?eng=y>).

¹¹ Cf. *Acta Apostolicae Sedis*, CV (2013), pp. 239-240.

Conscientia mea iterum atque iterum coram Deo explorata ad cognitionem certam perveni vires meas ingravescente aetate non iam aptas esse ad munus Petrinum aeque administrandum.

Bene conscius sum hoc munus secundum suam essentiam spirituales non solum agendo et loquendo exsequi debere, sed non minus patiendo et orando.

For Benedict, the Petrine *munus*, in its essence is ‘spiritual’ not ‘functional’. It is an ontological ‘always’, a ‘forever’ that cannot be revoked. So again, Ratzinger’s renunciation was qualified:

I renounce the *ministerium Episcopi Romae*, Successor of Saint Peter, entrusted to me by the Cardinals on 19 April 2005, in such a way, that as from 28 February 2013, at 20:00 hours, the See of Rome, the See of Saint Peter, will be vacant and a Conclave to elect the new Supreme Pontiff will have to be convoked by those whose competence it is.

*declaro me ministerio Episcopi Romae, Successoris Sancti Petri, mihi per manus Cardinalium die 19 aprilis MMV commissio renuntiare ita ut a die 28 februarii MMXIII, hora 20, sedes Romae, sedes Sancti Petri vacet et Conclave ad eligendum novum Summum Pontificem ab his quibus competit convocandum esse*¹².

In the first quote from the *Declaratio* reproduced above, Benedict uses ‘*munus Petrinum*’ to describe the essential spiritual nature of the ‘Petrine ministry’; he is able to fulfill this ‘*munus*’ through suffering and prayer but is no longer able to do so through words and deeds.

Why, may we ask, did he suddenly replace ‘*munus*’ with ‘*ministerium*’ in the last quote? Why abandon the consistency of his narration? Likewise, why abruptly change from speaking of the ‘Petrine ministry’ or ‘*munus Petrinum*’, to the more restricted: «*ministerium Episcopi Romae*», «ministry of the *Bishop of Rome*» instead?

¹² *Ibidem*.

It is as he said in his Last Audience: «I no longer carry the power of the [Petrine] office for the government of the Church [«words and deeds»], but in the service of prayer I remain, so to speak, in the precincts of St. Peter [Petrine *munus*]». As Stefano Violi, Professor of Canon Law in the Theological Faculty of Emilia-Romagna, observes:

Benedict XVI proposes two fundamental distinctions in the order of the Petrine *munus*... he distinguishes between the different activities which accompany the *executio*, between an administrative-ministerial *executio* (*agendo* and *loquendo* [acting and speaking]) and a more spiritual one (*orando* and *patiundo* [praying and suffering or endurance])... Seeing his own incapacity to administer the goods of the ministry entrusted to him, *he declared his renunciation from the ministerium. Not from the papacy, according to the dictate of the norm of Boniface VIII; not from the munus according to the dictate of can. 332 § 2, but from the ministerium, or, as he will specify in his last audience, from “the active exercise of the ministry” (emphasis mine).*

The service to the Church continues with the same love and the same dedication, although outside the exercise of power. *The object of the irrevocable resignation, in fact, is the executio muneris (execution of the office) by speaking and acting (agendo et loquendo) not the munus [office] entrusted to him once and forever*¹³ (emphasis mine).

¹³ S. VIOLI, *The Resignation of Benedict XVI Between History, Law and Conscience*, in *Rivista teologica di Lugano*, XVIII (2013), p. 155 ss. Cf. *Decretum Gratiani*, c. 24, q. 1, dict. post. c. 37. Violi's position has evolved somewhat since. He now considers that Ratzinger did, in fact, renounce the office of Bishop of Rome, not simply its exercise: «The canonical *missio* entrusted to a bishop does not in fact entail the identification between the sacramental ontological *munus* and the office conferred upon him. If in the diocesan bishop “*munus*” and “office” coincide *manente officio*, at the moment of renunciation the episcopal see becomes vacant (Can. 416 CJC 1983). The renouncer loses his office and the powers attached to it. However, the sacramental ontological participation of the renouncing bishop in the *munera* deriving from the consecration, which do not involve the exercise of the powers attached to the office, does not disappear. The Council itself mentions, for example, a *sollicitudo* ‘which, although not exercised by acts of jurisdiction, contributes greatly to the good of the universal Church’ (LG 23)». Cf. S. VIOLI, *Officium e munus*

If after all this, anyone still doubts that Benedict's renunciation was a qualified one, let us turn to the words he addressed to his old friend and fellow countryman, journalist Peter Seewald in his 2016 book, *Last Testament: In His Own Words*:

Peter Seewald: "Is a slowdown in the ability to perform, reason enough to climb down from the chair of Peter?"

Pope Benedict: "One can... make that accusation, but it would be a functional misunderstanding. The follower of Peter is not merely bound to a function; the office enters into your very being. In this regard, fulfilling a function is not the only criterion"¹⁴.

Seewald merely repeated the words of Benedict's own *Declaratio* back to him and Benedict calls it an «accusation»? A «functional misunderstanding»?

Yes. Anyone (Seewald included) who reads Benedict's *Declaratio* and concludes at face value that by giving up the 'active' duties of a pope, Benedict ceased being papal, has not only misunderstood Benedict's intentions, but the Petrine ministry itself: «The follower of Peter is not merely bound to a function».

Benedict characterized Seewald's question as a «functional misunderstanding», as if Seewald had missed the transcendent component of the Petrine *munus* by suggesting: «when he is not *actively* leading the Church, he is not papal». Benedict corrects him by saying that the «office enters into your very being»; it is a sacramental, ontological always: «He does *not stop being a father*, but he is relieved of concrete responsibility»¹⁵, that is, day-to-day administration of Rome and the universal Church: «he remains in an inner sense within

tra ordinamento canonico e comunione ecclesiale, in *Stato, Chiesa e pluralismo confessionale* (www.statoechiese.it), n. 31, 2019, p. 140 ss.

¹⁴ BENEDICT XVI, with P. SEEWALD, *Last Testament: In His Own Words*, Bloomsbury Continuum, 2016.

¹⁵ *Ibidem*.

the responsibility [papacy] he took on, but not in the function [bishop of Rome]».

Benedict once criticized Martin Luther precisely for misunderstanding the difference between office as jurisdiction or function and office as rite or sacrament:

[For Luther] the priest does not transcend his role as preacher. The consequent restriction to the word alone had, as its logical outcome, the pure *functionality* of the priesthood: it consisted exclusively in a *particular activity*; if that activity was missing, *the ministry itself ceased to exist...*¹⁶ (emphasis mine).

Benedict made a similar observation regarding conceptions of the Catholic priesthood after the Council when the category of «functionality» was raised at the expense of the ‘sacred’:

Two conceptions of the priesthood were in confrontation: a *social functional* vision which defined the nature of the priesthood as a service to the community in the fulfillment of a *function* at the service of the social body of the Church. *The ontological-sacramental vision* which, while not denying the service character of the priesthood, *saw it anchored in the existence of the ministry, an existence that was determined by a gift, called a sacrament, and granted to him by the Lord through the Church.* A shift of terminology accompanied the *functional* vision. One avoided using the words “priest” or “priestly” on account of the sacral meaning; in its place one used the *neutral-functional* term “minister” which at the moment had almost no importance in Catholic theology¹⁷ (emphasis mine).

Accordingly, in his *Declaratio*, Benedict renounced the functional ministry/service [*ministerium*], not the ontological «ministry [*munus*], an existence that was determined by a gift called a sacrament».

¹⁶ J. RATZINGER, *Principles of Catholic Theology*, cit., p. 248.

¹⁷ J. RATZINGER, *Life and Ministry of Priests*, in International Symposium on the Thirtieth Anniversary of the Promulgation of the Conciliar Decree *Presbyterorum Ordinis* (23-28 October 1995), in https://www.vatican.va/roman_curial/congregations/cclergy/documents/rc_con_cclergy_doc_24101995_prh_en.html.

This having been said, almost all readers of Benedict's *Declaratio*, specialist and non-specialist alike, have made the 'functional mistake' of *always* equating the terms *munus* and *ministerium*. Typical is the argumentation of Fr. John Rickert, FSSP who argues that distinguishing the two is not a correct interpretation: «*A Latin Dictionary* by Lewis and Short, which is a standard, well-respected dictionary of long standing, states simply that *ministerium* and *munus* are synonyms. See the entry for *munus*»¹⁸.

But Bishop Juan Ignacio Arrieta, Secretary of the Pontifical Council for Legislative Texts, however, teaches differently:

problems... have arisen since the Council with regard to the public function and the notion of office are particularly reflected in the *fluctuating* use of notions such as “*munus*”, “*ministry*” and “*office*”, both in doctrine and in the *official texts of the Church*... notions close to that of public function, such as “*munus*”, “*ministry*” and “*office*”; terms which *do not find univocal content* in the documents of Vatican Council II, nor among the normative texts, being used indiscriminately by doctrine¹⁹ (emphasis mine).

Likewise, Anna Slowikowska, of the John Paul II Catholic University of Lublin in Poland, echoes Arrieta in calling *munus* an «ambiguous word». She explains that the Council documents used it 255 times (55 times in *Lumen Gentium*). Its meaning varies: 'function', 'mission', 'service', 'task', 'obligation', 'ministry'. Slowikowska notes that in many places the translations of LG into Polish done in 1968 and again in 2002 are not at all identical. Something causing not only «*problems of interpretation, but also doctrinal problems*»²⁰.

¹⁸ J. RICKERT, *Munus, Ministerium & Pope Emeritus Benedict*, in <https://www.wmbriggs.com/post/39718/>.

¹⁹ J.I. ARRIETA, *Funzione pubblica e ufficio ecclesiastico*, in *Ius Ecclesiae*, VII (1995), p. 92 ss. My translation from the Spanish.

²⁰ A. SŁOWIKOWSKA, *Interpretacja pojęcia munus w Konstytucji dogmatycznej o Kościele Lumen gentium*, in *Roczniki Humanistyczne*, LXIII (2015), p. 125 ss. My translation from the Polish.

And Slowikowska refutes Rickert:

The knowledge of all the meanings of a given word – in this case munus – is not enough to correctly identify the thoughts of the author of the translated text.

The term *munus* is most often analyzed in the literature with two others: *officium* and *ministerium*. They are also synonymous with it. *But at the same time each of them can mean something different. Their use, whether separate or synonymous, always depends on the context of the utterance, the author's intention, or the purpose for which they are used*²¹ (*emphasis mine*).

Fortunately, in addition to Benedict's *Declaratio*, we do possess a document wherein he himself admits of a distinction between *munus* and *ministerium*: between the transcendent and the functional use of it. In the early 1980s, Ratzinger expressed his approval of the reform of the rite of episcopal ordination carried out in 1947, in which text Pius XII, invoking the Holy Spirit, placed the emphasis on these very words: «*Emitte in eum, quaesumus, Domine, Spiritum Sanctum, quo in opus ministerii tui fideliter exsequendi septiformis gratiae tuae munere roboretur*»²². Ratzinger remarks that the previous «medieval rite is formed on the pattern of investiture in a secular office. Its key word is 'potestas' [power]», but the key words now are 'munus', *the divine gift* which allows 'ministerium', the service (active or passive) to God and His People.

And this, at last, brings us to the larger question of Ratzinger's ecclesiology, which ultimately explains his qualified renunciation.

As one of the principal actors of the Second Vatican Council, Ratzinger is acutely responsible for a major paradigm shift in the understanding of «Church». As he reflects: «Vatican II tried to... formulate a genuinely spiritual view of the episcopate as a complement to papal primacy. The Church was no longer seen in terms of political models [i.e. power], but

²¹ *Ivi*, p. 140.

²² J. RATZINGER, *Principles of Catholic Theology*, cit., p. 241.

in terms of biblical images... the Church is neither a parliamentary nor monarchical super-state...»²³. Indeed, although Ratzinger is loath to admit it, the Council raised the profile of the bishops at the expense of the traditional papal sovereignty:

[In the 1962 draft text] Membership of the college of bishops [*communio hierarchica*] could only be residential bishops... the requirement for membership was jurisdiction over a particular diocese, [jurisdiction] conferred by the pope [known as *missio canonica*]... the college would appear in the long run to be nothing more than an institution of papal privilege and the great idea of collegiality threatened to evaporate...²⁴.

But for Ratzinger, *Lumen gentium* thankfully replaced the 1962 draft schema. Here are the pertinent selections (articles 21 and 22) from Chapter 3:

21. ... by Episcopal consecration the fullness of the sacrament of Orders is conferred, that fullness of power, namely, which both in the Church's liturgical practice and in the language of the Fathers of the Church is called the high priesthood, the supreme power of the sacred ministry. But *Episcopal consecration, together with the office [munus] of sanctifying, also confers the office [munera] of teaching and of governing, which, however, of its very nature, can be exercised only in hierarchical communion with the head and the members of the college...* Therefore it pertains to the bishops to admit newly elected members into the Episcopal body by means of the sacrament of Orders (emphasis mine).

22. Just as in the Gospel, the Lord so disposing, St. Peter and the other apostles constitute one apostolic college, so in a similar way the Roman Pontiff, the successor of Peter, and the bishops, the successors of the apostles, are joined together... *one is constituted a member of the Episcopal body in virtue of*

²³ J. RATZINGER, *Theological Highlights of Vatican II*, Paulist Press, New York, 1966, p. 128.

²⁴ *Ivi*, p. 126.

sacramental consecration and hierarchical communion with the head and members of the body (emphasis mine)²⁵.

As Seamus Ryan points out, these texts amounted to nothing less than a radical reinterpretation of «Church». For the previous millennium, the episcopacy was not considered as the fullness of the sacrament of order. One theologian writing in 1670 cited «no less than eighty authors – among others Peter Lombard, Albert the Great, Thomas Aquinas, Bonaventure – who maintain that the episcopate was neither a sacrament nor an order»²⁶. In other words, «bishop» was strictly an «office as jurisdiction» – not an «office as rite». And this is why Ratzinger remarks:

This passage [from *LG* 22] also breaches the wall that separated the Middle Ages from the early Church, and hence the Latin West from the Churches of the East. We see the reason why future references to Peter Lombard, Albert, Bonaventure, and Thomas Aquinas will no longer be meaningful in this issue.

...membership in the college of bishops is attained through sacramental ordination and communion with the head and members of the college. This statement gives episcopal collegiality a double basis but in such a way that these two roots are inseparably connected...

...*collegiality is not based on a papally conferred jurisdiction*, paralleling the sacrament of ordination as though that sacrament were merely an individual gift... (emphasis mine).

The rigid juxtaposition of sacrament and *jurisdiction*, of consecrating power and *power of governance*, that had existed since the Middle Ages and was one of the symptoms marking the Western separation of the Churches from the East, has finally been eliminated... In the eucharistic office, *both the sacrament and the "ruling power" interpenetrate one another*, and it becomes at once clear how inappropriate the words

²⁵ Cf. *Acta Apostolicae Sedis*, LVII (1965), pp. 24-27.

²⁶ S. RYAN, *Episcopal Consecration: The Legacy of the Schoolmen*, in *Irish Theological Quarterly*, 33 (1966), 1, p. 3. Cf. Cardinal R. CAPISUCHIUS, *Controversiae Theologiae*, Rome, 1670, *Controv.* 28 *De Episcopatu*, n. 2. Cited by J.B. UMBERG, *De Sacramentis*, F. Rauch, Oeniponte, 1930, p. 383.

“rule” and “power” are with regard to the Church. We have *no more right to speak of a quasi-profane ruling power, neatly separated from the sacramental ministry, than we have a right to speak of a separation between the mystical and eucharistic body of Christ*²⁷ (emphasis mine).

Again, Ratzinger shows his contempt for the concept of power associated with office as in political society. He expresses his wholehearted approval of Vatican II’s teaching that not only do bishops receive the power to sanctify when they are ordained, but by that same sacramental consecration bishops also receive the *power to govern* the flock of Christ – even before they are given ‘jurisdiction’ or ‘office’ (e.g. ‘Bishop of Paris’) by the Pope: «both the sacrament and the ‘power’ interpenetrate one another...».

Ratzinger explains that one of the chief obstacles between the Catholic Church and the Orthodox churches of the East is now resolved if the powers of the bishop to teach and govern are already given in the sacrament (*potestas ordinis*) of episcopal consecration and not in the *missio canonica* or grant of jurisdiction (*potestas iurisdictionis*) from the Roman Pontiff. The traditional teaching of the Church is that Orthodox bishops have valid sacraments but lack jurisdiction by rejecting the Pope. But *Lumen gentium* avoided mention of ‘jurisdiction’. Indeed, according to some, it meant to do away with this “ambiguous” word as a *separate* concept altogether²⁸.

The late Bishop Eugenio Corecco agreed with his fellow *Communio* theologian Ratzinger when he wrote that consecration transmits a

substrate of jurisdiction on him in any case, but which, if it is legitimate, also gives him the *communio hierarchica* (which is not identical with the *missio canonica*), the bishop enters to form a part of the college of bishops. This is true even if, for any reason, he is not invested with any particular ecclesiasti-

²⁷ J. RATZINGER, *Theological Highlights*, cit., p. 128.

²⁸ G. ALBERIGO, *The Concept of Jurisdiction in the Catholic Church*, ARCIC-134. *Anglican-Roman Catholic Dialogue*, in <https://iarccum.org/doc/?d=482>.

cal office, and, as a result, does not receive the totality of the power of jurisdiction with the *missio*²⁹.

Or, as he says: «... theology has abandoned the thesis that the power of jurisdiction is given to bishops directly by the Pope, in order to take up the more plausible theory according to which jurisdiction is conferred on them by God, whether passing through the mediation of the *missio canonica* conferred by the Pope, or *directly in virtue of episcopal consecration*»³⁰ (emphasis mine).

If the power to teach and govern is given at episcopal consecration and if it is also true that «The order of bishops... is also the subject of supreme and full power over the universal Church», then does the Pope, himself, receive the power to govern the universal Church when he is elected, or when he receives sacramental consecration³¹?

Section 21 of the constitution *Lumen gentium* teaches that the power of jurisdiction [power to govern] is received by all bishops in the same way, that is, directly from Christ; *this can only mean the supreme and universal power itself*, the authority of which the College is the subject. Logically, therefore, what can the pope actually receive by his election if not an honorific authority of mere precedence? Therefore, according to this new teaching there is one subject of supreme authority, namely the College [the position of Karl Rahner, Yves Congar, Richard McBrien, and others], of which the pope is only the official spokesman³².

²⁹ E. CORECCO, *Nature and Structure of the sacra potestas from the Point of View of Doctrine and in the New Code of Canon Law*, 1984, in *www.eugenio-corecco.ch*. First published: *Natura e struttura della 'Sacra Potestas' nella dottrina e nel nuovo Codice di diritto canonico*, in *Communio*, n. 75, 1984, pp. 24-52. My translation of the Italian.

³⁰ Cf. E. CORECCO, *L'origine del potere di giurisdizione episcopale. Aspetti storico-giuridici e metodologico-sistematici della questione*, in *La Scuola Cattolica*, XCVI (1968), pp. 10 ss., 107 ss., in <https://www.eugenio-corecco.ch>.

³¹ Cf. G. GHIRLANDA, *Cessazione dall'ufficio di Romano Pontefice*, in *La Civiltà Cattolica*, 2013, I, pp. 445-462 and in www.laciviltacattolica.it/articolo/cessazione-dallufficio-di-romano-pontefice.

³² J. LESSARD-THIBODEAU, *Collégialité*, in <https://fspx.org/en/coll/C3%A9gialit%C3%A9>. Or as Bishop Alfonso Carrasco Rouco writes: «On the oth-

Even if Ratzinger would not carry matters so far, he is in full agreement with the Council that the bishop's power to govern (and teach and sanctify) originates in his sacramental consecration, in which case, 'jurisdiction' is never truly separate, it always has a sacramental basis. As Ratzinger says: «*The ministry of the bishop is not an externally assigned 'administrative power,' but rather arises from the necessary plurality of the eucharistic communities (i.e., of the Churches in the Church) and, as representing these, is itself sacramentally based. The ruling of the Church and its spiritual mystery are inseparable*»³³. Or as Corecco puts it: «*If it is true that the *potestas sacra* can be transmitted only through the *sacrament of Orders*, it follows that it cannot be transmitted in another way even when it is manifested according to the logic of the power of jurisdiction*»³⁴ (emphasis mine).

But where does this leave the sacred power exercised by the Bishop of Rome, which for centuries has been considered an office of jurisdiction alone?

As Gianfranco Ghirlanda, Emeritus Professor of Canon Law and former rector of the Pontifical Gregorian University of Rome observes, this question was taken up (without doctrinal finality) by the Commission for the development of the current Code of Canon Law. Some claimed that papal election is not sufficient by itself, episcopal consecration is needed to receive the Petrine *munus*. They argued that *Lumen gentium* «abolished the distinction between power of order and power of jurisdiction, teaching the unity between consecration and ju-

er hand, the ministry of the successor of Peter can no longer be understood without a full recognition of the episcopate as the fullness of the sacrament of orders and of its constitutive function for the being of the Church; Consequently, it [the Petrine Ministry] cannot be seen in any way as a superior form of realization of the sacramental order – which would then be inadmissible, nor as a power of a societal nature that would impose itself above the fullness of the sacramental potestas»: A. CARRASCO ROUCO, *La renuncia al Ministerio Petrino*, in *Scripta theologica. Revista de la Facultad de Teología de la Universidad de Navarra*, XLV (2013), 2, p. 467 ss.

³³ J. RATZINGER, *Theological Highlights*, cit., pp. 189-190.

³⁴ E. CORECCO, *Nature and Structure of the sacra potestas from the Point of View of Doctrine and in the New Code of Canon Law*, cit.

risdiction, and therefore that ecclesiastical power derives from consecration». And if consecration is mandatory for entry into the episcopal college, this requirement must certainly apply to the pope as its head³⁵. Ghirlanda, himself, does not agree with this ecclesiology, however, because if a Pope were to resign from his office, he would never lose this power, as it is conferred by a sacramental act which has an indelible character.

According to the logic of the *communio* school of thought, when the Pope receives 'power' or 'jurisdiction' over the universal Church, this Petrine ministry being 'sacramentally based' is seemingly irrevocable. Just as Ratzinger said in his Last Audience: «Always – anyone who accepts the Petrine ministry... belongs always and completely to everyone, to the whole Church... The “always” is also a “forever” – there is no longer a return to the private. *My decision to renounce the active exercise of the ministry does not revoke this*» (emphasis mine).

Because of this radical result, let us delve more deeply into the competition between the semi-traditional and conciliar ecclesiologies in the postconciliar Church. On one side there are those who see sacred power as originating from episcopal consecration alone. This would include in addition to Ratzinger, W. Bertrams, G. Philips, K. Mörsdorf, W. Aymans, K. Rahner, Y. Congar, E. Corecco, J. Manzanares and others. The other school of thought understands sacred power as granted through the sacrament plus the canonical mission: D. Staffa, A. Gutiérrez, U. Lattanzi, A.M. Stickler, J. Beyer, G. Ghirlanda...³⁶. The Primacy of jurisdiction of the Supreme Pontiff is hard to explain in the former scheme because on the level of order there is no difference between the Pope and the other bishops. «The difference in jurisdiction comes from a non-sacramental source... The power he then acquires comes directly from Christ, not from the election, and not from the College

³⁵ G. GHIRLANDA, *Cessazione dall'ufficio di Romano Pontefice*, cit. Cf. POJNTIFICIA COMMISSIO CODICI IURIS CANONICI RECOGNOSCENDO, *Congregatio Plenaria diebus 20-29 octobris 1981 habita*, Typis Polyglottis Vaticanis, Città del Vaticano, 1991, pp. 365-366.

³⁶ C. O'DONNELL, *Salvador Pié-Ninot*, in *Dictionary of Ecclesiology*, San Pablo, Madrid, 1987.

of Cardinals»³⁷. According to Bishop Alfonso Carrasco Rouco, those who bifurcate sacred power between order and jurisdiction create a duality at the expense of communion: «a separation between the legal and sacramental dimensions of ecclesial reality... priority *will once again return to jurisdiction; one thus develops a conception of law in the Church, and, in particular, of the papal primacy, which loses sight of the sacramentality of the episcopate*, and which also tends to reduce the space of collegiality. We thus build on bases other than those of the *ecclesiology of communion*»³⁸.

As we have seen with the above quotes, Ratzinger is a theologian who insists on the priority of the sacramental over the juridical. In his *Principles of Catholic Theology*, he even appears to apply this to the papacy. Expressing his sympathy for the view of the Orthodox churches, Ratzinger writes:

Precisely this difference in the concept of authority grew steadily more intense and reached its climax in 1870 with the proclamation of the primacy of jurisdiction: in one case [traditional Orthodox view], only the tradition that has been handed down serves as a valid source of law, and only the consensus of all is the normative criterion for determining and interpreting it. In the other case [traditional Catholic view], the source of law appears to be the will of the sovereign, which creates on its own authority (*ex sese*) new laws that then have the power to bind. The old sacramental structure seems overgrown, *even choked, by this new concept of law: the papacy is not a sacrament; it is “only” a juridical institution; but this juridical institution has set itself above the sacramental order*³⁹.

³⁷ F. HANSEN, *The Unity and Threefold Expression of the Potestas Regiminis of the Diocesan Bishop*, Rome, 2014, pp. 25-26.

³⁸ A. CARRASCO ROUCO, *Le Primat de L'Eveque de Rome*, Editions Universitaires Fribourg, Suisse, 1990, p. 103. And in a footnote [nt. 284] Carrasco Rouco raises Ratzinger's negative judgment on the subject: «The consequences of this dual power have been well described by J. Ratzinger, 'Die bischoffliche Kollegialitat' in *De Ecclesia* Von G. Barauna».

³⁹ J. RATZINGER, *Principles of Catholic Theology*, cit., pp. 194-195; Cf. also: «... Rome must not require more from the East with respect to the doctrine of primacy than had been formulated and was lived in the first millennium. When the [heretical-schismatic] Patriarch Athenagoras, on July 25, 1967, on

For Ratzinger, the Pope may occupy an ‘office as jurisdiction’, which comes and goes, but the interpenetrating spiritual ‘office as rite’, being sacramental, is never lost. As de Mattei complains:

Vatican Council II did not explicitly reject the concept of “*potestas*” [“power”], but set it aside, replacing it with an *equivocal new concept, that of “munus”*. Art. 21 of “*Lumen Gentium*” then seems to teach that episcopal consecration confers not only the fullness of orders, but also the *office [munera]* of teaching and governing, whereas in the whole history of the Church the act of episcopal consecration has been distinguished from that of appointment, or of the conferral of the canonical mission. This *ambiguity* is consistent with the ecclesiology of the theologians of the Council and post-council (Congar, *Ratzinger*, de Lubac, Balthasar, Rahner, Schillebeeckx...) who presumed to reduce the mission of the Church to a sacramental function, scaling down its juridical aspects... (emphasis mine).

the occasion of the Pope’s visit to Phanar, designated him as the successor of St. Peter, as the most esteemed among us, as one who presides in charity, this great Church leader was expressing the essential content of the doctrine of primacy as it was known in the first millennium. Rome need not ask for more. Reunion could take place in this context if, on the one hand, the East would cease to oppose as heretical the developments that took place in the West in the second millennium and would accept the Catholic Church as legitimate and orthodox in the form she had acquired in the course of that development, while, on the other hand, the West would recognize the Church of the East as orthodox and legitimate in the form she has always had. Patriarch Athenagoras himself spoke... strongly when he greeted the Pope in Phanar: “Against all expectation, the bishop of Rome is among us, the first among us in honor, ‘he who presides in love’ (Ignatius of Antioch, *epistola “Ad Romano”*, PG 5, col. 801, prologue)”. It is clear that, in saying this, the Patriarch did not abandon the claims of the Eastern Churches or acknowledge the primacy of the West. Rather, he stated plainly what the East understood as the order, the rank and title, of the equal bishops in the Church – and it would be worth our while to consider whether this archaic confession, which has nothing to do with the “primacy of jurisdiction” [defined at Vatican I] but confesses a primacy of “honor” (τιμῆ) and agape [love], might not be recognized as a formula that adequately reflects the position Rome occupies in the Church – “holy courage” requires that prudence be combined with “audacity”: “The kingdom of God suffers violence” [cf. Mt 11:12]» (*ivi*, pp. 197-199, 217).

Ratzinger... distanced himself from tradition when *he saw in the primacy of Peter the fullness of the apostolic ministry, linking the ministerial character to the sacramental* [J. Auer-J. Ratzinger, *La Chiesa universale sacramento di salvezza*, Assisi, 1988]⁴⁰ (emphasis mine).

And to all of this we must finally add the astute testimony of Carlo Fantappiè, Law Faculty of the University of Roma Tre. This is what he writes regarding Ratzinger's renunciation:

A third theological conception which, considering the articulation between person and office to be superseded, insists on the sacramental foundation of the ministry and on the indelible bond of the sacrament with the mission. *Applied to the Petrine ministry, this doctrine postulates a distinction between munus and ministry* and makes the primacy a sort of personal charism, giving rise to inconsistencies or misunderstandings, such as the *coexistence of two popes, even if one reigning and one emeritus...* (emphasis mine).

Against the prevailing juridical consideration of the canonists, who placed the power of jurisdiction at the center of the papal figure, as the origin of all the others in the Church, *the conciliar theologians have countered with the primariness of the sacramental dimension of the episcopate, from which derive the other specific functions of the bishop of Rome*⁴¹ (emphasis mine).

Fantappiè states further:

In my opinion, the interpretative question raised by Benedict XVI's announcement is to be traced back not so much to the distinction between *munus* and *executio* or between the various papal *corpora*, as to the problem of the relationship between the sacramental and ministerial [functional] dimensions. One would refer to the ontological structure, the oth-

⁴⁰ R. DE MATTEI, *One and One Alone is Pope*, cit.

⁴¹ C. FANTAPPIÈ, *Ecclesiologia e Canonistica*, Venezia, 2015, p. 391. My translation of the Italian.

er to historical implementation. In this case the *munus petrinum*, although not a grade of Order, would refer to a *permanent mission of a sacramental nature which would not cease with the loss of the office-ministry* (emphasis mine).

... starting from the principle of the divine elevation of the pope, from the absolutist conception of his power and from the *special sacramental bond that the elect contracts at the moment of election*, succeeds in affirming the ontological character of the bond between the person and the office ending up by considering *the resignation of the pontificate theologically impossible*⁴² (emphasis mine).

Fantappiè's explanation is especially prescient because he maintains that the «*special sacramental bond*» of the person elected Pope «*contracts at the moment of election*». In other words, the Petrine *munus* although 'sacramental' is NOT the same *munus* received at episcopal consecration. And this is in direct opposition to Geraldina Boni, Faculty of Law of the University of Bologna, who holds: «Ratzinger still exercises, to the benefit of the Church, a very high spiritual ministry: but bound not to the *munus (officium)* of which he was invested with the legitimate election, accepted by him, as pontiff, but to the sacramental *munus* transmitted to him with the episcopal ordination»⁴³.

Fantappiè's book first appeared in 2015, but in May of 2016, his view of Ratzinger's renunciation was confirmed by none other than Ratzinger's closest companion, Georg Gänswein, Prefect of the Papal Household, in a speech at the Pontifical Gregorian University.

The key word in that statement is *munus Petrinum*, translated – as happens most of the time – with “Petrine ministry”. And yet, *munus*, in Latin, has a multiplicity of meanings: it can mean service, duty, guide or gift, even prodigy. *Before and after his resignation, Benedict understood and understands his task as participation in such a “Petrine ministry”* [His

⁴² *Ivi*, p. 393.

⁴³ G. BONI, *Sopra una rinuncia. La decisione di papa Benedetto XVI e il diritto*, Bologna, 2015, p. 196. My translation of the Italian.

Petrine *munus* – not his episcopal *munus*]. He has left the papal throne [office as jurisdiction] and yet, with the step made on February 11, 2013, he has not at all abandoned this ministry [office as rite]. Instead, he has complemented the personal office with a collegial and synodal dimension, as a quasi-shared ministry (*als einen quasi gemeinsamen Dienst*)...
... *he has not abandoned the Office of Peter – something which would have been entirely impossible for him after his irrevocable acceptance of the office in April 2005. By an act of extraordinary courage, he has instead renewed this office* (even against the opinion of well-meaning and undoubtedly competent advisers), and with a final effort he has strengthened it (as I hope)... To date, in fact, *there has never been a step like that taken by Benedict XVI*. So it is not surprising that it has been seen by some as revolutionary, or to the contrary, as entirely consistent with the Gospel...⁴⁴ (emphasis mine).

«He has not abandoned the Office of Peter», is a most troubling statement. According to Canon Law, Can. 332 § 2: «If it happens that the Roman Pontiff *resigns his office*, it is required for validity that the resignation is made freely and properly manifested...» (emphasis mine).

To validly resign, therefore, a pope *must abandon* the Office of Peter.

Now Boni and other scholars are nearly unanimous in their belief that by renouncing the legal office, i.e. ‘the active ministry’, Benedict has, in fact, complied with Canon 332 § 2 and has, therefore, validly resigned:

The loss, then, of the office [as jurisdiction] with renunciation does not eliminate the *munus* or *ministerium* as we have understood them, as an ‘ontological qualification’ [office as rite]: thus the bishop emeritus, as specified in the already mentioned document of the Congregation for Bishops of 2008, retains forever, and continues to exercise, but in a particular way, the function of teaching, sanctifying and governing... All this is also valid for the pope, bishop of Rome, *mutatis mutandis* with regard to the office held: the pontiff who has renounced conserves the

⁴⁴ *Complete English Text: Archbishop Georg Gänswein’s ‘Expanded Petrine Office’ Speech*, cit.

munus received with the episcopal consecration which cannot be nullified and annihilated, as has already been argued at length. He can renounce the ‘office’ of pope: for this reason the word *officium* should perhaps have appeared in canon 332 § 2, and in any case this is how it is rendered in the various national languages; and in fact, the diocesan bishop is invited by canon 401 to renounce the *officium*... Evidently, therefore, in canon 332 § 2, in that “*muneri suo renuntiet*” – where *muneri suo renuntiet* implies ownership of the office –, *munus* is used (with a certain degree of ‘approximation’) not in a ‘sacramental’ sense, but in a ‘juridical’ sense⁴⁵.

But Benedict, as we have seen, traces the origin of his ontological ‘office of rite’, not to his episcopal ordination in 1977, but to his election as Pope in April 2005. Both he and Gänswein have reaffirmed multiple times (by various turns of phrase) that he has not abandoned the Office of Peter – at least not in a metaphysical sense: «The *follower of Peter* is not merely bound to a function».

Thus, we have a Catch-22 situation. The law as written says that if the Pope wishes to step down, he must renounce his [Petrine] *munus*, that is, release *what* he had hitherto been bound to. But if he gives back only the functional *munus*, while retaining the spiritual *munus*, has he really complied with the law?

And this brings us to an even greater conundrum.

What if the understanding of ‘Church’ prior to 1963 was the ontologically accurate one instead of the post-1963 view? What if Peter Lombard, St. Albert the Great, St. Bonaventure, and St. Thomas Aquinas were right after all? What if Ratzinger’s *communio* ecclesiology is not, in fact, a true metaphysical account of episcopal – or in this case, papal authority? What if the new bishop of Rome in accepting his election merely receives an office of jurisdiction ‘neatly separated’ from his pre-existing episcopal ministry [*munus*] as was the Church’s understanding for hundreds of years⁴⁶?

⁴⁵ G. BONI, *Sopra una Rinuncia*, cit., pp. 179-181.

⁴⁶ And for that matter, separated from that of the collective Episcopal College.

If all of this is true, then the object Ratzinger renounced – the Ministry of the Bishop of Rome – was improperly understood by Ratzinger, a circumstance known as ‘substantial error’. And as Canon 188 states: «A resignation made out of grave fear that is inflicted unjustly or out of malice, *substantial error*, or simony is invalid by the law itself» (emphasis mine).

Under this scenario, Benedict, believing he was retaining the Petrine ‘office as rite’ while relinquishing the ‘office as jurisdiction’ would have been operating under a false base premise.

This is not a mere hypothetical case, but a very real possibility. As we have detailed, there are ecclesiologies in the Church today at variance with one another and with canon law – *even if* we grant that Vatican II was correct in attributing an ontological *munus* to the recipient of episcopal consecration. Hansen argues that the traditional ecclesiology is still found in Canon Law (CIC 1983) and that Church documents like *Pastores gregis*, or *Apostolorum successores* do not speak of sacred power as Ratzinger does. He thus concludes: «the distinction between the power of order and the power of jurisdiction was by the Council or Code neither negated nor suppressed, it remains a part of canonical doctrine»⁴⁷. Carrasco Rouco writes further that there are many who not only still maintain the *ordo*/jurisdiction distinction, but see it as «the only historical form that the tradition has taken on this point, and that it cannot therefore be rejected»⁴⁸. De Mattei is one such: «This doctrine [the distinction between power of order and power of jurisdiction]... has also been the common practice of the Church for twenty centuries, can be considered one of divine law, and as such unchangeable»⁴⁹.

If Ratzinger only renounced the active ministry, believing the nature of the Petrine *munus* allowed him to retain the passive ministry, then he likely committed substantial error (against Canon 188). His will was not free (against Can-

⁴⁷ F. HANSEN, *The Unity and Threefold Expression of the Potestas Regiminis of the Diocesan Bishop*, cit., p. 26.

⁴⁸ A. CARRASCO ROUCO, *Le Primat de L'Eveque de Rome*, cit., p. 197.

⁴⁹ R. DE MATTEI, *One and One Alone is Pope*, cit.

on 332 § 2) because his intellect had an erroneous appraisal of the object, in this case, the Petrine ministry. Substantial error is «an error in judgment affecting the substance of resignation: cause, motivation, the resignation itself or its consequences»⁵⁰. As jurist William Cahill writes:

error invalidates the act if it is an error concerning the substance of the act... Error affects consent, for the will in an act of consent elects an object presented to it by the mind. *If the mind is in error, the object is imperfectly or incorrectly presented*, and choice made upon such a premise is not always the same choice that would have been made if the object were correctly known⁵¹ (emphasis mine).

Would Benedict have really renounced the Papacy if he knew that ‘Pope Emeritus’ was a metaphysical impossibility?

And the latter, I am afraid, IS the case, *even if* an ontological ‘office as rite’ *does* interpenetrate the functional ‘office as jurisdiction’ *for the rest of the bishops* of the Church.

It goes without saying that the Bishop of Rome is different from all his brother bishops because he alone is Vicar of Christ, holder of the Primacy⁵². Now a cursory examination of the texts of the First Vatican Council (1869-70)⁵³ as well as

⁵⁰ In *New Commentary on the Code of Canon Law*, eds. J. BEAL ET AL., Paulist Press, New York, 2000, pp. 221-222.

⁵¹ W. CAHILL, *Fraud and Error in the Canon Law of Marriage*, in *The Catholic Lawyer*, I (1955), 2.

⁵² It matters not that Pope Francis has reduced this to an ‘historical title’ in the *Annuario*, or that *Lumen gentium* referred to all the bishops as ‘vicars of Christ’. The Primacy, by any other name, belongs solely to the Successor of Peter.

⁵³ «It is to be noted that these opinions are reduced to three. The first one holds that Peter, by a command of Christ, joined the Primacy to the Roman See; therefore it concludes that not even the Roman Pontiff could separate the Primacy from the Roman Episcopacy: this is the opinion of Cajetan, Melchior Cano, Gregory de Valencia and other important theologians. The second opinion holds that the Primacy is annexed to the Roman See by ecclesiastical law; hence it concludes that, for just reasons, one can be separated from the other by the Supreme Pontiff; Soto, Banez and others hold this view. The third opinion, finally, is that of those who hold that the Roman Pontiff succeeds Peter, regarding the Primacy by divine law, regarding the Roman See by ecclesi-

multiple manuals of dogmatic theology⁵⁴ published just before the Second Vatican Council confirm a very interesting proposition, namely, that the Primacy of Peter, his Vicarship of Christ, can (theoretically at least) be separated from the See of Rome. This could, however, only be done by a reigning pope and never for light and transient reasons.

It must be admitted that this is a minority position among the theologians of the past five centuries. The great majority of the Church's doctors have held that Peter's establishing his Primacy at Rome is of divine right and thus unalterable.

So, let us conclude then that the Vicarship of Christ is indissoluble from the Episcopacy of Rome. Let us also propose that in March 2013, Pope Francis became Vicar of Christ and Bishop of Rome. But 'His Holiness' Benedict XVI insists that as Pope Emeritus he still has «a spiritual connection... that cannot be removed under any circumstances» from the See of Rome. Indeed, it is the sole reason he continues to wear papal white, issue Apostolic blessings, and reside in the Vatican.

But, if the Vicarship of Christ is indissoluble from the Episcopacy of Rome, and Benedict claims his connection is indis-

astical law; but because Peter himself at the same time exercised the Primacy together with the Roman Episcopate, he joined one to the other in such a way that both the Roman Episcopacy and the Headship of the whole Church are one and the same thing... and so the Roman Episcopate must be had only as a condition for succession by divine law in the Primacy; from this fact of Peter they infer that the Primacy and the Roman Episcopacy have become absolutely inseparable...» (MANSI, LII, 1268.1307).

Mansi is the abbreviation for Archbishop John Dominic Mansi's (1692-1769) work, *Sacrorum Conciliorum nova amplissima collectio*, which was continued up until 1927. These 53 volumes (in Latin) contain not only the official canons and decrees of the Church's ecumenical councils, but all the pertinent texts from the councils.

⁵⁴ *Sacrae Theologiae Summa IB: On the Church of Christ/On Holy Scripture*, trans. J. SALAVERRI, S.J., M. NICOLAU, S.J., K. BAKER, S.J., BAC, 1956 (Keep the Faith, 2015), pp. 168-170. Originally published in Latin by the bishops of Spain. Msgr. G. VAN NOORT, S.T.D, Translated and Revised by J. CASTELOT, S.T.D and W. MURPHY, S.T.D. *Dogmatic Theology*, II, *Christ's Church*, Newman Press, 1955, pp. 273-276. Cf. E. SYLVESTER BERRY, S.T.D, *The Church of Christ: A Dogmatic and Apologetic Treatise*, Mt. St. Mary's Seminary, 1955, pp. 402-404.

soluble from the Episcopacy of Rome, then either *he is still the Vicar of Christ* – or he is *Vicar Emeritus of Christ*.

Benedict insists he is no longer ‘Pope’ in the sense of ‘bishop of Rome’; Francis is. Benedict is Bishop Emeritus or Pope Emeritus, but this does not mean he has left ‘the enclosure of St. Peter’. No, a real, metaphysical, spiritual ‘connection’ exists between him and his ‘former’ diocese. If true, however, Benedict must possess not only a real, metaphysical, spiritual ‘connection’ with the Episcopacy of the See of Rome – *but with the Vicarship of Christ*, since again, we are laboring under the assumption that such a *Vicarship* is *inseparable* from the See of Rome. If a man cannot be Pope of the Diocese of Rome without simultaneously being Vicar of Christ, then Benedict cannot be Pope Emeritus of the Diocese of Rome without *simultaneously* being Vicar Emeritus of Christ.

Vicar Emeritus of Christ? What on earth is that supposed to be?

The Lord transformed His Apostle Simon into the ‘Rock’, ‘Peter’ on which He built His Church. He gave the Keys of the Kingdom to St. Peter so that «whatever you bind on earth will be bound in heaven and whatever you loose on earth will be loosed in heaven» (Matt. 16:16-19). Christ the King thus makes Peter (and his successors) his Vicar or Steward, one who shepherds the flock in place of Christ until He comes again. While *the location* of Peter’s Vicaring changed throughout his life⁵⁵, what cannot change according to Catholic teaching is that one man and one man alone is «personally responsible» for Christ’s flock or has the «total power of the keys over the Universal Church».

What then of Vicar Emeritus? A hypothetical Vicar Emeritus of Christ would be a man who, though not the current Vicar of Christ, still had a real, metaphysical, spiritual par-

⁵⁵ At first, St. Peter did his shepherding in Jerusalem. Later, tradition holds he did it in Antioch (and in a sense at Alexandria by sending his personal companion St. Mark). Ultimately, he was bishop of the Christians in Rome where he was crucified upside down under Emperor Nero. But while the Episcopacy of Peter could change before he went to Rome, in the scenario we are working under, the hypothesis is that it cannot change again.

ticipation in Peter's Vicaring or Pastoring over the universal Church.

But this would mean that the current Vicar of Christ would not have *total* power over the Church, and this is a *substantial theological error*. As G. Van Noort says:

For if the plenitude of sacred power were to reside in [more than one]... in such a fashion that the [current] pope had more power than [the other]...he would still possess only the largest share of that power; but he would not strictly possess the total power without any restriction. In that hypothesis, the power of the Roman pontiff could still be called "supreme"⁵⁶, but it would not be absolutely complete in itself. It is true that in the aforesaid hypothesis no individual... would have power equal to the pope but the power of the pontiff would not be absolutely complete in itself⁵⁷.

To deny that the Primacy of the Vicar of Christ is restricted to one man is a proposition that has been historically condemned. In 1645, during the height of the errors of Jansenism, an anonymous pamphlet, *De Auctoritate S. Petri et S. Pauli* (possibly by an author named Arnauld) along with two other works began to circulate widely, claiming that St. Paul *shared* the Primacy with St. Peter:

It got to the point that Innocent X, by a decree of the Holy Inquisition in 1647 proscribed both the three aforementioned pamphlets, and also the proposition that Peter and Paul are the two heads of the Church, who form a singular thing, in the

⁵⁶ Critics of the notion that Benedict might have renounced being Bishop of Rome, but retained the Primacy of the Vicar of Christ point to his *Declaration* wherein he states: «I declare that I renounce the ministry of Bishop of Rome, Successor of Saint Peter, entrusted to me by the Cardinals on 19 April 2005, in such a way, that as from 28 February 2013, at 20:00 hours, the See of Rome, the See of Saint Peter, will be vacant and a Conclave to elect *the new Supreme Pontiff* will have to be convoked by those whose competence it is» (emphasis mine).

They claim that Supreme Pontiff = Vicar of Christ. But as Msgr. Van Noort explained, hypothetically at least, a pope/bishop of Rome could still be called 'supreme' and yet NOT have total power, i.e. Primacy/Vicarship.

⁵⁷ G. VAN NOORT, S.T.D. *Dogmatic Theology*, cit., pp. 281-282.

meaning understood that they posit every sort of equality between Peter and Paul without the subordination and subjugation of Paul to Peter in the supreme [total] power and governance of the universal Church⁵⁸.

Catholics must hold that St. Paul acted as an auxiliary bishop of Rome, or by means of his own Apostolic authority, but only with permission from Rome's only bishop and Christ's only Vicar: St. Peter. To say as Gänswein, that Peter's office has a «collegial dimension, rendering it a quasi-shared ministry» is erroneous.

If the Primacy or Vicarship of Christ cannot be shared by two, then there can be no Vicar Emeritus of Christ. But if there can be no Vicar Emeritus of Christ, *there can be no Pope/Bishop Emeritus of Rome, because Vicar of Christ is inseparable from Pope/Bishop of Rome.*

Thus, especially in the wake of Gänswein's 2016 speech, several prominent prelates have called for an inquiry into Ratzinger's renunciation. Monsignor Nicola Bux, for example, one of Ratzinger's closest collaborators as consultant to the Office of Liturgical Celebrations of the Supreme Pontiff and Causes of Saints. In an interview with author Aldo Maria Valli published November 18, 2018, speaking of solutions to the crisis in the Church, Bux said we ought to

study more accurately the question concerning the juridical validity of Pope Benedict XVI's renunciation, i.e., whether it was full or partial ("halfway", as some have said) or doubtful, since the idea of a sort of collegiate papacy seems to me decidedly against the Gospel text. In fact, Jesus did not say "Tibi dabo claves..." ["I will give to you the keys"] turning to Peter and Andrew, but he only told Peter! That's why I say that, perhaps, a thorough study of the resignation could be more useful and profitable, as well as helping to overcome problems that today seem insurmountable to us"⁵⁹ (emphasis mine).

⁵⁸ H. SOAMES, *The Latin Church During Anglo-Saxon Times*, Longman, 1848, p. 174, nt. 1.

⁵⁹ *Lettera #76: L'intervista a Bux*, 18 November 2018, in *Inside the Vatican* (<https://insidethevatican.com/news/newsflash/letter-76-the-brux-interview/>).

In another interview with Valli published April 5, 2022, Archbishop Carlo Maria Viganò seconded Bux's call, stating that before another conclave can be held, it will be necessary for the Church to investigate the abdication of Benedict XVI and the 2013 Conclave that elected Francis⁶⁰.

Whenever that future commission meets, its judgment on the validity of Ratzinger's renunciation may well hinge on the orthodoxy or heterodoxy of his statement: «The follower of Peter is not merely bound to a function». No longer functioning as Bishop of Rome then, is no impediment to his ongoing status as Successor of St. Peter – the irrevocable 'Pope' in Pope Emeritus.

⁶⁰ *Intervista dell'arcivescovo Carlo Maria Viganò ad Aldo Maria Valli*, 6 April 2022, in *Inside the Vatican* (<https://insidethevatican.com/news/news-flash/letter-65-2022-wed-apr-6-vigano/>): «But before discussing the next conclave, it is necessary to shed light on the abdication of Benedict XVI and on the question of the frauds of the 2013 Conclave, which sooner or later will have to give rise to an official investigation. If there were to be proofs of irregularity, the conclave would be null, the election of Bergoglio null, just as all his appointments, acts of government and magisterium would be null. A reset that would providentially bring us back to the status quo ante, with a College of Cardinals composed only of cardinals appointed up to Benedict XVI, ousting all those created since 2013, notoriously ultra-progressive. *Certainly, the current situation, with all the rumors about Ratzinger's resignation and Bergoglio's election, does not help the ecclesial body and creates confusion and disorientation in the faithful.*»

EDMUND J. MAZZA, What Ratzinger Renounced and What is Irrevocable in Pope Emeritus

In February 2013, Joseph Ratzinger, Pope Benedict XVI shocked the world with his Renunciation of «the Ministry of the Bishop of Rome», but even more perplexing has been his unprecedented assumption of the role of ‘Pope Emeritus’ and his continued presence as a bishop dressed in white who resides in the Vatican. This essay explores Benedict’s public statements over six decades to determine what exactly Ratzinger renounced and what is irrevocable (to his mind) regarding the Petrine *Munus*. It elucidates Ratzinger’s ecclesiology, his conciliar belief that jurisdiction and sacrament always interpenetrate. Finally, this article looks at the potential consequences upon the validity of Ratzinger’s renunciation should his views on ‘office as rite’ and ‘office as jurisdiction’ prove illusory.

Key words: Benedict XVI, Papal Renunciation, Petrine *Munus*, Pope Emeritus, Substantial Error.

EDMUND J. MAZZA, A cosa Ratzinger ha rinunciato e cosa è irrevocabile nel Papa emerito

Nel febbraio 2013 Joseph Ratzinger, Papa Benedetto XVI, ha sbalordito il mondo intero con la sua rinuncia al «al ministero di Vescovo di Roma», ma ancora più perplessità hanno suscitato la sua inedita assunzione del ruolo di ‘Papa emerito’ e la sua continua presenza come vescovo vestito di bianco che risiede in Vaticano. Questo saggio esamina le dichiarazioni pubbliche di Benedetto nel corso di oltre sei decenni al fine di determinare a che cosa Ratzinger abbia esattamente rinunciato e che cosa sia irrevocabile (nel suo pensiero) riguardo al *munus* petrino. Il contributo illustra l’ecclesiologia di Ratzinger, il suo convincimento conciliare secondo cui la giurisdizione e il sacramento sono strettamente legati. Infine, questo articolo guarda alle potenziali conseguenze dell’invalidità della rinuncia di Ratzinger laddove la sua visione dell’‘ufficio come rito’ e dell’‘ufficio come giurisdizione’ dovesse risultare illusoria.

Key words: Benedetto XVI, rinuncia papale, *munus* petrino, Papa emerito, errore sostanziale.

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