ARDUUM SANE MUNUS

A Retrospect

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During the past year, despite the universal preoccupation with the war and its concomitant issues, many appropriate commemorative exercises served to recall the promulgation of the Code of Canon Law. Twenty-five years had elapsed since this great instrument of Christian jurisprudence had begun to function in the Church. Any further retrospect might seem anticlimactic, were it not for the fact that just forty years have passed since March 19, 1904, when the then recently elected Sovereign Pontiff, Pius X, issued the *Motu Proprio, Arduum Sane Munus.*[1] By it he inaugurated a project that was destined to reclaim from the forces of deterioration and legal chaos the noble temple of ecclesiastical law. At an enterprise of such formidable dimensions many a one of lesser stature would have demurred.

Behind the impressive facade of this temple labored the master architect Gasparri and his host of zealous builders of the law. For nearly thirteen years their monotonous task was to measure and to adjust, to reject and to choose, to sift and to salvage, until at length the scaffolding was removed and the refashioned temple of the law awaited its rededication. . . *mirabile in oculis nostris!* (Ps. 117:23).

Law, like a living organism, cannot remain inert. The ever changing times call for appropriate modifications without destroying the internal structure of that organism. While preserving a fundamental stability, law must be flexible enough in its particular applications to adapt itself to the unceasing flux of human activity. Ecclesiastical law, as well, accommodates itself to the moving stream of circumstances that usually leaves its influence on the lives and fortunes of Christian peoples. As a current illustration of this principle, we have witnessed a mitigation of the law of the Eucharistic fast in favor of defense workers and the various dispensations granted to members of the armed forces. In the course of the evolution of any law, some prescriptions are bound to suffer a diminution of their power to promote the social good originally

[1] *Arduum Sane Munus*, *ASS*, XXXVI (1904), 549–51.

intended by their promulgation. Such forms of legislation have "grown old as a garment" (Ps. 101:27) and must be changed.

The combination of external influences plus the internal condition of the law constituted so many reasons persuading the Sovereign Pontiff to reform it and to restore it to a position worthy of its dignity.

EXTERNAL REASONS FOR REFORM

1) The readjustment of the relationship between Church and State called for a modification of the law that would correspond to this new condition of affairs. Decretal and Tridentine lawmakers were not confronted by a like situation, for a degree of harmony and the juridical recognition of ecclesiastical interests served as a basis for some of the older laws. The corrosive influence of laicism and the ultimate emancipation of the State, the change of its role as a faithful ally of the Church to that of an independent, aloof, or even hostile power forced the Church to rearrange her position. Such a new order would take into account the newly wrested independence of the State. Many so-called mixed causes, involving, for example, questions of education or marriage, called for prescriptions that would meet adequately new situations that would be bound to arise. To reduce the likelihood of a conflict of interests, the concordat or in some cases the *modus vivendi* was adopted.

2) The political convulsions, the progeny of tyranny, and the political philosophy of the late eighteenth century heralded the dawn of representative government and the twilight of the traditional monarchy. Often this new form of government, at least at the time of its inception, offered few benefits to the Catholic Church. Too often the revolutionary agencies were of a political hue deeply dyed with anticlericalism. To such liberals the influence of the Church served to slacken the pulse of a young and vigorous nation. The older monarchies, on the other hand, had been generally more considerate of ecclesiastical interests.

3) Economic and social fluctuations, too, were bound to create conditions that could not remain unnoticed by the lawmakers. The dawn and progress of the industrial era and the machine age with its resultant nervous tension rendered the faithful less prepared to endure the rigors of the traditional fast and abstinence. Certain dispensations were then granted to meet this new situation. The usurpation of Church

property and the periodic ebb of the economic tide suggested a more precise statement of the law governing the administration of ecclesiastical and religious temporalities.[2]

INTERNAL REASONS FOR REFORM

Of far greater cogency were the internal reasons urging a revision of canon law. While these reasons were substantially the same as those that had driven Gratian to compile his *Concordia Discordantium Canonum* and had moved Gregory IX to enlist the genius of St. Raymond of Peñafort in order to compose the *Decretals*, a more formidable situation faced the canonists of the nineteenth century. The following symptoms revealed the decline of the law of the *Decretals* and prompted many an enterprising canonist to plead for a long overdue restatement of the entire law of the Church.

1) The vast accumulation of existing laws was such that it merited Livy's comment passed upon the state of Roman law in his own day, an *immensus aliarum super alias coacervatarum legum cumulus*.[3] The pre-Code canonist, intent upon a thorough and accurate investigation of a problem, might be obliged to grope through a vast storehouse of documents stocked with the *Corpus Iuris Canonici*, the *Regulae Cancellariae Apostolicae*, the Rota decisions, the decrees of the fifteenth-century Councils as well as those of the Council of Trent, the post-Tridentine constitutions of the Roman Pontiffs, and finally the decrees and resolutions of the various Roman Congregations. To engage in such a painstaking piece of research was an experience limited to a few select students equipped with a well stocked library and blessed with sufficient time and tenacity of purpose to pursue and capture their prey.[4]

2) A lack of order was painfully manifest in the various documentary collections. The chronological order was followed in the *Bullaria* of the Roman Pontiffs. The systematic order attempted by Gratian, however, was decidedly imperfect. Still other laws, like juridical *vagi*, had no fixed abode in the numerous collections.

3) A lack of formulary precision was a further source of confusion. The diffuse statement of many of the laws proved a great detriment to

[2] G. Michiels, *Normae Generales Iuris Canonici* (Lublin: Universitas Catholica, 1929), I, p. 17 f.

[3] Livy, *History*, III, 34.

[4] *Codex Iuris Canonici* (Romae: Typis Polyglottis Vaticanis, 1927), Praefatio, p. XXXIX.

the clear understanding of them. Not rarely prolixity of style so predominated that the dispositive part of the law would find itself so intermingled with the narrative element, with the motives for the law, and with the traditional formulae of expression, that to extricate the true meaning of the law would challenge the juridical acumen of the most seasoned canonist. A perusal of some of the above-cited documents, such as the decrees of the Roman Congregations and the text of the *Decretals* themselves, will bear out the truth of this statement.

4) Uncertain obligations were likely to arise from contrary prescriptions that had originated at different times, in different places, in different conditions, and had emanated from the pen of different legislators. Laws that were no longer appropriate, or that had fallen into desuetude or oblivion, or had even been abrogated still found an honored place among the various collections of the law. Yet the principle *correctio in iure odiosa est* stayed the hand that would expunge such legal archaisms from the volumes of canon law.

5) Some laws became less conducive or even harmful to the salvation of souls. A change of circumstances had called for a corresponding modification of the law. Some aspects of the Tridentine *Tametsi*, for example, were becoming less beneficial in our own country with its ever increasing Catholic population.

6) Lacunae in the law sent the canonist seeking a remedy either to the principles of Roman law or to the current civil law of a particular nation or to the pertinent opinions of the classical authorities.

Commenting on the chaotic condition of the law, De Meester says: "Ex his omnibus, succreverunt inutiles repetitiones, obscuritates, contrarietates; inde dubia, controversiae, difficultates tum cognoscendi leges tum eas ad casus particulares applicandi; inde enervatio disciplinae, imo et contemptus legislationis."[5]

An Egyptian-like darkness had settled down on the minds of many and it was to dispel this ignorance of the law that prompted many to hope for its early revision.

This confused picture of the law by no means constitutes an indictment of the Church's legal system; indeed, she above all other societies can claim as her own the distilled legal wisdom of the ages. Among

[5] A. de Meester, *Iuris Canonici et Iuris Canonico-Civilis Compendium* (Brugis: Soc. S. Augustini, 1921), I, n. 104.

other factors, the pressure exerted from hostile quarters and the ever expanding activities of the Church claimed a priority of attention that precluded concentration on a systematic restatement of the law. No wonder, then, that with the social eruptions and the religious persecutions of the last century efficacious measures for a codification of the law were slow to materialize.

THE PRE-CODE REFORM MOVEMENT

When initial measures for the prospective Vatican Council were being drawn up, the Sacred College of Cardinals, under the leadership of Cardinal von Reisach, was almost unanimous in its opinion that the reform of ecclesiastical discipline should engage the attention of the coming Council. During the years 1869–1870, a definite plea for the reformation of canon law was raised by the bishops residing in the territory of the old Kingdom of Naples as well as by those of France, Germany, Belgium, Central Italy, Quebec, Halifax, and other parts of the Christian world.[6]

While so many of the hierarchy were of one mind in desiring a revision of the existing canon law, this unity of opinion did not extend to the exact form that the new repository of the law was to assume. The Neapolitan bishops preferred a revision according to the traditional method of reproducing the entire collection of the laws, eliminating, of course, the obsolete prescriptions of the old law and introducing appropriate reforms. The taste of the episcopate of Central Italy suggested an exact revision of the *Corpus Iuris Canonici.* The French bishops, however, would have the laws of the Church vested in the modern habiliments of a code, a fashion widely accepted in continental Europe. If juridical maturity is needed to justify the codification of any nation's laws, surely the Church of Rome, above all other societies, abundantly met this requirement.[7]

October 20, 1870 witnessed the termination of the sessions of the Vatican Council, with no definite provisions made for the reform of ecclesiastical discipline. Yet many proposals had been submitted and many plans had been drawn up, especially by the commission in charge of ecclesiastical discipline and religious orders. The commission on

[6] A. Van Hove, *Prolegomena* (Mechliniae-Romae: Dessain, 1928), n. 357.
[7] *Loc. cit.*

ecclesiastical diplomacy formulated a plan to regulate the relations between the Church and civil powers, but the Cardinals composing this commission decided that this plan should not be submitted to the Fathers of the Council. Still, such proposals and plans served to prepare remotely for the gigantic task of codification eventually to follow; they disposed the mind of prelate and priest to accept the colossal enterprise happily destined to terminate in the promulgation of the Code of Canon Law.[8]

No less conscious of the need of a restatement of the law were the Sovereign Pontiffs themselves. Such a realization is reflected in the many Apostolic Acts revising and codifying particular sections of the universal law. Among the more notable papal contributions to the general reform movement was the Constitution *Apostolicae Sedis* of Pius IX, published on October 12, 1869. It contained a revised catalogue of censures *latae sententiae* and abrogated all previous penal legislation such as the famous Bull *Coenae*. Leo XIII lopped off from the body of the law some long since atrophied members, reforming and codifying other parts. The Constitution *Officiorum ac Munerum*, regulating the censorship and prohibition of books, appeared on January 25, 1897. The discipline governing religious with simple vows was embodied in the Constitution *Conditae a Christo*, issued on October 8, 1900. The same Pontiff, agreeing to recommendations made prior to the Vatican Council, introduced notable changes in the faculties granting matrimonial dispensations. To Leo and to his famous Secretary of State, Cardinal Rampolla, is attributed the recommendation that the law of the Church be codified, a recommendation that failed to meet with the approval of some members of the Sacred College as well as a number of influential officials of the Roman Curia.[9]

Even during the years devoted to the codifying of the law, various reforms were introduced periodically by Pius X, under whose supreme authority the actual labor of codification was progressing. Among these reforms, restricted to some special phase of ecclesiastical discipline, may be enumerated the decree *Ne Temere* of August 2, 1907, revising the canonical form of marriage that had remained substantially in force since the equally famous *Tametsi* of the Council of Trent. The Constitution *Sapienti Consilio*, reforming the Roman Curia, appeared

[8] *Loc. cit.* [9] *Ibid.*, n. 358.

on June 29, 1908, and the decree *Quam Singulari*, on the Holy Communion of children, was issued on August 8, 1910. The administrative removal of parish priests was to be guided by the norms provided in the decree *Maxima Cura* of August 20, 1910, while the jurisdiction to hear the confessions of female religious was to be exercised in accordance with the decree *Cum de Sacramentalibus*, published on February 13, 1913. These contributions of Pius X were numerous and far reaching. Since the publication of these reforms took place during the period of codification, it was to be expected quite naturally that the new canons would agree in substance with the legislation embodied in such recent decrees, even though their literal reproduction is not found in the Code.

Lastly, the plan for a complete reorganization of the law was so strongly promoted by some, that on their own initiative they undertook the private codification in whole or in part of the general laws of the Church. Doubtless the codification movement as sponsored by many bishops inspired these canonists to essay a task hitherto unattempted in the legal history of the Church.

Among these code-conscious canonists, we find Colomiatti, Pillet, Deshayes, and Pezzani. Other select parts of the law, such as those treating of matrimony, judicial procedure, and penal legislation provided individual professors of canon law with appropriate matter on which to test their capacity for codification. Needless to say, these codes as such enjoyed only the authority of the individual canonists responsible for their publication.[10]

The desired reformation of canon law was to be effected through the medium of codification. As has been noted, some of the Roman prelates, while eager for a new publication of the universal law of the Church, preferred to see it clothed in the more familiar attire of the compilation. The compilation, the older form of law collections, implied a textual restatement of the law with the introduction of any necessary modifications. It implied the pruning away of the decadent members from the body of the law and the grafting of new legal tissues to meet the current exigencies that had arisen since its promulgation.

[10] "Cf. Colomiatti, *Codex Iuris Pontificis*, Turin, 1888 (in 9 vols.); Pillet, *Jus Can. generale distributum in articulos*, Paris, 1890; Deshayes, *Memento iuris ecclesiastici publici et privati*, Paris, 1892 (one vol.); Pezzani, *Codex S. Catholicae Rom. Ecclesiae*, Rome, 1896 (4 vols.); Hollweck, *Die kirchlichen Strafgesetze* (the Penal Law of the Church), Mayence, 1899" (A. G. Cicognani, *Canon Law* [Philadelphia: Dolphin Press, 1934], p. 419, note 2).

Codification, however, involves a different plan. From the accumulation of existing laws, it purposes to fashion a systematic arrangement of the written law according to a definitely conceived order. The plan includes the clarification of prescriptions obscured by cryptic terminology, the purging away of inconsistencies and uncertainties and useless details. By eliminating these deformities, the dimensions of the law are contracted considerably; its study is rendered less repelling and its application more ready. This style of legal architecture has been perfected by modern states.

THE PRIMARY SCOPE OF CODIFICATION

The primary scope in codifying canon law was the same that had motivated civil governments to rearrange their own legal system. This motive was made abundantly clear from the various papal documents dealing with the prospective code. In the decree *Arduum Sane Munus*, Pius X declared that he desired the codification "ut Universae Ecclesiae leges, ad haec usque tempora editae, lucido ordine digestae, in unum colligerentur, amotis inde quae abrogatae essent aut obsoletae."[11] Benedict XV re-echoed this purpose in the Constitution *Providentissima Mater*,[12] and also in a letter to Cardinal La Fontaine, Patriarch of Venice.[13] The purpose of the codifying process is no less clear from a perusal of the Code itself. For it sets forth few ordinations not contained materially in the law of the *Decretals*. Moreover, the juridical solemnity of expression is retained wherever possible; the actual laws, however, are expressed according to the briefer and more abstract formulae required by canons, or articles, as they are also called.

THE SECONDARY SCOPE OF CODIFICATION

While the concept of codification need not necessarily imply a reform, the secondary purpose in codifying canon law was clearly the introduction of appropriate reforms in ecclesiastical discipline. In the *Motu Proprio, Arduum Sane Munus*, Pius X indicates this secondary purpose: ". . . aliis [legibus] ubi opus fuisset, ad nostrorum temporum conditionem propius aptatis."[14] To this quotation Benedict XV, in

[11] *Arduum Sane Munus, ASS*, XXXVI (1904), 550.
[12] *Providentissima Mater, AAS*, IX, 2 (1917), 6.
[13] *AAS*, IX (1917), 381–82.
[14] *Arduum Sane Munus, ASS*, XXXVI (1904), 550.

the Constitution *Providentissima Mater*, adds: ". . . aliis [legibus] etiam si quando necesse esse aut expedire videretur ex novo constitutis."[15]

The reformative function of the Code is likewise expressed in canons 5 and 6, nn. 1, 5, and 6. The individual reforms are found *passim* in the Code.

That the laws of the Code were to be obligatory on the Universal Church is stated by Benedict in the same Constitution *Providentissima Mater:* ". . . praesentem Codicem . . . promulgamus, vim legis posthac habere pro universa Ecclesia decernimus, iubemus . . . non obstantibus quibuslibet ordinationibus. . . ."[16]

THE CODIFICATION OF CANON LAW

Finally, Pius X, who from the very beginning of his pontificate had clearly recognized the advantages that would accrue to the Church from a systematizing of the law, saw that the present time was never more acceptable for attacking this formidable enterprise. The magnitude of the task was realized, too, from the reactions expressed in different quarters. Some discordant views on the subject were expressed by men highly qualified in the field of law. Von Scherer was opposed to the codification because of his prejudices based on historical grounds. Laemmer considered the project untimely, as did J. B. Sägmüller, the latter because of the problems that had arisen in Germany on the occasion of the publication of the more recent decrees of the Roman Pontiffs. The project was favorably received, however, by such authorities as F. Sentis, Charles Francis Turinaz, George Peries, Albert Pillet, and Joseph Hollweck. That the enterprise was a hopeless one was the opinion of Emil Friedberg and Ruffini.[17]

At the bidding of Pius X, the Cardinals resident in Rome convened to express their opinion on the project of codification. Their favorable decision was followed shortly after by the *Arduum Sane Munus*. The first step towards organizing the corps of lawmakers was the institution of a council or a commission consisting of members of the Sacred College. To aid this commission there was appointed a body of consultors chosen from among the most learned men of the Roman Curia, from

[15] *Providentissima Mater*, *AAS*, IX, 2 (1917), 6.
[16] *Providentissima Mater*, *AAS*, IX, 2 (1917), 8.
[17] A. Van Hove, *op. cit.*, n. 359.

members of the regular clergy, and from scholars drawn from other fields of the sacred sciences. To the office of Secretary of the Commission was appointed the then Archbishop of Caesarea, Pietro Gasparri, destined to be enrolled among the members of the Sacred College three years later. He held the post of Secretary to the Sacred Congregation of Extraordinary Affairs and had distinguished himself both as a professor and as an author of canonical treatises. Upon his election to the Sacred College, he was named *ponens* or *relator* of the Commission, while still retaining his post as chairman of the consultors and general director of the work of codification. His role in this truly monumental undertaking will link his name throughout succeeding generations with Gratian and Gregory and St. Raymond of Peñafort and other great luminaries in the science of ecclesiastical law.[18]

In the above-mentioned *Motu Proprio*, the Sovereign Pontiff expressed his appeal for the co-operation of the entire episcopate in this vast project of codification: "Volumus autem universum episcopatum, iuxta normas opportune tradendas, in gravissimum hoc opus conspirare atque concurrere."[19] In accordance with this desire, Cardinal Merry del Val, Papal Secretary of State, issued a circular letter to the entire episcopate. After consulting their Suffragans and other Ordinaries qualified by law to take part in a Provincial Council, the Metropolitans were bidden to transmit to the Holy See suggested modifications in the present law.[20]

The following concessions were likewise made to the bishops: (1) to assign one or two scholars to be enrolled in the body of consultors residing in Rome; (2) or to designate one of the consultors already appointed as a personal representative whose function would be to submit suggestions to the body of consultors; (3) or, finally, to name a canonist from one's own nation, who, while remaining outside of Rome, might communicate helpful suggestions to the consultors actually engaged in the process of codification.[21]

[18] P. Maroto, *Institutiones Iuris Canonici* (Matriti: Editorial del Corazón de Maria, 1919), n. 155.

[19] *Arduum Sane Munus*, *ASS*, XXXVI (1904), 551.

[20] *ASS*, XXXVII (1905), 604.

[21] *Loc. cit.* The following composed the first body of consultors: Pillet, Lepicier, Veccia, Eschbach, Klumper, De Lai, Lombardi, Wernz, Sebastianelli, Van Rossum, Janssens, Kaiser, Valanzuela, Fernandez y Villa. To this group were added the following: Befani,

In addition to the invitation extended to the bishops, an invitation was likewise directed to the universities through a letter of the Secretary of the Commission. Each university was requested to indicate the section of canon law it was prepared to codify. A tentative division of the prospective code was drawn up. It contained, first of all, an outline of a preliminary book consisting of the following titles: *De Summa Trinitate et De Fide Catholica, De Constitutionibus, De Consuetudine, De Rescriptis.* After this, five more books were to follow, namely, *De Personis, De Sacramentis, De Rebus et Locis Sacris, De Delictis et Poenis, De Iudiciis.* This order was declared to be provisional.[22]

With these preparatory stages completed, the entire framework of the proposed code was constructed and divided into individual chapters or parts, which were assigned to the several groups of consultors or collaborators. These groups first composed a special draft of each chapter or heading, e.g., on baptism or on ecclesiastical burial. This tentative plan or *schema* was then committed to the scrutiny of two more consultors or collaborators, or if the importance of the subject matter justified it, three or four consultors received the assignment. The individual consultors and collaborators prepared their assigned program without knowing the identity of their collaborators charged with the same task. To insure the proper procedure, the Sovereign Pontiff approved the following norms to be observed by the codifiers.

1) The Code should embrace only those laws that refer to discipline. The enunciation of principles of the natural law or of the faith were not forbidden.

2) The basis of the disciplinary laws should be sought in the *Corpus Iuris*, the Council of Trent, the Acts of the Roman Pontiffs, and the decrees of the Sacred Congregations or ecclesiastical tribunals. Laws that were obsolete or that had been abrogated were to be omitted. The canons were to contain the dispositive part of the law exclusively. Subdivisions of the canons, if need be, were allowed.

Binzecher, Budini, Checchi, Costa, De Montel, Giorgi, Latini, Lega, Lucidi, Lugari, Mannaioli, Melata, Nervegna, Pezzani, Pompili, Sili, Benedetti, Bucceroni, De Luca, Lepidi, Noval, Ojetti, Palmieri, Capogrossi-Guarna. For the Cardinals composing the Commission for the codification of the law, cf. the *Codex Iuris Canonici*, Praefatio, p. XLVIII.

[22] *ASS*, XXXVII (1905), 130.

3) The expressions taken from the documents should be transcribed as faithfully as possible; an effort to be brief and clear was desirable; the page, volume, and edition was to be accurately noted.

4) On a serious question and one touching actual practice, the consultor should choose from among the various opinions of the authorities a clear and definite view.

5) If the present law was to be changed or a new law introduced, the canon should be drawn up with a notification of the change or innovation and the reasons briefly indicated.

6) The Latin language was to be used and in a manner becoming the majesty of the laws of the Church, a majesty happily expressed in Roman law.[23]

While the consultors and collaborators were preparing their *schemata*, the requests and suggestions of the bishops were arriving at Rome. These communications were enclosed in a volume of 300 printed pages and distributed to the codifiers according to the subject matter. In the meantime, the discussions of the *schemata* began under the chairmanship of Gasparri. To insure the more ready execution of the task, two or three groups from among the consultors were appointed to conduct separate sessions. Whenever any substantial part of the Code approached completion, a copy was sent to the individual consultors without exception, so that each might note in writing any observations worthy of comment.

Of the codifiers, two special groups began their work on November 4, 1904, each group convening once a week. The Chairman, Gasparri, called for individual comment on each one of the canons proposed in the *schemata*; the opinions of all were carefully noted by the secretary. The Chairman, taking into consideration the various opinions of the consultors, and adding or expunging as he saw fit, fashioned a new draft from the old canons. The new articles were printed as quickly as possible and studied privately by the consultors with a view to the public discussion to be conducted the following week. This process continued until the consultors agreed on the phrasing of the canon. Nothing, then, has been incorporated into the law that has not been the subject of discussion four or five and in some cases ten or twelve times. Should the consultors fail to agree on the exact construction

[23] *Codex Iuris Canonici*, Praefatio, pp. LI f.

of a canon, the law was worded according to the opinion of the majority or according to the law then in force. The opinion of the minority or the opinion at variance with the current law was added if necessary. When a particular committee completed its *schema*, a copy was dispatched to all the consultors that each might note his opinion and send the same within a given time to Cardinal Gasparri.

Out of all this discussion and sifting of opinions emerged a complete draft of the entire law. To it was added the observations of the consultors, which had been carefully weighed by Cardinal Gasparri. This complete *schema* was examined by the Commission of Cardinals at least twice before their final vote was delivered, after which it was considered as having been approved. If at any time the matter discussed by the Cardinals or the consultors themselves seemed to defy a satisfactory solution, the problem was then submitted to the Sacred Congregation within whose sphere lay the particular matter under discussion.

When the individual parts of the new Code won the approval of the Commission of Cardinals, Pius X decreed that the complete work should be submitted to the members of the Sacred College, to the entire Catholic episcopate, and to the regular prelates juridically eligible to attend an ecumenical council. So, as far as the personnel was concerned, the Pontiff equivalently convoked a general council to pass judgment on the newly prepared code.

The first and second books, entitled *Normae Generales* and *De Personis*, were distributed for examination and comment in 1912; the following year two distinct volumes, the third book, *De Rebus*, and the fourth book, *De Delictis et Poenis*, appeared. Finally in 1914, the fifth book, *De Iudiciis Ecclesiasticis*, was circulated among the above-mentioned groups. Cardinals, bishops, and regular prelates were notified that within a specified time, namely, within four months from the time of their reception, each volume, accompanied by appropriate animadversions, must be returned to the Holy See. Strict custody of the volume and a severe silence was imposed on all those to whom these volumes were entrusted. Consultation was permitted with one or two qualified canonists for the purpose of better formulating any suggestions that might occur to the examining prelates.

After consultation with their Suffragans, the Metropolitans sent to

Rome their collective observations and suggestions. Once again, these suggestions were given consideration by Cardinal Gasparri, arranged in order under each canon, and printed. The Commission of Cardinals then examined this latest volume without the assistance of the consultors, for the purpose of deciding on any further changes. In this second censorship, many changes were introduced, e.g., the book *De Iudiciis* was assigned to fourth place and *De Delictis et Poenis* to fifth place in the new code.

The Commission of Cardinals terminated its twelve-year task in July, 1916. All the books were then printed in the one volume just as if they had received their final approval. This volume was sent to the Cardinals resident *in curia* and to the offices of the Holy See, so that any final recommendations might be made up to the time of the promulgation of the new law. One of the last changes to be made was to change the title of the fourth book from *De Iudiciis* to *De Processibus*.[24]

As soon as Benedict XV became Sovereign Pontiff, he ordered the work to be completed as soon as possible. He himself examined the new code in all its parts and ratified it; and on June 28, 1917, in the presence of the resident Cardinals, the consultors, the collaborators, many prelates of the Roman Curia, and the officials of the various Congregations, solemnly promulgated the Code of Canon Law. The Constitution *Providentissima Mater*, dated May 27, 1917, embodied the actual decree of promulgation. The law went into effect on the day of Pentecost, May 19, 1918. *Tantae molis erat!*

The event of Pentecost, 1918, was a further sign that the Paraclete had assisted the Church of God in her mission of lawgiver of the nations. Many of the collaborators in the work of codification have passed on to receive their incorruptible crown. But here below, their collective eulogy has been engraved on the pages of the Code, a testimonial to their genius and their devotion to the Church, a monument "quod non possit diruere . . . innumerabilis annorum series et fuga temporum."[25]

[24] P. Maroto, *op. cit.*, nn. 154 ff.
[25] Horace, *Odes*, III, 30.