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Incrementa in Progressu 1983 Codicis Iuris Canonici by
Eduardus N. Peters (review)

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The Jurist: Studies in Church Law and Ministry, Volume 67, Number 1,
2007, pp. 265-267 (Review)

Published by The Catholic University of America Press

DOI: <https://doi.org/10.1353/jur.2007.0040>

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way he deals with the LEF from an ecclesiological and constitutional perspective is certainly worth reading. It would be good if at least this part of his research could be published as an article in another language than Dutch, the language of his dissertation. However, this might be a little bit late, since the Pontifical Council for Legislative Texts is preparing a publication on the LEF.

In sum: this is a good study; however, it is a disadvantage that this work is available only in Dutch and not in one of the major canonical languages.

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INCREMENTA IN PROGRESSU 1983 CODICIS IURIS CANONICI
by Eduardus N. Peters Compiler. Collection Gratianus Series. Montreal; Wilson & LaFleur, 2005. Pp. xci–1549. \$185.

The author of the book under review Dr. Edward Peters, currently a professor of canon law at Sacred Heart Seminary in Detroit, has provided an exceptional service to canonists by his painstaking research into the drafting of the canons of the 1983 code. He provided tables of references to various published texts and *coetus* discussions during the drafting process in the first volume *Tabulae congruentiae* (see review in *The Jurist* 62 (2002) 212–214). Those tables are aptly complemented by the much more extensive second volume *Incrementa in progressu*, which provides the actual texts of the various drafts leading up to the 1983 code as well as the canons of the code. He initially undertook this time-consuming work especially in the areas of procedural and penal law during the writing of his doctoral dissertation at The Catholic University of America on penal procedures. Fortunately he subsequently continued his research into other books of the code despite varying other professional, academic, and personal commitments. In the very nature of things works such as this are rather difficult to review, but hopefully some brief reflections will give the reader insight into its exceptional value for canonical and other researchers such as theologians and historians.

If the earlier work the *Tabulae congruentiae* constitutes an exceptional contribution to contemporary canonical history, the later work, the

very extensive *Incrementa*, makes a much more impressive contribution to canonical scholarship as regards our appreciation of the mind of the legislator. Canonists now have an invaluable tool to assist them in understanding how a given text of the code came about, what alternatives were considered, and why some formulations were accepted while others were rejected.

This imposing work begins with a brief though helpful introduction by Peters in English, French, Italian, Spanish, German, and Polish. He provides a brief overview of four significant stages in the drafting of the code working backward from the 1983 code through the 1982 schema, the 1980 schema, and the original schemata, each one of which is briefly described. This rather useful introductory section contains some very helpful footnotes illustrating notable textual changes during the drafting process. For example, he indicates the canons added or modified during the papal consultation process in 1982 prior to the promulgation of the code, a key part of the 1917 code revision process that has hardly been studied seriously up to this point.

The author then briefly explains the layout of this rather massive volume. It is organized sequentially beginning with Book I on general norms and proceeding through to Book VII on procedures. Instead of the six column pages characteristic of the *Tabulae concordantiae* volume, the *Incrementa* is structured in terms of four columns reflecting the aforementioned key drafting stages. Reading from left to right, the *Incrementa* lays out the pertinent canons beginning with the original schema, then the corresponding 1980 schema formulation, the 1982 schema provision, and finally the 1983 code text. Rather than being contained in two separate columns as in the earlier work, the references to the pertinent discussions among the commission members or in the various *coetus* are placed in apparatus boxes at the bottom of each page. Peters also provides some useful introductory comments on orthography, the word order in the respective texts, and text-spacing and arrangement among other points. At the end of the volume the author closes with a series of two column listings of the canons of the 1982 schema, the 1980 schema, and the original schemata and the corresponding canons in the present code, beginning with the former texts. The reviewer has only a small quibble with the arrangement of this section; he would have wished that it would have begun with the present code rather than with the pre-code texts. But this is only a very minor reservation about a work that will well serve the scholarly community for years to come.

The reviewer regrets that the expensiveness of this well put together volume, understandable as it may be, will keep it out of the hands of most

canonists. It will be a very valuable asset in the libraries of academic institutions, chanceries, and tribunals.

Finally the reviewer hopes that someone or a group of persons expert in Eastern law will provide a comparable set of companion studies of the drafting of the Eastern code from 1972 through roughly 1988. Such studies of the various Eastern code schemata and their discussion by the commission members and the consultors of the various *coetus* especially in *Nuntia* would contribute greatly to a more sophisticated analysis of the mind of the legislator underlying that significant text.

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POWER OVER THE BODY, EQUALITY IN THE FAMILY by Charles J. Reid, Jr. Grand Rapids: Erdmans, 2004. Pp. Vii-335. \$35.00.

The question of origins once engaged some of the most prominent medievalists of the day. One thinks of Geoffrey Barraclough's *The Origins of Modern Germany*, Carl Erdmann's *Die Entstehung des Kreuzzugsgedankens*, the work of Joseph Strayer on the modern state, and that of Brian Tierney on conciliar theory and papal infallibility. Although nearly eclipsed by more fashionable lines of inquiry, books such as Tierney's latest study of the idea of natural rights as well as the volume under consideration demonstrate the enduring potential of the approach.

Power over the Body, Equality in the Family, subtitled *Rights and Domestic Relations in Medieval Canon Law*, builds on Tierney's investigation into the origins of the Western rights tradition. It traces the foundations of a rights-based model of marriage and family relations back to juristic writing of the twelfth and thirteenth centuries. Posited on the notion that marriage involved a durable and interlocking set of rights and duties, it is a model which long served both ecclesiastical and secular law, and which still informs secular legal thinking with reference to parental support of children.

Power over the Body consists of four chapters devoted to different aspects of the marital relationship, including the right to freely contract marriage, paternal rights, conjugal rights, and the right of children to inherit parental property. Because medieval canonists and theologians