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La Dimension Juridique des Sacraments by Eric Besson
(review)

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LA DIMENSION JURIDIQUE DES SACRAMENTS by Eric Besson.
Rome: Gregorian University Press, 2004. Pp. 381.

Eric Besson, a presbyter from Lyon, France, presented this doctoral thesis at the Gregorian University of Rome in December 2003. The concept of sacrament is very rich and very complex, with an impact on research in many ecclesiastical disciplines, particularly dogmatic, moral, and spiritual theology as well as liturgy; and canon law.

In this doctoral work the author highlights the fact that all the sacraments have a juridical dimension. The book has an introduction (6–17), five chapters (23–334), and a conclusion (335–342), followed by a bibliography (349–372) and the general index.

In the first part, Besson looks at the relationship between law and the sacraments (*Rapports entre droit et sacrament*), studying from a historical and canonical viewpoint the fundamental concepts of *law* (chapter one), *sacrament*, (chapter two), *person* and *christifidelis* (chapter three).

In part two, he turns his attention to the juridical dimension of the sacraments (chapter four—*La dimension juridique des sacraments*), without reducing this simply to questions of lawfulness and validity. Three juridical levels can be distinguished: the first is connected with the right to salvation and access to the sacraments; the second derives from the definition of a sacrament as an action instituted by Jesus Christ and endowed with certain juridical characteristics; and the third takes into account the actual performance of the sacramental action, in which regard the author examines the rules of lawfulness and validity, the presence of law in the very structure of the sacrament, and the juridical effects of each one of the sacraments.

Finally, Besson asks whether a sacrament is a juridical act (chapter five—*Le sacrament est-il un acte juridique?*). After setting out the historical development of the concept of a juridical act, he compares and contrasts this notion with that of a sacrament, before coming to an affirmative conclusion.

In summary, Besson arrives at the following points: a) All sacraments enjoy a juridical dimension in three levels: rules of validity/lawfulness, structure of the sacramental act, and its juridical effects. These various aspects, however, are not equally developed by doctrine. b) The sacraments of baptism, confirmation and ordination have a juridical effect of foundation through the character impressed on the recipients. c) All sacraments produce two general juridical effects, but according to their

diverse setting: baptism as original source of incorporation and communion; the other sacraments as completion of the same. d) Each sacrament produces its own juridical effects, diverse in nature and importance. Some relate with the grace proper to the sacrament; others have a series of right-and-duty relationship or have collateral juridical effects. e) The sacramental effects have not the same intensity. Some sacraments always produce the same effect; for instance, baptism incorporates into the Church of Christ and constitutes a person in it with the duties and rights which are proper to Christians; the exchange of consent of the parties, legitimately manifested between persons qualified by law, makes marriage and no human power is able to supply this consent. As for the sacrament of penance, the juridical effects are in proportion to the faults forgiven; for example, absolution produces a diverse effect on a heretic (readmission to full communion), on a censured (restoration of rights-duties), on a sinner with mortal sin (reintegration in the love and communion of the Church).

This work from the well-deserving collection *Tesi Gregoriana* is indeed welcome for all those who work in the field of canonical discipline.

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