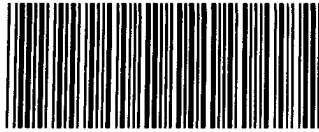


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are given the faculty to provide in individual cases of this kind, while the necessity of military service continues and during such service, by granting an indult of excommunication, as far as possible according to canon 639.

(Private); S. C. Rel., 14 April, 1939. See *Acta Ordinis Fratrum Minorum*, 1939, p. 158. Cf. *Commentarium pro Religiosis*, 1939, p. 213.

Effect of Second Call to Military Service or of General Mobilization on Religious Vows (S. C. Rel., 23 Jan., 1940) Private.

A letter of the Sacred Congregation of Religious, 23 Jan., 1940, to the Sacred Congregation of Propaganda, communicated the following norms:

1. The decree *Inter reliquas* of 27 Aug., 1910,¹ concerns religious who are called for the first time to military service. The replies to questions which arose concerning the decree, published in the *Acta Apostolicæ Sedis* on 1 February, 1912, are always applied to the religious who is called for the first time.

2. As regards those called a second time and general mobilization, this Sacred Congregation of Religious, from the audience granted by the Holy Father to the Cardinal Prefect on 2 January, 1940, holds to the following norms:

a) If there is question of religious who have already pronounced perpetual vows (simple or solemn), it considers those who are recalled or mobilized during extraordinary military service as "excommunicated according to law."

b) If on the other hand there is question of religious who have temporary vows, these are bound by the said vows until their expiration; but they are not admitted during their military service to perpetual vows; they may be permitted by their Superiors to renew their temporary vows for a year.

c) If there is question of those whose status is still undetermined — that is, those who have never fulfilled their military service but have not been definitely declared exempt from it — these cannot, during this period of uncertainty, pronounce the perpetual vows (simple or solemn), "because the civil law does not grant them exemption from military service but merely a deferment of it, and consequently they remain subject to service," and any such who might be taken for military service would

¹ See CANON LAW DIGEST, Vol. 1, p. 106.

evidently be included among those called for the first time, and, if they had during the period of deferment pronounced their perpetual vows (simple or solemn) without the necessary indult from the Holy See, such vows would be invalid.

(Private); S. C. Rel., 23 Jan., 1940. See Schaefer, *De Religiosis*, ed. 1940, n. 671, p. 1124.

NOTE: Later the S. C. of Religious declared that in view of the difficulties of existing conditions religious under temporary vows who are recalled to military service may be admitted by their Superiors to perpetual profession at the expiration of the temporary vows, provided the other conditions required for perpetual profession are verified. S. C. Rel., 30 March, 1943. *Documentation Catholique*, 1945, col. 331.

Pre-military Service: The decree *Inter reliquas* of 1 Jan., 1911 (*Digest*, Vol. I, p. 106) is applicable to young men who, in Germany, are obliged to engage in pre-military service called *Arbeitsdienst*. See S. C. Rel., 10 Apr., 1937, reply to Bishop of Limburgh; *Commentarium pro Religiosis*, Vol. 18, pp. 78 and 141.

Religious of the Sacred Heart: Temporary vows not required. See private reply of Code Commission mentioned by Vermeersch, *Épître*, I, ed. 1937, p. 522, and Schaefer, *De Religiosis*, ed. 1940, p. 585. The date of this declaration is not given.

Society of Jesus: Temporary vows not required. See Code Com., 29 June, 1918; reported by Schaefer, *De Religiosis*, ed. 1940, p. 585, note 96, from Biederlack-Führich, *De Religiosis*, 1919, n. 94, note 4.

CANON 576

Profession or Renewal of Vows in Mass: The Superioress General of a Congregation of Sisters asked the S. C. of Rites for permission to have the ceremony of profession or renewal of vows at the Offertory of the Mass, instead of before Mass as prescribed in the Ceremonial approved for the Institute. Reply, 8 July, 1950 (N. C. 112/50): *Negative (Monitor Ecclesiasticus*, 1952, p. 450). The proper procedure would seem to have been to apply to the S. C. of Religious for permission to amend the Ceremonial.

CANON 583

Making a Valid Will to Replace an Invalid One is not a change of the will. See c. 569; private reply of Code Commission, undated.

CANON 589

Studies of Religious: In Italy. See joint letter of S. C. Rel. and S. C. Sem. et Univ., 2 Feb., 1941, addressed to the Superiors General of Religious Orders and Congregations in Italy; *Il Monitor Ecclesiastico*, Vol. 53, 1941, p. 34.