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Bibliographie

ANDRÉ GOLOB, *Rezeption durch das Kirchenvolk. Eine kanonistische Betrachtung zur acceptatio legis*, [s.l.] (Fromm Verlag), 2019, 117 pp., ISBN 978-613-8-35998-2, € 23,90.

The present volume deals with the question whether consent by the faithful is a condition for ecclesiastical legislation to become effective. According to can. 26 CIC (1983), a custom contrary to an ecclesiastical law may nonetheless acquire force of law within the Latin Church. This would imply that consent of the community of faithful is determinative for the future effectiveness of ecclesiastical legislation. For such legislation to take effect, however, the CIC does not require consent. Nevertheless, a single papal provision, the apostolic constitution *Veterum sapientia* (1962), was utterly ignored in practice. This leads to the central theme of the book, mentioned above: should ‘acceptance by God’s people’ still be seen as a requirement for ecclesiastical laws to have binding force? The author, André Golob, explains how the biblical starting points for participation of the community in church polity (reception, consent, election) came to be monopolized by the clergy. Eventually, consent and election survived only at the highest level of the hierarchy. At the same time, various canonists maintained that acceptance is indeed a constitutive element or, as Gratian put it: “laws are enacted by being promulgated, confirmed and approved by the custom of those who observe them (DG post D.4 c. 3).” *Lumen gentium* (1964) displayed a *communio*-ecclesiology and spoke

about the *sensus fidei*, in which the entire community of faithful actively participates. The CIC, however, did not adopt this *sensus fidei* as an independent theological *topos*, which would call for a process of reception. Instead, it opted for the principle of obedience, rooted in the idea that the legislator is independent and that rejecting an ecclesiastical law is essentially erroneous. However, without reception or incarnation, normative provisions have no vitality. Ecclesiastical laws come to life only when they become enculturated in time and space. Theoretically, this could be achieved if universal legislation were to be further elaborated at the local level or was preceded by consultations. The CIC, however, acknowledges for local churches only the emergence of their own customary law; some privileges and the possible dispensation from disciplinary laws. Hence, the lack, in the present CIC, of a process of reception of universal legislation (‘acceptance by God’s people’) has to be seen as a serious shortcoming. All in all, the book presents a critical reflection on the process of ecclesiastical laws becoming effective in the CIC, from a historical and ecclesiastical perspective. Unfortunately, there is no comparison with recent developments within the Old Catholic Churches. Some attention to, for instance, the findings of the International Old Catholic Theological Conference of 1996 (*IKZ* 87 [1997], 124-126) and the provision B art. 4 of the Statute of the IBC 2001 (cf. articles 5-6 of the Dutch Statute, *IKZ* 98 [2008], 44) would have enhanced the significance of this study for Old Catholic readers.

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