



Sebastián Frías, *Una Chiesa giusta*
Comprendere il diritto canonico
Tau Editrice, Todi 2022, pp. 307

The title of the study indicates two closely related issues that guide its Author. The first statement in the title of *Una Chiesa giusta* [A Just Church] does not clearly indicate that we are dealing with a study from the area of canon studies. Only the second part of the title *Comprendere il diritto canonico* [Understanding Canon Law] indicates that the Author raises an issue in the field of canon law. He sets himself the goal of bringing the understanding of canon law closer to the reader. On the one hand, it may arouse the interest of the reader who is looking for solutions on a very valid topic concerning the definition and foundations of canon law. On the other hand, it may raise some concerns about the novelty of the approach to this issue. The statement in the first part of the title indicates that the point of reference for considerations concerning canon law will be the category of things due and the definition of law dating back to antiquity as a right thing (*ius res iusta*), as an object of justice (*ius obiectum iustitiae*).

The juxtaposition of canon law with things owed in the ecclesial community is not a new idea in canon studies. It is known from the works of canonists originating from and sympathizing with the Spanish thought associated with the University of Navarre. The preferences and connections of the Author with this way of thinking and understanding canon law may have been influenced by the completed studies and the title of doctor of philosophy obtained at the Pontifical University della Santa Croce in Rome, where he had the opportunity to come across the approaches of canon law developed at the Faculty of Canon Law, derived from schools in Navarre. This influence was indicated by the Author himself, who expresses his thanks to Professor of the Faculty of Canon Law C. J. Errázuriz for his assistance and valuable comments in the preparation of

the entire study. The fundamental theory of canon law from the point of view of Prof. Errázuriz as the realization in the Church of the essence of what is right and just prevails in canonistic thought and literature. Frías is also inclined to this approach to the law. An insightful reader might expect that the Author will explain such preferences, especially since he defended his doctorate in canon law at the Pontifical Lateran University, where a different theory of canon law as a *norma missionis* has been present and developed for a long time. However, the Author does not follow this path. He remains faithful to the understanding of canon law as the presence of things due in the Church that are not determined by the positive statutes present in the church regulations. The concept of law dating back to antiquity and applied to the legal dimension of the church community allows for going beyond the positivist limitations and, at the same time, shows the dynamism of the life of this community determined by the things due to each of its members within the Christian *communio*. Thus, positive norms remain rules that define what is right in the ecclesial community.

The Author's scientific achievements, his education in philosophy and canon law meet on the basis of considerations concerning the definition of canon law. In such a situation it is always an open question to relate the philosophical, albeit realistic concept of law to the relations existing in the Church community. The second problem is related to the possibility of defining the law and its understanding regardless of the community that is aware of it and influences its understanding. Here a question arises relating to the origins of the Church's legal consciousness and the possibility of explaining and understanding it in terms of right and due things. These are issues that still engage contemporary canon studies.

The subject of the study, however, is not the concept of canon law, but its understanding and approximation in terms of a just thing. From this perspective, the second part of the title does not indicate considerations around the concept and justification of canon law, but is intended to lead the reader to understand it in the form and content in which it is currently presented in the perspective of the discussion initiated by Pope Francis on the synodal dimension of the Church and the first stage of the synod that began in dioceses. Thus, Frías combines in one study the issues of the practical nature of the everyday life of the ecclesial community with the theoretical justification of the normative solutions for which a realistic concept of law is the basis. Thus, it indicates that the law follows the life of the community (*ius sequitur vitam*), but also emphasizes that law is its inherent dimension, it is a reality that finds its *raison d'être* not in human statutes, but in the relational dimension of community members.

Practical arguments are the main motive of the study. The Author, for a proper understanding of the issue, presents their theoretical basis, in which he presents the understanding of law as a right thing. The first part of his study entitled "La giustizia nella Chiesa" is devoted to this issue. It deals with issues

common to people professionally involved in law and canon law. Thus, he indicates that he wants to go beyond the circle of experts on the subject and present individual issues in an accessible way to those interested in them and involved in the life of the Church in the perspective of their participation in the synodal process along with the issues raised and discussed. For this reason, in the next three chapters of this part, he synthetically presents the understanding of law as a right thing, and then indicates the reasons for the existence of law in the Church, referring to the missionary command of Christ to transmit the faith and build the church community, and characterizes the legal order of the Church, answering the question about the rightness of the canonistic order itself, which is a tool for the effective mission of the Church. It is not possible to draw attention to the individual theses and conclusions of the Author in a short review of the entire study. However, it is necessary to emphasize the reliability and synthetic nature of their formulations in accordance with the adopted assumptions, which direct more than the issues of the law itself in the Church towards its practical solutions undertaken in subsequent parts of the study. Along with reading its content, the reader recognizes the Author's assumptions expressed in the title of the monograph.

The subject of the next three parts are current issues related to the life of the Church classified into three categories of legal goods: the word of God, liturgy, and church authority. From their perspective, the Author takes up detailed issues, pointing to their legal dimension, thus emphasizing that it is not something added to the ecclesial community, but constitutes its integral and inviolable element. It should be emphasized that this dimension of the study determines its value. It allows the reader to see both the phenomenon of law going beyond the consequences of legislative activity, as well as to see in the Church a community in which law is a space for the development of gifts that determine its unity and contribute to its development.

When discussing individual issues in terms of legal goods, the Author remains faithful to his methodological assumptions. Before discussing them, he indicates the legal dimension of individual elements that build the Church. And so, in part II, the issues relating to the Church's Magisterium and catechesis are preceded by presenting the word of God in the category of what is right. He presents the issues relating to the issue of holy communion for divorced people living in a remarriage in the broader context of the liturgy as what is right. The issue of nullity of marriage and sexual abuse has been presented in the area of the Church's good, which is the holy authority existing in the Church by the will of Christ.

The study by Sebastián Frías fits in with the ideas related to current issues raised not only within the Christian community, but also perceived and lively discussed outside of it. It remains to be hoped that framing the law as a category of righteousness uniting Christians and non-believers will allow dialogue

between them. For believers, it can become a possible tool for understanding the legal reality of the Church and its normative solutions, which Frías presented in an understandable and accessible way.

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