A Small Dictionary of Juridical-Canonical Terms

A quo: from which (point of departure); i.e. (iudex a quo) the judge from which a decree emanated, a sentence.

Abbas primas: Superior of a monastic congregation.

Abrogatio: cancellation, repeal or abolishment of an entire law or act by revocation of competent authority.

Absolutio: absolution; in the penal law consists in the acquittal of the accused; in the sacrament of penance the act by which sins are remitted.

Acatholica: one baptized in a Church or ecclesiastical community not in full communion with the Catholic Church.

Aetio: cause promoted for judgment toward protection of a right.

Actor: the man that acts (that takes initiative) in a trial - plaintiff.

Actus juridicus: together with negozio giuridico (legal transaction), in the strict sense are free and voluntary (liberi e voluntari) acts of the person to which the law recognizes specific legal effects. Differentiating between them as a negozio giuridico in the proper sense, the legal effects are the will/intention of the subject that works in view of their achievement; in the juridical act, instead, the effects are produced in the force of the same law, independently of the intentionality of the subject. In other words, in the negozio giuridico the will of the subject is directed to the achievement of the end protected by the law, while the juridical act is directed only by the completion of the act, without having properly its aim the consequence that it produces in force of the law. The negozio giuridico includes the contracts, but also other acts that do not have contractual characteristics. The juridical act also can consist in an omission. Also regarding the fatto giuridico (juridical fact), the law recognizes particular juridical effects, but properly it is a fact or obviously natural and necessary (viz. birth, death, earthquake, etc.)

Ad benedictionem nostrum: at our discretion and will; affirmed by the competent authority.

Ad interim: for a certain time.

Ad limina (Apostolorum): at the threshold of the apostles Peter and Paul. The name given to the five-year periodic visits that the bishops make to Rome to meet with the Pope, and also the heads of the dicastaries of the Roman Curia, and to report on their respective particular churches.

Ad quem: to which (point of arrival); i.e. is iudex ad quem the appellate judge to whom the petition or appeal is directed (sent).

Administrative Silence—lack of response by an organ of public authority which effects a presumptive negative response (e.g. can. 57)

Administrative Tribunal—judicial court treating matters of recourse against singular administrative acts (at present the Sectio Altera of the Apostolic Signatura is the only example)

Advocatio: the act of the superior authority to reserve a matter or cause of an inferior official or tribunal.

Aequitas canonica: a law understood, interpreted and applied with flexibility and indulgence (c.f. can 19)

Aes alienum: other peoples’ money (said of debts, some of which is a burden).

Alter ego: my other identity (said of one who replaces or represents in full title another person, as if in person).

Adoptio: legal procedure with in which is attributed the position (the state) of a child to who was born of other parents.

Affinitas: bond of legal relationship arising from a validly contracted marriage, even if not consummated, and which unites a spouse with the blood relations of the other.

Aggregatio: particular type of union, juridically recognized, between institutes of consecrated life.

Alienation: to transfer ownership by sale, donation or mixed-sale (sale at a lower price) which includes transfer or title or possession.

Annulabilita et annullamento: the act is valid taken by itself, but in certain cases the law concessions the ability to the injured subject, and to his successors, to demand the annulment (i.e. the act after ex memento vel ex dole. cf. can. 125). One is not able to speak of the annulability of marriage, neither is one able to invoke the annulment; one is only able to ascertain and declare the annulment.

Appellatio: new instance presented to a superior tribunal or directly to the Pope.

Attentare: to complete invalidly or ineffectively a juridical act.

Benedictio: a rite instituted by the Church by which, in a less solemn mode and non definitive, is destined toward the divine cult of persons, things and places.

Bona fides: conviction not to do an action against the law (also founded on ignorance of the same law).

Canonization: When the law of the Church remits some issue to the civil law.

Capacitas: ability to possess and to exercise the prerogative of the proper juridical personality in canonical jurisdiction; to be in part, a legitimation of the case; procedurally, to remain in judgment. In other words, c. giuridica, is the potential of being a holder of juridical laws-obligations; c. di agire, the capacity to effect juridical acts, in the canonical order with the limitations from canons 98 and 1478.

Capitulum: collegial organism that gathers the representatives of members of a religious institute at diverse levels.

Causa incidentis: an incidental matter arises when, after the case has begun by the summons, a question is proposed which, even though not expressly raised in the petition which introduced the case, is yet so relevant to the case that it needs to be settled before the principal question.

Causa petendi: is the motive, or the juridical title, on which is founded the question addressed to the judge. In other words, it is the juridical foundation of the action; it is the constitutive fact of the action. It is divided into two elements: one of law and one of a fact contrary to the law.

Censura: medicinal penalty established by the Church.

Citation: the act of calling (summoning) the parties, or witnesses or the respondents before the judge.

Civil Law: juridical system in countries in which the law is a source of legislation (continental Europe, Latin America, Japan, Islamic nations). The juridical norms are from a political formation and judiciary precedents have only marginal effects.

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1 The following are generic terms which are specified in their application.
Clericus: a man who has received one of the three grades of Holy Orders. He becomes a cleric the day he receive the order of diaconate (transitional or permanent).

Collegium: gathering of persons with or without the same prerogatives whose cooperative action makes common decisions.

Common Law: juridical system of Anglo-Saxon countries in which the law is of a prevalently judicial form. The judge in the decision of the concrete case submitted to him, is bound by the precedents given in analogous cases rather than from general norms and abstracts. By means of the instrument in which the common law evolves is distinguished: that the judge establishes, notwithstanding apparent analogies, the case submitted to him is different from those examined in the past, taken from the authority of the precedent.

Communicatio in sacris: communication in sacred things, or communion of life and spiritual activity among the baptized, or, more precisely, active participation in the sacred rites of those who are not in full communion with the Catholic Church and vice versa.

Competens: juridical capacity to exercise a power or a faculty and to judge in relation to a determined group of persons.

Compromissum: in general, the act with which the parties remit the controversy that divides them to an arbitrator. In the case of election, the unanimous entrusting of election to determined persons on the part of the electoral college in view of providing for an office.

Condicio: a future event, certain and possible, of which fulfillment, according to the will of the agent, depends the efficacy of a juridical act; it is called a suspensiva (stay, postponement) if it is a type that the act has value only after its verification; risolutiva (decisive, resolving) if it is a type that such act initially has value, but is dissolved with its verification.

Condicio canonica: explained in can. 96-112 and regarding the quality of physical persons, i.e. age, the use of reason, domicile, consanguinity, affinity, etc.

Condicio propria: explained in can. 204.

Condicio sine qua non: foreseen condition for the realization of something.

Consanguinitas: the relationship of the natural parents binding descendants born of the same ancestor. It is computed by lines and grades.

Consecratio: through rite a person, place or thing is permanently destined to the service of God [persons to worship], also called dedicatio, dedication.

Consensus: the meeting of different wills regarding the same object. By its nature presupposes the knowledge of the object and the assent of the will.

Continentia: type of contract delineating rights and duties (e.g. between a diocese and a religious community regarding pastoral care of a parish).

Consilium: a gathering of persons forming a determined group to examine and resolve determined affairs within their competence; solicited opinion on a norm of the law by a group of qualified persons.

Consuetudo: the conduct of a community of the faithful which, approved by competent authority, acquires according to determined conditions, the force of law (custom, an unwritten law established by a uniform course of conduct in a community).

Contractus: consensual act between two or more persons in order to initiate, regulate or undo a juridical bond – private or public.

Contumacia: in canonical penal law, the one who continues in criminal action; in civil law, the refusal or neglect of a party accused to appear and answer to a charge preferred against him in a court of justice. This word is derived from the Latin contumacia, disobedience.

Convention: type of contract delineating rights and duties (e.g. between a diocese and a religious order regarding a parish).

Convocatio: declaration of validity of a juridical act initially placed invalidly.

Culpa: violation of the law because of negligence on the part of the agent.

Curator: person in charge of the administration of goods of another or the representative of another who is unable to care for himself (because he is a minor or partially incapacitated).

Decernendo: regarding the substantive aspect.

Decretum: administrative act by the initiative of public authority – can be: decisional, provisional (authorization, nomination, etc.) or penal precepts.

De iure condendo: technical mode used in doctrine that makes reference to those norms that the legislator would do well to formulate in order to eliminate ambiguity or regulate new cases; the expression de iure condendo makes reference to laws in force.

Delictum: a grave external or morally imputable violation of a law to which is attached an undetermined canonical sanction.

Derogatio: partial revocation of a law (revocatio legis partialiter).

Dichiaraizione de nullitate: indicates the judicial verification of a juridical act. Use when speaking of the verification of the invalidity of the matrimonial bond; the marriage is not annulled, but it is declared null. Concerned with a declarative and not a constitutive sentence.

Distinzione: removal of a party by the competent authority from the juridical condition as a member of an institution of consecrated life formerly possessed.

Dilatory exceptions: complaint by a party which seeks to modify a legal action, e.g. seeking to change the joinder of issues. Major: if regards a procedural defect affecting validity (e.g. a sentence without reasons); Minor: if it does not affect validity.

Dispensatio: release from the observance of a purely ecclesiastical law in a particular case (legis mire ecclesiasticae in cavi particulari relaxatio).

Dolus: induction of a person, through deceit, to complete a juridical act; in penal law, premeditation and will to complete the illicit fact on the part of the agent.

Dubium: suspension of judgment; dubium iuris, when the doubt regards the existence, the sense and the extension or the cessation of law; dubium facti, when the doubt regards the existence, nature, or circumstance of a determined fact, in reference to the law.

Ecclesia latina: juridically intended the whole of particular churches whose official language from most ancient tradition is Latin; distinguished further by the basic unity of its rite, governance and discipline.

Ecclesiast orientalium: properly understood the eastern catholic churches recognized by the Holy See in different eras.

Ecclesiae rituales: particular churches having a determined rite with proper autonomous governance and rules and regulations from ancient traditions. Also called sui iuris.

Eflicax: capacity of a fact or of an act to produce foreseen juridic effects.

Epikleia: a concept used in morality to indicate excuse from the observance of law in cases and circumstances of particular difficulty considered to be too onerous.
Exception: in procedural law the reason that is able to be brought before a judge for the protection of a proper law in order to remove the basis of the action.

Excommunication: medicinal penal sanction or ecclesiastical censure by which a member of the faithful (exclusive of the communion with the Church) is deprived of spiritual goods according to a norm of the law.

Ex nunc: from now (ex tune: from then).

Erectio: 1) constitution by competent authority of an institute or of a juridic person; 2) stiffening of the male genitalia (in order to penetrate the vagina)

Error: false judgment of reality which produces a determined juridic consequence; common error, error that misleads or can mislead a community of persons; common error of fact, with regards to a manifest fact, all or the major part of interested persons attribute a power or a faculty (e.g. of jurisdiction) in order to complete determined acts; common error of law, with regards to a law, present persons may be persuaded of an error of attribution of a power or a faculty

Excardinatio: passage of a cleric from one particular church (personal prelature or religious institute) to another

Execution: fulfillment of an administrative act or a sentence according to the modality provided by law.

Exemption: possible removal of certain institutes of consecrated life from the governance of ordinaries of a place to directly subject them to himself or to another authority, on the part of the Roman Pontiff, for the better provision of the good of the institutes and to the necessities of the apostolate, in view of a communal advantage (cf. can. 591)

Extinction: the cessation of an entity, a juridic person, a right or a relationship of causes provided in law or decided by the parties.

Fatallia legis: terms established by law, under pain of extinction of law or in other words, the space of time within which must be posited or completed a determined juridic act (legal deadlines e.*1634)

Fattispecie: case in point: from Latin species facti, state of things: brief recounting of facts

Favor Fidei: favor of the faith: applies concretely to the case of a marriage for the purpose of protecting the faith of a baptized person (see Pauline and Petrine privileges)

Favor iuris: favor of law. It is the presumption of law in favor of something or presumption regarding the validity of marriage (c. 1060) or of the privilege of faith (c. 1150)

Fontes: Fonts: in the language of juridical science the term “font” (=spring, origin, cause) comes to be used in the metaphorical sense and the expression “Fontes of law” indicates both the facts or the organisms which produced the norms or rules of conduct (=Fontes essendi), and the documents and the collection which constitutes the knowledge of existing norms in a determined historical moment (=Fontes cognoscendi).

Forma: modality demanded by law or the elements to effect a juridic act; also called the formality (solutemittat); sacramental form, verbal formula pronounced by the minister of the celebration of a sacrament; commissarial form: forma commissoria, when in the execution of an administrative act or of a sentence there is designated a rightful person or competent authority

Forum: ambit in which power is exercised; in the juridic sense, the place in which processes are conducted; in the figurative sense, the tribunal which exercises juridical power, and the same juridical power (civil forum, ecclesial forum): competent forum: the tribunal which has juridical power over a determined cause of the guilty that is convened in that tribunal (see competence); external forum: ambit of social relationships and of the common good in which a power or faculty is publicly exercised; internal forum: private ambit of the faithful and of particular good in which, or in the course of the celebration of the sacrament of penance (internal sacramental form) or outside of the sacrament of penance (extra-sacramental internal form) towards which a confessor or a superior exercises a power or faculty.

Fraus: fraud: a trick or to deceive someone, exploitation of good faith

Natural Law: giusnaturalismo: considered a right only in just law, whether it is positive or not.

Legal Positivism: Giuspositivismo: considers law to be only positive law (= that of the state).

General administrative act: administrative norms issued from an administrative authority, directed toward the whole community, to regulate abstractly considered situations. They include: General Executive Decrees, Instructions and some “independent norms” (from a law to which it makes reference), such as statutes and regulations.

Grave: a particular concession in favor of a physical or juridic person or provision in which authority remits or commutes an inflicted penalty of the guilty with an irreparable sentence.

Hierarchy: complex of entitled persons with sacred authority in as having received the sacrament of Orders.

Ignorance: lack of due knowledge in a subject with determined consequence of the law

Immodicum: in the wide sense, every circumstance that opposes the valid fulfillment or liceity of a juridic act; in the strict sense (diligent impediment) is every circumstance inherent to a person which renders one unable to validly contract marriage (= invalidating of matrimony). The CIC17 spoke also of impediment, i.e. those impediments which render marriage illicit.

Imprimatur: “let it be printed,” a license or allowance to one to print; This stamp indicates that the work has been examined and approved by the censor of the diocese, and that he finds it free of doctrinal or moral error.

Imprimi potest: “able to be printed” – If the work is that of a member of a religious order, this stamp indicates that it has first been examined and approved by the religious superior or head of the religious order (or a duly appointed representative).

Incoordination: constant bond of service of an ministry ordained in a particular church or other legitimate structure (cf can. 265)

Indulitum: favor conceded generally for a determined time by a competent authority.

Industria persona: personal work. The request of an executor, whether in relation to his office or dignity, whether in relation to his particular talents of science, experience or ability.

In pectore: held secret. Use to indicate the naming of a cardinal not rendered public by the Roman Pontiff.

In solidum: said of persons who are (each one) integrally responsible (co-obligants) for an act or for a juridic situation.

Institutiones: complex of intersubjective relationships regulated by of norms of conduct; or the essential elements of a juridic discipline, e.g. institutions of canon law.

Institutiones juridicae: complex of intersubjective relationships regulated by positive laws, e.g. juridic institution of matrimony; of the family etc.
Instructions are part of the general administrative acts (decrees): have the scope to clarify the dispositions of law and determine the criteria of application (can. 34).

Intercommunication: the same concept as communication in sacris.

Intimation: lawful communication of a juridic act.

Judicium: process for the definition of a controversy which develops according to a complex of formalities before a competent tribunal.

Lure cumulative: see can. 858, § 1.

Jurisdictio: commonly indicates the exercise of juridical authority which has the principal purpose of rendering justice according to positive law.

Jurisprudentia: (Case Law) activity of the jurist, but also the product of this activity, and afterwards the whole of the discourse on the law. Usually, but, when speaking of jurisprudence one intends sometimes judicial jurisprudence, of judges, and doctrinal jurisprudence, of the authoritative studies of law.

Interdictum: medicinal, penal sanction or ecclesiastical censure which involves a determinate privation without arriving at the gravity of excommunication.

Irregularity: perpetual impediment which prohibits the reception of sacred ordination.

Ius: on the ontological level, the irrepressible dimension of the human being, which disciplines intersubjective relationships according to the rule of justice, ordained to justice and of peace among men (universal dimension of communication); at the intentional level, the normative position of being (normativa posta in esse) of competent authority in a determined society. The two must not ever be confused! The norms or positive laws are instruments of Diritto but are not indentified with this. Generally positive statutory law is divided into public and private.

Ius civile: originally the law of the civil community in all of its dimensions (privately as publically) and as distinct from the other community which is the Church (canon law).

Ius ecclesiae: since the Second Vatican Council indicates the law of the Church (canonical).

Ius ecclesiasticum: part of the public law of the state which disciplines the religious phenomenon, in particular religious confessions. Not to be confused with Ius Publicum Ecclesiasticum, the juridic discipline of philosophical/theological method with apologetic purpose, born in the 17th century as a systematic subject of laws regarding the constitution, the rights and means of the Church as a perfect society, ordained to a supernatural end and of their relations as a political community.

Ius obiectivum: rule of action (norma agenda). Intended together with rules or juridic norms which prescribe behaviors to determined individuals. In other words, together with the laws or the juridic norms endowed with objective existence, which obligatorily coordinate determine social actions. Strictly correlative of subjective law.

Ius publicum (Ius privatum): ordinarily understood as part of civil law, comprising the complex of rules which discipline the exercise on the part of the organs of the state of the power of governance of a determined territory and of the comparisons of population to be established (Ius quod ad reipublicae spectaret). Subdivided in domestic and international, the first in turn means: constitutional, administrative, penal, ecclesiastical, of civil procedure and penal. It is distinguished from private law/which it instead concerns the totality of rules concerning the relationships among singular subjects, individually and collectively, operating in the same ambit (Ius quod ad singulorum utilitatem spectaret).

Ius substantivum: collection of norms which discipline a determined object, intersubjective relationships (e.g. marriage); used in relation to process law, i.e. collection of norms which are qualified as instruments or formalities, because they regulate, not the material relationship deduced in judgment, but the mode in which the instrumental process must be used (e.g. the canonical matrimonial process).

Ius subjectivum: faculty of action (facultas agenda); the juridic position of a subject, i.e. the collection of rights and duties of the titular, in the ambit of order in which he lives. Such intends the collection of rights which the individual vindicates. In other words, the power attributed to the subject to act towards the satisfaction of his interests, known and guaranteed in the juridic ordering. The subject right, to which corresponds the obligation of respect, presupposing a command (law) which is the font of the obligation. In this sense one says that subjective rights are founded on objective right. Subjective rights are distinguished, by content, in two categories 1) real rights, that by excellence is that of property (ius realis seu in rem); 2) right of credit or of obligation or of presentation (in personam seu ad rem). Moreover, one speaks of: a) absolute b) relative d) relative of patrimonial nature c) available d) unavailable, etc.

Legatum Pontificium: sacred minister, normally of episcopal dignity, invited in the name and by the mandate of the Roman Pontiff as a representative near the nations, international organizations or local churches.

Legatus a latere: legate of the Pontiff with the competence of special representation in the manner of an alter ego of the pope.

Legitamio ad causam: the identity of the person of the author connected to which the law concedes action (active legitimacy), and the identity of the defendant with the person against which the action is granted (passive legitimacy).

Legitamio ad processum: indicates the capacity to be judged per se or by others.

Lex: generic term with different meanings: 1) law or the juridic ordering 2) more properly, the norm, i.e. the command of competent authority addressed to an assign community characterized by stability, universality and obviously obligatory ness. Not to be identified absolutely with law/right: the law is, a positive general norm, functional with regards to law/right (= inter-subjective relations) and not vice versa.

Lexicon: brief written presentation to a competent judge in which one proposes the object of the controversy and requests intervention from the judge to pursue one’s rights.

Licitum: the relationship of an act done according to the norm of law, considering the conditions of validity.

Lis: controversy which is the object of a process underway between two contending parties.

Lite pendente nihil innovetur: a dispute in discussion does not permit of innovations regarding merit. Nothing should be changed during the pendancy ...

Litis finita: of a finished dispute. Said of certain proposed exceptions in judgment with peremptory force.

Mandatum: authority or faculty to perform a juridic competency in the name or in the interest of another person.
Matrimonium: mixed, that which is celebrated between a baptized catholic and a baptized non catholic; disparity of cult, that which is celebrated between one who is baptized and one who is not baptized; natural, that which is celebrated by two who are baptized; attempted, an invalidly contracted marriage in bad faith on the part of at least one of the persons.

Matrimonium in facie esse: indicates a marriage already constituted and permanent in time, in the performance of such reality and in the actuation on the part of the persons of rights/duties and responsibilities which spring from the freely assumed bond. And the life of the bond in its practical enduring actuation in time and of its daily life.

Matrimonium in fieri: indicates marriage in its act of being constituted, in its construction by the manifestation of consent, the efficient cause of the same marriage. Evidenced as an act of the will, expressed in the moment as having and producing effects (bonds, rights, duties) enduring in time and no longer dependent on the will of the parties.

Canonist: make a distinction between marriage as the act of being constituted, matrimonium in facie, and marriage in the act of being lived-out, matrimonium in facto. The importance of this distinction is that a marriage in facie can lead to a marriage in facto. The reverse is not possible and therefore without the first, the marriage cannot be valid.

Metropolitan: archbishop which has a certain jurisdiction over bishops of an ecclesiastical province, who are called suffragans.

Moderator: superior of an institute or of a group of qualified persons in the Church; supreme moderator, superior general if an institute of consecrated life.

Motivation: reason or basis in law.

Motu proprio: of one's own initiative (indicates a mode of emanating a pontifical document).

Munus: mission, function

Nihil obstat: "there is nothing to be objected to"; used in lieu of the word "approved" -- which is understood to imply much more of an endorsement of whatever is being referred to.

Novitiate: period of determined examination for those who aspire to enter a religious institute prior to incorporation, inscription, or profession.

Nullus: a juridic act which is invalid by the lack of the essential elements of the established requisites of the law for validity. It indicates the juridic qualification which assumes that the same act lacks one of the essential requisites of the transaction (regarding the subject, vitiation of consent, or the form) or which such is contrary to the imperative norm (e.g. marriage celebrated despite impediments). One speaks of a non-existent act when lacking the material elements of the same act (e.g. civil marriage celebrated [attempted] by a catholic bound to canonical form).

Obrogatio: addition of later and contrary dispositions to current law which has the effect of modifying the same.

Opposito: judicial act in which a subject manifests resistance to an act or law with the intention of hindering its effectiveness.

Ordinarius: in general, he who is the title holder of an ecclesiastical office which holds ordinary power in some way comparable to the episcopacy. Distinguish between: Ordinary, Ordinary of the Place and diocesan bishop (cf can. 134 §§ 1-3).

Ordo iuridico: (juridic ordering; Legal [Judicial Order]) in general, the collection of juridical imperatives active in a determined society (i.e. the collection of juridical institutes), tending to be considered as objective law. Sovereign and independent entities (state, Catholic Church, international organizations) and those qualified as: 1) Primary = supreme, above which there are no others; 2) Original = in which is found juridical authority and is the origin of the infrastructure and derivatives.

Organizzazione ecclesiastica: collection of those ordained to ministry or giving stable service for the faithful.

Patronus: term equivalent to advocate, in trust or by party; i.e. chosen, named or paid by the interested party; called ex officio if assigned by the judge, with or without the request of the parties; called public or private if assigned according to the norm of can. 1490.

Patris: one who presents a candidate for the sacraments of baptism, and confirmation with precise competence established by law.

Petition: that which is called for by the judge, the question in a process action. The object and effect to which tends the exercise of the power of action, i.e. what is requested, the "petition."

Piae fundationes: patrimony destined for a more spiritual scope as foreseen in law.

Poenae: privation of a good, spiritual or temporal, inflicted by legitimate authority with the purpose of correcting a delinquent and punishing the delict committed; medicinal penalty or censurable penalty, which tends principally to the correction of the delinquent (excommunication, interdict, and suspension); expiatory penalty, which tends principally to the punishment of the delict.

Possesso: act of beginning/initiating, according to the determined modality of law, the exercise of an ecclesiastical office.

Postulation: special mode of provision for an ecclesiastical office, in which one is proposed to the competent superior a suitable person, but who has a canonical impediment which usually is able to be dispensed from.

Potestas: power, formal criteria of distribution of juridic competence.

Potestas reginae: related to governance or jurisdiction, as power exercised with authority for spiritual ends for the faithful, is singular (one) and the pastors of the Church hold it in its unity (singularity). According to can. 135 it is carried out in legislative, executive and judicial functions.

Potestas sacra: Vatican II affirms that ordained ministers have a sacred power, but does not specify its origin, if it is sacramental or not (cfLG 10b; 18a; 27a).

Praelectione personalis: pastoral structure created by the supreme authority of the Church for the benefit of the particular church in view of specific apostolic service (cf cann. 294-299).

Praelectione: one who is vested with the authority of jurisdiction, in his own title, in the external forum.

Praescrition: constitutes a way, sanctioned by positive law, of acquiring or losing rights and also of being liberated from obligations.

Praesidio: mode of providing for an ecclesiastical office by nomination, on the part of a person or a group, of a qualified person to a competent superior for confirmation in office, followed by institution (of the same person) on the part of the (same) authority.

Praesumptio iuris et de iure: which admits no evidence to the contrary (cf can. 97).

Praesumptio iuris tantum: which admits evidence to the contrary (cf can. 99).

Praesumptiones: judicial proofs. The probable deduction of something uncertain, founded on the indications which usually accompany it. Called iuris if it is established by law, one who has such is free from the burden of proof, such burden of proof falling to the contrary party (cf can. 585); hominis that which is formulated by the same fact, directly connected with the fact which is the object of a controversy (cf can. 1586).
Presbyter: minister of the Catholic Church who has received the second grade of sacred ordination.
Prevention: the right of a judge or tribunal to take cognizance of an action over which there is concurrent jurisdiction with another judge or tribunal.
Primas: bishop who by reason of a particular See has the prerogative of honor towards other bishops of his region. Per se, except if particular law establishes otherwise, has no special jurisdiction.
Primum inter pares: first among persons of equal dignity.
Privilegium: as a part of singular administrative acts. A grace in favor of persons, either physical of juridical, conceded by a particular act, of a legislator but also of executive authority to who the legislator has given such authority (cf can. 76 § 1). Prescription is thus excluded as a source of privilege, also centenary or immemorial possession gives presumption that such was granted (cf. can. 76 § 2).
Privilegium paulatinum: is not a privilege in the strict juridic sense, but a certain exception to the general law regarding the indissolubility of marriage. The exception is given when, after a legitimate and valid marriage, contracted by two non baptized persons, one of whom converted and is baptized and the non baptized spouse refuses the faith and peaceful cohabitation with the baptized party. Such marriage even if consummated is dissolved in favor of the faith (cf. 1 Cor. 7: 12-15); can 1143 § 1).
Privilegium petrinum: in reference to the supreme vicarious authority, proper to Peter and his successors, to dissolve every type of marriage, with the exception of that which concerns Pauline privilege and naturally, of a ratified and consummated marriage. For the case of polygamy and other things cf. can 1148-1149.
Procedendo (in): regarding the procedural aspect.
Procurator: person capable to stand proxy or mandated by authority to officially represent another, above all, in judgments; in religious orders, the one responsible to have rapport with the Holy See.
Provisio: procedure for conferring an ecclesiastical office.
Querela nullitatis: remedy against a judicial sentence in which it is requested that a sentence of invalidity be declared null.
Ratio (institutionis: studiorum): ordering, plan, program of formation or study.
Ratio procedendi: complex of formalities which must be observed in the development of processes or in administrative proceedings.
Recursus: plea directly to a superior (judicial or administrative authority) to obtain protection of a right or an interest.
Recausa: appeal of the same sanctioned penalty (previously inflicted) before absolution by a confessor.
Rescindibilitas: the possibility to request from a judge or a competent superior the annulment of a sentence, an act or a contract which is per se juridically valid, but vitiated by fear, fraud, error or ignorance.
Rescript: a decree by competent authority answering a previous request or in relation to some doubtful matter submitted to him.
Reservatio: reservation of certain causes or ecclesiastical censures to the judgment of a superior, thus limiting inferior ministers from the power of intervention.
Restitutio in integrum: restoration of the juridic situation before an apparently unjust sentence or decree.
Retroactivitas: property of a norm or juridic act which produces juridic effects previous to its advent
Ritus: commonly indicates the official order of prayer, i.e. the norm of liturgical action authoritatively fixed and which has concrete and public expression in liturgy. CCEO replaces this concept with a more ample rite, which extends to all of the liturgical, theological, spiritual and disciplinary patrimony of the singular oriental churches (cf can. 28 § 1).
Rota Romana: ancient ordinary tribunal of the Holy See, with competence in contentious and penal matters, to which only the Roman Pontiff may refer causes referred to Rome.
Sacerdos: clero s.: clerics who do not belong to the institutes of consecrated life who operate in the secular realm; said also of the laity, who have a secular character, i.e. the mission of carrying out secular offices, permeating the temporal realm with the spirit of the Gospel.
Sacrilegium: profanation of a thing or place or person consecrated by religious rite.
Sede vacante: when the throne of Peter or the episcopal cathedra lacks a titular by virtue of law.
Sententia: legitimate pronouncement in which a judge defines the principle cause proposed by the parties and controversy being judged.
Simonia: the selling of spiritual things or things attaches to spiritual things for a temporal price.
Simitulatio: conscious external manifestation of will in conflict with one’s internal will.
Singular administrative act: those acts directed toward a concrete recipient, regarding an individual case or for a determined time (they can regard all the members of a community); they include: 1) Singular decrees and precepts (cc. 48-58) 2) Rescripts (cc. 59-75) 3) Privileges (cc. 76-84) 4) Dispensations (cc. 85-93).
Status: mode of existing in the Church which is based on the sacraments or something else. Christians are institutionally divided in two states or orders: clerics and laity (cf can. 207 § 1). The distinction is of divine law and of an ontological character, not simply of functionality, in as much as it finds its origin and foundation in the sacraments of baptism and orders. The present code preserves, thus, the institutional and hierarchical division between laity, clerics and religious, founded on different conditions of life and different ends to which there are corresponding juridic statutes.
Structura: permanent and configuring reality of the life of the Church.
Subiectum: person named of those interested in a dispute or a right which is argued in a lawsuit; person named in an action in the name of another, for a moral person or a minor.
Subrogatio: the addition of another distinct element to a law or administrative act
Sui iuris: with one’s own rights. Said of a ritual church or rite; of a monastery; of a religious house, of which is recognized or attributed a determined authority.
Supremum Signaturaec Apostolicaec Tribunal: supreme tribunal of the Holy See with general and directive competence of the judicial activity of the Church.
Suspensio: ecclesiastical penal sanction or medicinal censure according to which a cleric is deprived of the exercise of certain rights or faculties.
Testamentum: act by which one disposes all or part of one’s patrimony in the period after one’s death.
Testis: person able to be legitimately called in judgment to testify in merit of some fact seen or heard or referenced by others.
Timor: trepidation of the mind in view of a present or future danger.
*Tribunal*: 1) place where causes are treated; 2) gathering of judges in the execution of an office of judging
*Tutor*: person who by law exercises power in the interest and representation of a person legally incapacitated, especially a minor.
*Uffici capitalli*: said of the Roman Pontiff and of bishops who because of the fullness of the sacrament of orders render present and act in the name of Christ the Head. Possessing in fullness the functions of teaching, sanctifying and governance.
*Vacatio*: of law or general decree, time which runs between the date of promulgation and entrance into vigor.
*Validus*: said of a juridic act which occurred in the full observance of the norms which discipline it.
*Votum*: 1) *religious*, public profession of the evangelical counsels in an institute of consecrated life; 2) *suffrage*, declaration of one’s will in a process of election or deliberation; 3) *opinion*, given upon a determined question, problem or case.