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Paolo GHERRI. *Introduzione al Diritto amministrativo canonico. Metodo.* Milan: Giuffre Editore, 2018, pp. 304, ISBN 978–8814–225871.

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In the post-conciliar discourse on canonist studies, we can observe a return — especially in the last century — to the issue of the method used in that discipline. Although the number of publications on the subject is not as impressive as in the case of matrimonial or procedural law, there is no shortage of authors dealing with this remarkable and important issue. For this reason, we should welcome with due enthusiasm another monograph by Fr Paolo Gherri, a professor of the Pontifical Lateran University in Rome, who with this work — considerations dedicated to the canonist method — crowns the previous stage of his research in ecclesiastical administrative law — *Introduzione al Diritto amministrativo canonico. Fondamenti* (Milan 2015). A reading of this work, in conjunction with a critical analysis of the author's previous explorations in the area, permits a claim that the organic thought of this alternative approach to the problem presented in the reviewed book is in fact a continuation and addition to his doctrine expounded in the study entitled *Canonistica. Codificazione e metodo* (Rome 2007). In that work, he proposed a critical-inductive approach to the science of canon law. In the opinion of the canonist, such assumptions regarding the examined problem enable one to emphasise the role of sources of law as well as implying their new value, which makes it possible to precisely point at those experiences and facts which actually sanction the existence of a norm. Far from axiomatising the assumptions of the norm, the author suggested that events, facts and acts of a juridical nature should become a point of departure for the exploration of the science of canon law. An important quality of the critical-inductive interpretation of the issue at hand is also the emphasis on the role of the hermeneutics of the origin and operation of law, a fact neglected by the nineteenth-century doctrine. The critical-inductive method, manifest in three cumulative elements, namely 1) exegesis, 2) hermeneutics, and 3) interpretation, makes it possible to capture the phenomenon of ecclesiastical law in its specific formulation in a holistic manner.

The author's proposal based on an alternative treatment of the subject of the method in canonist science is certainly a new and risky venture. However, at this point we should invoke the work of a medieval creator of a systematic and logical compilation of texts containing the norms of ecclesiastical law, therefore a method the application of which contributed significantly to the dissemination of studies on the law of the Church. Recalling the work of Master Gracian, the precursor of studies in ecclesiastical law, and bearing in mind Gherri's latest scientific position, we can take full responsibility for our evaluation of the reviewed publication in terms of its original and innovative treatment of the method used in contemporary legal and canonical discourse.

This research project spans seven chapters. Initially, our interest is aroused by the methodological introduction, whose purpose is to acquaint the reader with the presented issue, in which the author demonstrates both the usefulness and necessity of a suitable specification of the

method proper to ecclesiastical administrative law. Furthermore, the canonist clarifies that—given the whole institutional-personal perspective of how the way the community of the People of God functions—his only interest lies in the constructive method, that is, one which focuses on the effectiveness of administrative acts performed by church authorities in their exercise of the tripartite mission of governance, teaching and sanctification. Gherri makes many references to the "pathology" of acts of the power of governance, which, as he believes, is a manifestation of improper exercise of ecclesiastical offices or competences resulting from a validly conferred delegation. Ultimately, it can be the object of an *a posteriori* verification by a hierarchically superior authority (*remonstratio*, *recursus*).

When speaking of the method, in the first chapter of the study the author wishes to present a model of rigorous application of rules, opportunities and means of conduct, which brings progressive and cumulative results. At the same time, he makes a proviso that no method is and can be mechanical and deterministic because without a human intervention it is impossible to expect the desired effect of applying even the most sophisticated mode of action. Further, he believes that the correct method is manifested in the schematisation of the structure of reasoning in such a way as not to omit the essential elements in the cognitive process, which, from the perspective of the consolidated practice of power of governance, cannot be omitted. A real and effective discernment is helped by a good understanding of norms of canon law as well as its general principles, which is a prerequisite for proper actualisation/application of a canon law.

In this part of the work, the author also outlines a general formula for the application of the presented method, expressed in the following triad of operations: 1) qualitative analysis, 2) relational syntactics, and 3) structure of conduct. In the course of his deliberations, the author admits that the key operation of the method is a proper performance a qualitative analysis of various events/facts/acts of a juridic nature. No wonder, then, that the author devotes as many as four chapters to analyse such elements of the legal experience of the Church as: 1) an ecclesiastical legal event (Chapter Two), 2) an act in law (Chapter Three), 3) the personal and functional status of the faithful (Chapter Four), and 4) the typology and hierarchy of norms (Chapter Five). Each such qualitative synthesis assumes an in-depth verification and analysis (*screening*) of the abovementioned "elements," without omitting the circumstances relevant for a particular case. The author also helps us realise that the proposed sequence of operations is a consequence without exceptions: first of all, we need to explore the operations to be performed or acts already performed (*species facti*); then we need to identify the author/performer of certain operations/acts, and—finally—actual facts should be assigned to the regulations of an act (subsumption).

As for the second component of the constructive method, the author proposes to perform relational syntactic. What we need to do is to examine syntactic functions, in other words, legal relations that occur between subjects and objects of the ecclesiastical legal order (active and passive relationships, rights and duties, obligations and entitlements, etc.).

The third, and the last, stage of the presented method involves suitable proper development of the institutional framework of action, which should take into account such elements of decisions as legitimacy, usefulness, advantageousness, activities, etc.

Gherri frequently emphasizes that the presented method should be a manifestation of the correct application of norms by these holders of ecclesiastical offices, who—in their exercise of their governing function—want to build a communion of the People of God through their decisions. He realises, however, that there is no shortage of such actions/acts in the Church's legal system that have been placed defectively, and therefore do not have the desired results. Their possible material and/or formal transformation (pathology of an act) into an activity triggering positive/stabilizing effects (the constructive method) should be made on the basis of the assumptions of reconstruction of an incorrect act in the normative legal operations in the Church. Formally, it

should be expressed by the following sequence: 1) relational syntactics, 2) qualitative analysis, and 3) a structure of conduct.

The structural aspect of the method in ecclesiastical administrative law outlined above should be complemented by a functional approach whose necessary prerequisites are: 1) *in iure* analysis, 2) *in facto* analysis, 3) *in decernendo* analysis, and 4) *in procedendo* analysis. While the first two elements correspond to the necessity of justifying a judicial decision (see c. 1611, 3° CIC/83) and stress the obligation of legitimacy and rationality of decisions, the second pair of conditions addresses the question of their legitimacy. Coordination and mutual complementation of the above-mentioned components of the constructive method makes it possible to achieve a synthetic and global vision of a specific legal problem requiring a decision to be made, without obligatory and additional acquisition of specific legal skills which would not result directly from proficiency in the application of those already present in the ecclesiastical legal system (e.g. procedural law: syllogism).

It is difficult to show all the positive aspects and practical benefits of the presented work. This results from the fact that we are dealing with a well thought-out monograph offering a precise method of applying church norms under a non-litigious procedure, which means they are applied administratively. This "part" of the ecclesiastical legal order is an area of cognition and legal action with a very wide spectrum of impact, therefore the reviewed book may constitute a unique handbook for those who—relying on theoretical assumptions of canon law—want to implement them *in concreto*.

In my opinion, some of the highlights of the work are: 1) flexible approach to the problem, which results from a skilful combination of the vitality of the canon-law tradition with the positive norm, 2) accurate theoretical systematisation of the issue. In the discourse, the two above-mentioned advantages complement each other to a certain extent because the author keeps referring to the ecclesiological assumptions of the amended ecclesiastical law, often reminding us of the Principles of the revision of the code (especially 6 and 7). In addition, the study stresses the role and tasks of the positive norm and its best interpretation, that is, jurisprudence (especially of apostolic tribunals) and the prevailing opinion of experts in the field in the process of shaping individual administrative decisions. Not without significance is also the consolidated practice of the dicastery of the Roman Curia, which often introduces procedural suggestions/recommendations of a binding nature into legal circulation.

We cannot but mention the greatest asset of the work, which is 3) a concise methodological profile of the addressed issue. The publication is not only a dogmatic reconstruction of individual legal and canonical institutions of an administrative character, but also offers concrete guidelines, both structurally and operationally, in relation to a specific legal mode of action, i.e. the streamlining of the administrative procedure based on the organic vision of theoretical normative assumptions of the ecclesiastical system of administrative law contained in the binding legislation of the Catholic Church.

It is also worth mentioning that the author illustrates the course of the conducted argumentation with 4) clear tables, which—for many potential beneficiaries of this publication—may be a very solid help even in visual memorization of the individual steps of the proposed method. These diagrams are included in the main body of text, but are also reproduced as an appendix in the final section of the work.

As for the possible shortcomings of the monograph, we might mention the absence of a desirable and synthetic conclusion to such a comprehensive discourse, involving practically the entirety of norms underlying the existing canon law, so strongly embedded in the ecclesiological doctrine of the Second Vatican Council addressed by the author. Moreover, it should be noted that the reading of publications written by this Lateran professor of canon administrative law has never been an easy task because of the rather unique language employed by the eminent canonist.

Wishing to read this monograph, one should first try to explore the specific language "code" of the argumentation pervading the entire book.

In conclusion to this review, let me emphasize the undoubtedly formidable scientific methodology of the author, a fact which enhances the value of the book, which is not an academic textbook, but a bolder attempt at formalising the complex issue of the method in canon law. The Author's discourse helps us to fully understand the specificity of the proposed method in canon administrative law, in terms of its origins, profile and, above all, practical application.

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