

Canon Law Research Guide

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Introduction

This is a legal research guide to Canon Law¹ in the Catholic Church (both Roman and Eastern Rites), the Orthodox Churches, the Anglican Churches, the Lutheran Churches, the Calvinist (Reformed/Presbyterian) and Methodist Churches, and the Church of Jesus Christ of Latter-day Saints (L.D.S. or Mormons).²

Why should American legal scholars and practitioners care about religious law? Canon law has affected the development of common law in areas such as marriage and inheritance. In addition, religious law may induce administrative behavior that must be explained at some point during litigation or as part of a transaction (e.g., a sale or purchase of real estate). For example, New York currently has a secular divorce law originally designed to address an issue in Orthodox Jewish law.³

"Canon" comes from the Greek word *kanon*, meaning "reed, rod, or ruler."⁴ American attorneys are familiar with such usage as "legal ethics canons." The Latin *regula* (rule or model) is another way of expressing a canon, as in "rules of legal ethics."

However, the word "law" is *nomos* in Greek and *lex* in Latin. The intermediate concept of "ius" can mean a "legal system...or a subjective right...or the objective of justice, that which is right, due, or just."⁵ The legal code for the Catholic Roman Rite is entitled *Codex Iuris Canonici*.

Thus, the translation of "law" for *ius* demonstrates the challenges in translating concepts. Although the practicality and concreteness of Roman law have influenced canon law, the higher spiritual considerations leave their imprint in the Roman Rite and Eastern Rite *Codes*.

In fact, in the Eastern Catholic and Eastern Orthodox Churches the word "law" never appears in the code titles. In the Eastern Catholic Church the relevant volume is the *Code of Canons of the Eastern Church*. The Orthodox Churches have no specific code, but often refer to a collection of documents called the *Pedalion* (Greek; literally, "rudder").⁶

In the Anglican, Lutheran, Calvinist, and Methodist churches, relatively few canons directly impact lay people in dogmatic or devotional practices. These churches have a canon law tending more toward administrative law, with heavy emphases on church property issues.

Finally, the ecclesiastical legal practices of the Church of Jesus Christ of Latter-day Saints (L.D.S.) is included because of its significant presence in the Rocky Mountain region of the United States and because of its increasing presence in politics and public affairs. L.D.S. ecclesiastical law began as something similar to Jewish law as practiced in parts of eastern Europe at a time⁷ when certain Jewish communities were granted legal autonomy in many intra-communal (and intra-confessional) transactions. At present, L.D.S. ecclesiastical law has interesting elements of both Catholic/Orthodox canonical practice, and the Catholic/Orthodox *regula* of religious orders.

This guide provides English language resources. English should not be a limiting factor for Anglican, Methodist, and L.D.S. Canon Law. It may be somewhat of a limiting factor for

Catholic, Orthodox, Lutheran, or Calvinist canon law because the primary languages for these churches (mainly Latin (Catholic), Greek (Orthodox), German/Scandinavian languages (Lutheran), and German, French, Italian, and Hungarian (Calvinist) are used by relatively few American legal scholars. However, within the listed resources are links and cross-references to foreign language resources for qualified researchers.

This guide provides online sources to canon law codes or collections when possible. In addition, the researching of canon law involves a constant interplay with each church's scriptural, doctrinal, and historical authorities. Accordingly, the guide lists online and print resources for each church's versions of scripture, catechisms, and general histories, making cross-references to canon law codes or church constitutions easier.

Nonetheless, in the Catholic Church and the other churches mentioned in this outline, other rules and guidelines, such as rubrics in missals and orders of worship, and rules for religious orders and congregations, may have the force of religious law. Several missals (Roman Rite Catholic), liturgies (Eastern Rite Catholic and Eastern Orthodox), and books of worship (Protestant, including the Anglican Book of Common Prayer) are cited for scholars interested in liturgical rubrics, sometimes called "liturgical law." In addition, the *Enchiridion* for Catholic Church indulgences is cited. Finally, commentaries on the Jesuit and Benedictine Rules are listed, as well as a commentary on the juridical development of the personal prelature of Opus Dei.

Catholic Church

Overview

The Catholic Church, with its headquarters in the Vatican City State in Rome, Italy, has the most developed system of canon law. The foundations of the Catholic system are the Holy Bible (both Old and New Testaments), the teachings of the Apostles and the Church's "*ordinary magisterium*,"⁸ and custom.

Roman law greatly influenced the development of Catholic canon law. The Catholic Church's administrative governing system is based on the old territorial apparatus of the Roman Empire, with districts such as dioceses and archdioceses (or, in the Eastern, Greek-speaking parts of the Empire, eparchies and metropolia).

Note well that the Catholic Church consists of many rites,⁹ making for a genuine diversity of practice and customs. Among those practices is ecclesiastical law. This accounts for there being two codes of canon law within the Catholic Church.¹⁰

The largest rite, the one most familiar to Americans, is the "Roman" or "Latin" rite. However, the Eastern¹¹ Catholic Churches consist of the following rites found world-wide:

- Armenian Rite
- Bulgarian Rite
- Byzantine (Ruthenian) Rite
- Chaldean Rite

Coptic Rite
Ge'ez Rite
Maronite Rite
Melkite Rite
Romanian Rite
Russian Rite
Ukrainian Rite
Syro-Malankar Rite

The Catholic section of this research guide will be broken down into separate entries for the Roman Rite and the Eastern Catholic Churches.

For most of its history, the Catholic Church has not had comprehensive codes of canon law. Early canon law was formulated at the early church councils, or in conjunction with secular authorities, especially after Christianity became the state religion of the Roman Empire.¹²

As the Middle Ages¹³ progressed, types of ecclesiastical law were found in the "penitentials," i.e., those volumes containing penances for specific sins, and in the various liturgical books. Canon law received more systematic treatment during the High Middle Ages.¹⁴ A seminal document was the *Decretum Gratiani* (circa 1140), a compilation of canons by Gratian of Bologna, said to be a monk teaching in one of the Bolognese monasteries.

Additional compilations included the *Liber Extra* compiled by St. Raymond of Peñafort; the *Liber Sextus* compiled by Pope Boniface VIII; and the *Clementinae*, a compilation begun during Pope Clement V's reign. These compilations, together with the *Decretum Gratiani*, formed the *corpus iuris canonici* (the body of canon law, but by no means a code). All of these compilations in turn became the objects of study and commentary (the latter being called "glosses," and the commentators being styled "glossators").

Following the Council of Trent (1545-1563) came additional compilations of papal documents called *bullaria*,¹⁵ dispositions of various dicasteries of the Roman *Curia*,¹⁶ and decisions of the Roman *Rota*, the Catholic Church's highest tribunal.¹⁷

Thus, there was much canon law, though it was poorly systematized. The upheavals of the French Revolution and Napoleonic era,¹⁸ combined with the growing secularism of the nineteenth century, impelled the Catholic Church to codify its canon law in order to have a specific source for addressing many areas of church life and apostolate.

The results were the first *Code of Canon Law* for the Roman Rite (with limited applicability to the Eastern Churches), published in 1917. Following the Second Vatican Council (1962-1965) came a new edition of the *Code of Canon Law* in 1983, this time exclusively for the Roman Rite. In 1990 followed the *Code of Canons of the Eastern Churches*, the first codification of Eastern Catholic canon law.

References to both the Roman and Eastern Catholic canon law codes are found in this research guide. In addition, various doctrinal catechisms/compendia are referenced as well, even though

they've been published after the most recent edition of the Roman Catholic *Code of Canon Law* (*Codex Iuris Canonici*) of 1983 and the *Code of Canons of the Eastern Churches* (*Codex Canonum Ecclesiarum Orientalium*). They are included so that contemporary doctrinal definitions and discussions are available for elucidating references in the Codes. Moreover, citations to the documents of the last three ecumenical councils are provided, because these decrees affected both the 1917 and 1983 Roman Rite *Codes*, and the 1990 Eastern Rite *Code*.

In this guide's Roman Rite section are citations to works by Monsignor Peter Elliott, formerly of the Vatican's Pontifical Council for the Family, referencing liturgical norms.¹⁹ For information on Pope Benedict XVI's July 2007 *motu proprio*²⁰ on the 1962 *Missale Romanum*, see the EWTN document library's English translation at:

<http://www.ewtn.com/library/papaldoc/b16SummorumPontificum.htm>.

In this guide's Catholic Roman Rite section, two examples of *regula* for religious orders are also provided: The *Statutes* of the Jesuit order and the *Rule of St. Benedict* for the Benedictines. These are both examples of Church legislation that is not in the Code of Canon Law.²¹ A modern form of religious apostolate, the personal prelature, is discussed in *The Canoncial Path of Opus Dei*, listed below under monographs.²²

Catholic Church-Roman (Latin) Rite

Online Resources²³

Vatican (The Holy See)

http://www.vatican.va/phome_en.htm

Click on the "Resource Library" medallion or use the site map to find the Code of Canon Law and cross-referenced volumes such as an English-language Catholic Bible and the Catechism of the Catholic Church. The Vatican website's Code of Canon Law is unannotated.

Roman Curia (including the Roman *Rota*):

http://www.vatican.va/roman_curia/tribunals/index.htm

Catholic Encyclopedia (1917 edition, no longer under copyright; considered well-written and authoritative):

<http://www.newadvent.org/cathen/index.html>

Canon Law Society of America:

<http://www.clsa.org/content/>

Canon Law Society of Great Britain and Ireland:

<http://www.clsgbi.org/>

Canon Law Society of Australia and New Zealand:

<http://clsa.org/content/node/73>

Canon Law Society of Canada:
<http://www.ccls-scdc.ca/en/index.htm>

Library of Congress Canon Law Collection:
<http://www.loc.gov/rr/main/religion/law.html>

Fordham University's Internet Medieval Sourcebook (for pre-codified canon law):
<http://www.fordham.edu/halsall/sbook-law.html>

Holy Bible—New American Bible (Vatican Website):
http://www.vatican.va/archive/ENG0839/_INDEX.HTM

Holy Bible—Douay-Rheims Translation (Catholic equivalent of King James Bible; traditional translation also accepted by some Orthodox Churches):
<http://www.drbo.org/>

General Instruction on the Roman Missal [contemporary, post-Vatican II Roman Rite Mass]:
<http://www.usccb.org/liturgy/current/revmissalisromanien.shtml>

Catechism of the Catholic Church:
http://www.vatican.va/archive/catechism/ccc_toc.htm

Compendium of the Catechism of the Catholic Church:
http://www.vatican.va/archive/compendium_ccc/documents/archive_2005_compendium-ccc_en.html

Compendium of the Social Doctrine of the Church:
http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html

Second Vatican Council Documents:
http://www.vatican.va/archive/hist_councils/ii_vatican_council/index.htm

First Vatican Council Documents:
<http://www.ewtn.com/library/COUNCILS/V1.HTM>

Council of Trent Documents:
<http://history.hanover.edu/texts/trent/trentall.html>

EWTN Documents Library (use "Library" drop-down for "Canon Law," "Encyclicals," and "Papal Documents"):
<http://www.ewtn.com/vlibrary/search.asp>

Scripture, Catechisms, and Church Documents

Catechism of the Catholic Church. Washington, D.C.: United States Conference of Catholic Bishops, 2000.

Catholic Bible: New American Bible, Including the Revised Psalms and the Revised New Testament. New York: Oxford University Press, 1995.

Compendium of the Catechism of the Catholic Church. Washington, D.C.: United States Conference of Catholic Bishops, 2005.

Compendium of the Social Doctrine of the Church. Washington, D.C.: United States Conference of Catholic Bishops, 2005.

Daily Roman Missal [contemporary, post-Vatican II Roman Rite Mass]. Chicago: Midwest Theological Forum, 2004.

Dogmatic Canons and Decrees of the Council of Trent and Vatican Council I. Rockford, Illinois: TAN Books and Publishers, 1977.

Flannery, Austin, ed. *Vatican Council II: The Conciliar and Post Conciliar Documents*. Collegeville, Minnesota: The Liturgical Press, 1975.

Flannery, Austin, ed. *Vatican Council II: More Postconciliar Documents*. Northport, New York: Costello Pub. Co., 1982.

Holy Bible: Douay Rheims Version. Rockford, Illinois: TAN Books and Publishers, 1989.

Manual of Indulgences: Norms and Grants [Enchiridion Indulgentiarum]. Washington, D.C.: United States Conference of Catholic Bishops, 2006.

Missal in Latin and English [pre-Vatican II Latin Mass, 1962 edition]. Westminster, Maryland: Newman Press, 1962.

Encyclopedias

New Catholic Encyclopedia [Still under copyright; not available online]. New York: McGraw-Hill, 1967.

Codes and Monographs

Arrieta, Juan Ignacio. *Governance Structures Within the Catholic Church*. Montreal: Wilson & Lafleur Ltée, 2000.

Canon Law Letter & Spirit: A Practical Guide to the Code of Canon Law. Collegeville, Minnesota: The Liturgical Press, 1995 [The 1983 English *Code of Canon Law*, with

commentary, published under the auspices of The Canon Law Society of Great Britain and Ireland, in association with The Canadian Canon Law Society.].

Caparros, E., and M. Thériault and J. Thorn, eds., *Code of Canon Law Annotated*. Montreal: Wilson & Lafleur Ltée, 1993.

Code of Canon Law, Latin-English Edition. Washington, DC: Canon Law Society of America, 1998.

Constitutions of the Society of Jesus [the Jesuits] and Their Complementary Norms. St. Louis, Missouri: The Institute of Jesuit Sources, 1996.

Coriden, James A. *An Introduction to Canon Law*. New York: Paulist Press, 2004.

Coriden, James A. *Canon Law as Ministry: Freedom and Good Order for the Church*. New York: Paulist Press, 2000.

Cunningham, Richard G. *An Annotated Bibliography of the Work of the Canon Law Society of America, 1965-1980*. Washington, D.C., Canon Law Society of America, 1982.

Dugan, Patricia M. *The Penal Process and the Protection of Rights in Canon Law*. Montreal: Wilson & Lafleur Ltée, 2005.

Elliott, Peter. *Ceremonies of the Liturgical Year*. San Francisco: Ignatius Press, 2002.

Elliott, Peter. *Ceremonies of the Modern Roman Rite*. San Francisco: Ignatius Press, 2005.

Ferreira-Ibarra, Dario C., ed. *The Canon Law Collection of the Library of Congress: A General Bibliography with Selective Annotations*. Washington, DC: Library of Congress: G.P.O., 1981.

Filibeck, Giorgio, ed. *Human Rights in the Teaching of the Church: From John XXIII to John Paul II*. Rome: Libreria Editrice Vaticana, 1994.

Fuenmayor, Amadeo de, and Valentin Gómez-Iglesias and José Luis Illanes Maestro. *The Canonical Path of Opus Dei*. Chicago: Midwest Theological Forum, 1994.

Helmholz, R. H. *The Spirit of Classical Canon Law*. Athens, Georgia: The University of Georgia Press, 1996.

Martin de Agar y Valverde, Joseph T. [Jose Tomas]. *A Handbook on Canon Law*. Montreal: Wilson & Lafleur Ltée, 1999.

Marzoa, Angel, and Jorge Miras and Rafael Rodriguez-Ocaña. *Exegetical Commentary on the Code of Canon Law*. Montreal: Wilson & Lafleur Ltée, 2004.

McAreavey, John. *The Canon Law of Marriage and the Family*. Dublin: Four Courts Press, 1999.

O'Mahony, Patrick J., ed. *Catholics and Divorce*. London: Thomas Nelson and Sons Ltd., 1959.

Peters, Edward N. *The 1917 or Pio-Benedictine Code of Canon Law: In English Translation With Extensive Scholarly Apparatus*. San Francisco: Ignatius Press, 2001.

Spiteri, Laurence J. *The Code in the Hands of the Laity: Canon Law for Everyone*. New York: Alba House, 1996.

Van Zeller, O.S.B., Hubert. *The Holy Rule: Notes on St. Benedict's Legislation for Monks*. New York: Sheed and Ward, 1958.

Woestman, O.M.I., William H., ed. *Papal Allocutions to the Roman Rota, 1939-1994*. Ottawa: Faculty of Canon Law, St. Paul University, 1994.

Journals

BULLETIN OF THE INSTITUTE OF MEDIEVAL CANON LAW, 1971-

CANON LAW ABSTRACTS, 1958-

FORUM, 1990-

JURIST, 1941-

PROCEEDINGS OF THE CANON LAW SOCIETY OF AMERICA, 1900s-

STUDIA CONONICA (Faculty of Law, St. Paul University, Canada; specify English edition), 1967-

Catholic Church-Eastern Rites

Online Resources

The following Eastern Catholic web pages are good for history, doctrine, and practices. Sometimes there are links for "canons," "canon law," or "tribunal." Any of these may provide some information on canonical practices.

Byzantine Catholic Metropolia of Pittsburgh:

<http://www.archeparchy.org/page/metropolia/metropolia.htm>

Maronite Catholic Eparchy of St. Maron in Brooklyn, U.S.A.:

<http://www.stmaron.org/>

Melkite Catholic Eparchy of Newton, U.S.A.:

<http://www.melkite.org/>

Romanian Catholic Eparchy of St. George in Canton, U.S.A.:

<http://www.romaniancatholic.org/>

Ukrainian Catholic Archeparchy of Philadelphia:

<http://www.ukrarcheparchy.us/index.php?categoryid=1>

Not all Eastern Catholic Churches are "Byzantine" (i.e., following rites derived from Constantinople), but this is a good unofficial aggregator page of Byzantine and some generic Eastern Catholic information:

http://www.byzcath.org/index.php?option=com_frontpage&Itemid=1

Scripture, Catechisms, and Church Documents

Byzantine Daily Worship [includes Divine Liturgies of St. John Chrysostom, St. Basil and St. Gregory]. Allendale, New Jersey: Alleluia Press, 1989.

Catechism of the Catholic Church. Washington, D.C.: United States Conference of Catholic Bishops, 2000.

Catholic Bible: New American Bible, Including the Revised Psalms and the Revised New Testament. New York: Oxford University Press, 1995.

Compendium of the Catechism of the Catholic Church. Washington, D.C.: United States Conference of Catholic Bishops, 2005.

Compendium of the Social Doctrine of the Church. Washington, D.C.: United States Conference of Catholic Bishops, 2005.

Dogmatic Canons and Decrees of the Council of Trent and Vatican Council I. Rockford, Illinois: TAN Books and Publishers, 1977.

Flannery, Austin, ed. *Vatican Council II: The Conciliar and Post Conciliar Documents*. Collegeville, Minnesota: The Liturgical Press, 1975.

Flannery, Austin, ed. *Vatican Council II: More Postconciliar Documents*. Northport, New York: Costello Pub. Co., 1982.

Holy Bible: Douay Rheims Version. Rockford, Illinois: TAN Books and Publishers, 1989.

Encyclopedias

New Catholic Encyclopedia [Still under copyright; not available online]. New York: McGraw-Hill, 1967.

Codes and Monographs

Code of Canons of the Eastern Churches: Latin-English Edition. Washington, DC: Canon Law Society of America, 2001.

Faris, John D. *Communion of Catholic Churches*. Brooklyn, New York: St. Maron Publications, 1985.

Faris, John D. *Eastern Catholic Churches: Constitution and Governance*. Brooklyn, New York: Saint Maron Publications, 1992.

Nedungatt, S.J., George. *A Guide to the Eastern Code: A Commentary on the Code of Canons of the Eastern Church*. Rome: Pontificio Istituto Orientale [Pontifical Oriental Institute], 2002.

Pospishil, Victor J. *Eastern Catholic Church Law: Second Revised and Augmented Edition*. Brooklyn, New York: St. Maron Publications, 1996.

Journals

BULLETIN OF THE INSTITUTE OF MEDIEVAL CANON LAW, 1971-

CANON LAW ABSTRACTS, 1958-

FORUM, 1990-

JURIST, 1941-

KANON (published by the Society of the Law of the Oriental Churches), 1973-

PROCEEDINGS OF THE CANON LAW SOCIETY OF AMERICA, 1900s-

STUDIA CONONICA (Faculty of Law, St. Paul University, Canada; specify English edition), 1967-

Orthodox Churches ("Eastern Orthodox")

Overview

The Orthodox Churches are those churches with Apostolic Succession (bishops able to trace their ordaining bishops back to the Apostles) not recognizing the universal papal primacy. Instead, these churches recognize the Ecumenical Patriarch of Constantinople (now Istanbul) as being the *primus inter pares* among Orthodox bishops.²⁴ The Orthodox Churches consider themselves autocephalous.²⁵

Because of their adherence to autocephaly, the Orthodox Churches don't have a codified canon law. However, many of their important canons and decrees are found in a compilation known as the *Pedalion* (Greek; literally, "rudder") and are derived from decrees formulated at the Council in Trullo (692). The Council in Trullo was held in Constantinople for the purpose of drawing up disciplinary canons following the fifth and sixth general church councils (Constantinople II (553) and Constantinople III (680-681)).

Online Resources

Websites with specific mention of canon law:

Greek Orthodox Archdiocese of North America:

<http://www.goarch.org/en/ourfaith/canon/>

Orthodox Church in America:

<http://www.oca.org/DODEPT.asp?SID=5&LID=22>

EWTN has good documentation on the Council in Trullo:

<http://www.ewtn.com/library/PATRISTC/PII14-8.TXT>

Theandros: An Online Journal of Orthodox Christian Theology and Philosophy (some canon law coverage):

<http://www.theandros.com/economy.html>

Official Website of the Ecumenical Patriarch:

<http://www.ec-patr.org/default.php?lang=en>

Keston Institute Website. The Keston Institute (United Kingdom) monitored religion/state relations in communist countries. The Keston Institute continues this mission now that many of these lands are post-communist. This website may be helpful for citations to articles or background papers discussing conflicts and issues between Orthodox Churches in their home countries, and those in the diaspora.

<http://www.keston.org/>

The following publishers in the United States sell editions of the *Pedalion* as well as biblical and doctrinal materials:

St. Vladimir Seminary Press:

<http://www.svspress.com/>

Holy Cross Orthodox Press:

<http://store.holycrossbookstore.com/index.html>

Regina Orthodox Press:

<http://www.reginaorthodoxpress.com/>

National Orthodox Churches with English language webpages (good for church history, doctrines, practices):

Bulgarian Orthodox Church:

<http://bulch.tripod.com/boc/mainpage.htm>

Chinese Orthodox Church:

http://www.orthodox.cn/index_en.html

Estonian Orthodox Church:

http://www.orthodoxa.org/GB/accueil_GB.htm

Finnish Orthodox Church:

<http://virtual.finland.fi/netcomm/news/showarticle.asp?intNWSAID=25813>

Japanese Orthodox Church [at this time only in Japanese]:

<http://www.orthodoxjapan.jp/>

Macedonian Orthodox Church:

<http://www.mpc.org.mk/English/default.asp>

Montenegrin Orthodox Church [limited English language information; most of site is under construction]:

http://www.moc-cpc.org/index_e.htm

Romanian Orthodox Archdiocese in America and Canada:

<http://www.romarch.org/eng/>

Russian Orthodox Church Outside of Russia:

<http://www.russianorthodoxchurch.ws/english/>

Serbian Orthodox Diocese of Eastern America:

<http://www.easterndiocese.org/>

Ukrainian Orthodox Church of the United States of America:

<http://uocofusa.org/>

Scripture, Catechisms, and Church Documents

Carlton, Clark. *The Faith: Understanding Orthodox Christianity; An Orthodox Catechism*. Salisbury, Massachusetts: Regina Orthodox Press, 1997.

Orthodox Study Bible: New Testament and Psalms. Nashville, Tennessee: Thomas Nelson Publishers, 1993.

Percival, Henry R., ed. *The Seven Ecumenical Councils of the Undivided Church: Their Canons and Dogmatic Decrees, Together With the Canons of All the Local Synods Which Have Received Ecumenical Acceptance*. Grand Rapids, Michigan: William B. Eerdmans Publishing Co., 1956.

Third Millennium Bible: New Authorized Version of the Holy Bible: Containing the Old Testament, New Testament, and Apocrypha/Deuterocanonical Books. Gary, South Dakota: Third Millennium Publications, 1998.

Encyclopedias

Grube, George W. *The Complete Book of Orthodoxy: A Comprehensive Encyclopedia and Glossary of Orthodox Terms, History, Theology, and Facts*. Salisbury, Massachusetts: Regina Orthodox Press, 2001.

Codes and Monographs

Erickson, John H. *The Challenge of Our Past: Studies in Orthodox Canon Law and Church History*. Crestwood, New York: St. Vladimir's Seminary Press, 1991.

L'Huillier, Peter. *The Church of the Ancient Councils*. Crestwood, New York: St. Vladimir's Seminary Press, 1996.

Patsavos, Lewis J. *Spiritual Dimensions of the Holy Canons*. Brookline, Massachusetts: Holy Cross Orthodox Press, 2003.

Rudder of the Orthodox Catholic Church [Pedalion]: The Compilation of the Holy Canons. New York: Luna Printing Corp., 1983.

Journals (some coverage of Orthodox canon law)

GREEK ORTHODOX THEOLOGICAL REVIEW, 1954-
JOURNAL OF EARLY CHRISTIAN STUDIES, 1993-

Anglican Churches

Overview

The establishment of the Church of England as an entity separate from the Catholic Church occurred gradually during the reign of Henry VIII of England (reigned 1509-1547), and was completed during the reign of Elizabeth I (reigned 1558-1603).

The Church of England has spawned Anglican churches worldwide. All of them operate with some form of ecclesiastical law. The Church of England, as an established church (i.e., state-sanctioned church), continues to have some matters be considered state ecclesiastical law. The other Anglican churches are all disestablished (Church of Ireland, Church in Wales) or non-established churches (Episcopal Church of the United States; Igreja Episcopal Anglicana do Brasil).

Online Resources

Unofficial Anglican Canon Law Site [with good links to constitutions and canons of the Church of England and the Episcopal Dioceses in the United States]:

<http://canonlaw.anglican.org/>

Anglican Communion Official Website:

<http://www.anglicancommunion.org/>

Church of England Canons Webpage:

<http://www.cofe.anglican.org/about/churchlawlegis/canons/>

Church of England:

<http://www.cofe.anglican.org/>

Anglican Church of Nigeria:
http://www.anglican-nig.org/main.php?k_j=1

Episcopal Church of the United States:
<http://www.episcopalchurch.org/>

Scripture, Catechisms, and Church Documents

1928 Book of Common Prayer. New York: Oxford University Press, 1993.

Book of Common Prayer [1979 edition]. San Francisco: HarperSanFrancisco, 1983.

Heflin, Charles C., and Cynthia L. Shattuck. *The Oxford Guide to the Book of Common Prayer: A Worldwide Survey*. New York: Oxford University Press, 2006.

Holy Bible With the Apocrypha: Revised Standard Version. New York: Oxford University Press, 2002.

Encyclopedias

The Churchman's Yearbook and Encyclopedia. London: A. R. Mowbray [annual].

Crum, Rolfe Pomeroy. *A Dictionary of the Episcopal Church*. Baltimore: Trefoil Pub. Soc., 1943.

Codes and Monographs

Briden, Timothy J., and Kenneth M. Macmorran. *A Handbook for Churchwardens and Parochial Church Councillors*. London: Continuum, 2006.

Briden, Timothy, and Brian Hanson. *Moore's Introduction to English Canon Law*. Guildford, United Kingdom: Biddles Ltd., 1992.

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Heal, Felicity, and Rosemary O'Day. *Continuity and Change: Personnel and Administration of the Church of England 1500-1642*. Leicester, United Kingdom: Leicester University Press, 1976.

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Hill, Mark. *Ecclesiastical Law*. London: Butterworths, 1995.

Leeder, Lynne. *Ecclesiastical Law Handbook*. London: Sweet & Maxwell, 1997.

Sparrow Simpson, W. J., *Dispensations*. London: Society for Promoting Christian Knowledge, 1935.

Wilson, H.A. [Introduction and Notes], *Constitutions & Canons Ecclesiastical 1604*. London: Oxford University Press [Clarendon imprint], 1923.

Journals (coverage of Anglican canon law)

ANGLICAN THEOLOGICAL REVIEW, 1918-

CAMBRIDGE LAW JOURNAL, 1921-

ECCLESIASTICAL LAW JOURNAL, 1987-

JOURNAL OF ANGLICAN STUDIES, 2003-

Lutheran Churches

Overview

In 1517 the German Augustinian monk Martin Luther drew up a set of "Ninety-five Theses," points of criticism of the Catholic Church, and nailed them to the door of the collegiate church in Wittenberg in the Holy Roman Empire, thus setting in motion the chain of events commonly known as the Protestant Reformation.

Luther's translation of the Bible into German, and his formulation of doctrine together with sympathetic theologians, laid the foundation for the Lutheran churches. In addition, Luther and his ecclesiastical successors developed close relationships with secular leaders. This would eventually lead to the secular authority controlling many ecclesiastical matters. Much of the control was exercised through legislation and what we would now call regulatory authority. This legislative control was similar to that exercised over the established Anglican churches of the British Isles. Canon law still existed, but often deferred at a certain level to secular authority.

The Lutheran faith eventually became the state church in a number of Northern European jurisdictions. It is the majority faith in Denmark, Estonia, Latvia, Finland, Iceland, Sweden, and Norway. There are significant Lutheran populations in present-day Germany, France (Alsace-Lorraine), and the border region of Slovakia-Hungary.

Over the centuries much Lutheran scholarly work was done in the German-language universities (with their high level of scholarship) and in Sweden (the state with Scandinavia's highest population and an episcopacy-based Lutheranism very similar to Anglicanism).

Online Resources

Lutheran World Federation:

<http://www.lutheranworld.org/>

Evangelical Lutheran Church in America (ELCA):

<http://www.elca.org/>

Lutheran Church-Missouri Synod:

<http://www.lcms.org/>

Wisconsin Evangelical Lutheran Synod:

<http://www.wels.net/cgi-bin/site.pl?>

Church of Denmark (Lutheran):

<http://www.interchurch.dk/LutheranChurch/>

Church of Iceland (Lutheran)

http://www.kirkjan.is/?english/church_of_iceland

Church of Finland (Lutheran):

<http://www.evl.fi/english/>

Church of Norway (Lutheran):

<http://www.kirken.no/english/>

Church of Sweden (Lutheran):

http://www.svenskakyrkan.se/sprakversioner_en.asp

Scripture, Catechisms, and Church Documents

Holy Bible With the Apocrypha: Revised Standard Version. New York: Oxford University Press, 2002.

Janzow, F. Samuel, ed. *Getting Into Luther's Large Catechism: A Guide for Popular Study.* St. Louis, Missouri: Concordia Pub. House, 1978.

Kolb, Robert, and James Arne Nestingen. *Sources and Contexts of the Book of Concord*. Minneapolis, Minnesota: Fortress Press, 2001.

Luther, Martin. *Luther's Small Catechism, With Explanation*. St. Louis, Missouri: Concordia Pub. House, 1991.

Reu, Johann Michael. *The Augsburg Confession: A Collection of Sources With An Historical Introduction*. Chicago: Wartburg Publishing House, 1930.

Encyclopedias

Bodensieck, Julius, ed. *The Encyclopedia of the Lutheran Church*. Minneapolis, Minnesota: Augsburg Pub. House, 1965.

Codes and Monographs

Church Law and Polity in Lutheran Churches: Reports of the International Consultations in Järvenpää [Finland] (1970) and Baastad [Båstad, Sweden] (1977). Geneva: Lutheran World Federation, 1979.

Constitutions for Church Organizations and Society. Columbus, Ohio: Lutheran Book Concern, 1900.

Helmholz, Richard H. ed. *Canon Law in Protestant Lands*. Berlin: Duncker & Humblot, 1992.

Murray, Scott R. *Law, Life, and the Living God: The Third Use of Law in Modern American Lutheranism*. St. Louis, Missouri: Concordia Publishing House, 2002.

Watson, Alan, and John Witte. *Canon Law in Lutheran Germany: A Surprising Case of Legal Transplantation*. Berkeley, California: Robbins Collection Publications, 2000.

Journals (some coverage of Lutheran ecclesiastical law)

EUROPEAN JOURNAL FOR CHURCH AND STATE RESEARCH, 1994-

JOURNAL OF ECCLESIASTICAL HISTORY, 1950-

JOURNAL OF LAW AND RELIGION, 1983-

Calvinist and Methodist Churches

Overview

The Calvinist Churches have their origins in the theology of the French (later Genevan) theologian Jean Calvin (John Calvin in the English-speaking world). The Scottish theologian John Knox also contributed greatly to the development of Calvinism, which is the major Protestant faith of Scotland, the Netherlands, Northern Ireland, and Switzerland, and has

significant and/or influential European populations living in the France, Germany, and eastern Hungary. Calvinism has significant populations living in Africa, the Republic of South Africa, the United States, Canada, Australia, and New Zealand.

Methodism derives from an eighteenth century Church of England (Anglican) reform movement led by the brothers John and Charles Wesley. Methodism has large numbers of adherents worldwide, particularly in Africa and the United States.

Online Resources

Presbyterian Church (U.S.A.):

<http://www.pcusa.org/>

United Methodist Church (U.S.A.):

http://www.umc.org/site/c.lwL4KnN1LtH/b.1353935/k.69CC/The_mission_of_The_United_Methodist_Church_is_to_make_disciples_of_Jesus_Christ.htm

Scripture, Catechisms, and Church Documents

Campbell, Ted. *Methodist Doctrine: The Essentials*. Nashville, Tennessee: Abingdon Press: 1999.

Calvin, Jean, and Hugh T. Kerr. *Calvin's Institutes: A New Compendium*. Louisville, Kentucky: Westminster/John Knox Press, 1989.

Calvin, Jean, and Donald K. McKim. *Calvin's Institutes: Abridged Edition*. Louisville, Kentucky: Westminster/John Knox Press, 2001.

Holy Bible With the Apocrypha: Revised Standard Version. New York: Oxford University Press, 2002.

McKim, Donald K. *The Westminster Handbook to Reformed Theology*. Louisville, Kentucky: Westminster/John Knox Press, 2001.

Encyclopedias

Hart, D. G., and Mark A. Noll. *Dictionary of the Presbyterian & Reformed Tradition in America*. Downers Grove, Illinois: InterVarsity [sic] Press, 1999.

Yrigoyen, Jr., Charles, and Susan E. Warrick, eds. *Historical Dictionary of Methodism*. Lanham, Maryland: Scarecrow Press, 2005.

Waltz, Alan K. *A Dictionary for United Methodists*. Nashville, Tennessee: Abingdon Press, 1991.

Codes and Monographs

Buck, Lawrence P., and Jonathan W. Zophy. *The Social History of the Reformation*. Columbus, Ohio: Ohio State University Press, 1972.

Calvin, Jean. *John Calvin's Ecclesiastical Ordinances of 1541: Together With the Official Text of the Council of Geneva*. Durham, North Carolina: 1953.

Carter, Henry. *The Methodist Heritage*. Nashville, Tennessee: Abingdon Press, 1951.

Dunan-Page, Anne, ed. *The Religious Culture of the Huguenots*. Burlington, Vermont: Ashgate, 2006.

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Gamble, Robert C. *Calvinism in France, Netherlands, Scotland, and England*. New York: Garland Pub., 1992.

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Gunter, W. Stephen, and Elaine A. Robinson. *Considering the Great Commission: Evangelism and Mission in the Wesleyan Spirit*. Nashville, Tennessee: Abingdon Press, 2005.

Latukefu, Sione. *Church and State in Tonga: The Wesleyan Methodist Missionaries and Political Development, 1822-1875*. Honolulu, Hawaii: University of Hawaii Press, 1974.

Merrill, Stephen Mason. *A Digest of Methodist Law: Or, Helps in the Administration of the Discipline of the Methodist Episcopal Church*. New York: The Methodist Book Concern, 1912.

Murdock, Graeme. *Calvinism on the Frontier, 1600-1660: International Calvinism and the Reformed Church in Hungary and Transylvania*. New York: Oxford University Press, 2000.

Presbyterian Church (U.S.A.). *The Constitution of the Presbyterian Church (U.S.A.)*. Lexington, Kentucky: Office of the General Assembly, Presbyterian Church (U.S.A.), 1988.

Presbyterian Church (U.S.A.). *Legal Resource Manual for Presbyterian Church (U.S.A.) Middle Governing Bodies and Churches, 2000-2003*. Lexington, Kentucky: Office of the General Assembly, Presbyterian Church (U.S.A.), 2000.

Presbyterian Women. *Presbyterian Polity and Parliamentary Procedure*. Lexington, Kentucky: Presbyterian Church (U.S.A.), 1994.

Robert, Henry M. *Robert's Rules of Order*. Philadelphia, Pennsylvania: Perseus Pub., 2000.

Journals (possible coverage of Calvinist/Methodist ecclesiastical law and interaction with secular legal systems)

JOURNAL OF PRESBYTERIAN HISTORY, 1962-1985.
METHODIST HISTORY, 1962-
QUARTERLY REVIEW [METHODIST], 1980-2005.
WESTMINSTER [PRESBYTERIAN] THEOLOGICAL JOURNAL, 1938-

Church of Jesus Christ of Latter-day Saints (Mormons)

Overview

The Church of Jesus Christ of Latter-day Saints was founded by Vermont farmer Joseph Smith in the early part of the nineteenth century. The L.D.S. Church teaches that it has scriptures in addition to the Old and New Testaments. From its founding it has been a very communal religion, which in the beginning led to repeated conflicts with secular authorities in New York, Illinois, and Missouri. These conflicts led to the eventual migration of L.D.S. members to Utah and the Rocky Mountain region.

Church dispute resolution mechanisms have always played an important part in L.D.S. affairs. These councils (or tribunals) often dealt with secular matters in the early days of settlement in the Utah Territory, before statehood, when the United States federal presence was minimal.

Online Resources

Official Website (good for history, doctrines, practices):
<http://www.lds.org/portal/site/LDSOrg>

Brigham Young University, J. Reuben Clark Law School:
<http://www.law.byu.edu/>

Scripture, Catechisms, and Church Documents

Book of Mormon: Another Testament of Jesus Christ. Salt Lake City, Utah: Church of Jesus Christ of Latter-day Saints, 1981.

Doctrine and Covenants. American Fork, Utah: Covenant Communications, 2004.

Holy Bible. Salt Lake City, Utah: Church of Jesus Christ of Latter-day Saints, 1979.

Jackson, Kent P., and Robert L. Millet, eds. *The Pearl of Great Price.* Salt Lake City, Utah: Randall Book, 1985.

Encyclopedias

Cannon, Donald Q., and Richard O. Cowan, and Arnold K. Garr, eds. *Encyclopedia of Latter-day Saint History*. Salt Lake City, Utah: Deseret Book Co., 2000.

Ludlow, Daniel H., ed. *Encyclopedia of Mormonism*. New York: Macmillan, 1992.

Codes and Monographs

Ballif, John L. "Justifying Aims of Punishment in LDS Church Courts." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1982.

Berry, Stephen L. "A Detailed Analysis of the Organization, Structure and Jurisdiction in the Judicial System of the Church of Jesus Christ of Latter-day Saints." Seminar Paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Clark, Robert S. "Secular Adjudication in the Church Judicial System." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Cooper, Kim. "Church Discipline: The Dichotomy Between Free Exercise and the Right to Privacy." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1988.

Everett, Stan. "A Comparison of the Judicial System of Church of Jesus Christ of Latter-day Saints With Systems of Certain Protestant Churches for the Discipline of Laity and Clergy." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Firmage, Edwin Brown, and Richard Collin Mangrum. *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830-1900*. Chicago: University of Illinois Press, 1988.

Hadley, Scott Marriott. "Sanctions in the Church of Jesus Christ of Latter-day Saints." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Herrick, Robert D. "Due Process" in the Judicial System of the Church of Jesus Christ of Latter-day Saints: A Comparison with the American Criminal Justice System." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

McCormick, James N. "Causes of Action in the L. D. S. Church Judicial System." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Meikle, Gary L. "Reinstatement Church [sic] and State: Cleansing the Record." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1976.

Monson, Glade. "Process of Appeal in the Church Judicial System." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Most Holy Principle [LDS-Polygamy, in four volumes]. Murray, Utah: Gems, 1975.

Parmley, Richard A. "The Church Judicial System and the Secular Courts: A Comparative Analysis." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Ryskamp, George P. "A History of the Mormon Church Court System As a Preliminary Study for a Comparative Analysis of that System with Other Ecclesiastical Court Systems." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1978.

Torre, Olivia de la. "A Comparison of the Judicial Systems of the Church of Jesus Christ of Latter-day Saints and the Catholic Church." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1980.

Worthen, Clyde F. "Evidence in Criminal and Church Courts." Seminar paper, J. Reuben Clark Law School, Brigham Young University, 1976.

Journals (ecclesiastical law-related articles)

BRIGHAM YOUNG UNIVERSITY LAW REVIEW, 1975-
DIALOGUE: A JOURNAL OF MORMON THOUGHT, 1966-
JOURNAL OF MORMON HISTORY, 1974-

¹ Canon Law: "A body of religious law governing the conduct of members of a particular faith[.]" See MERRIAM WEBSTER'S DICTIONARY OF LAW 64 (1996.).

² The website for the Church of Jesus Christ of Latter-day Saints uses a small case "d" for "day." However, the abbreviation consistently uses a capital "D." This guide follows the website's practice; see <http://www.lds.org/portal/site/LDSOrg>.

³ N.Y. DOMESTIC RELATIONS LAW § 253 (McKinney 1999). The so-called New York "get" law was originally drafted to deal with the situation of the Orthodox Jewish woman who doesn't obtain her "get" (a document the husband presents to his wife that shows she's officially divorced and no longer subject to the religious sanctions for adultery).

⁴ James A. Corriden, AN INTRODUCTION TO CANON LAW 3 (2004).

⁵ Id. at 3-4.

⁶ This perhaps reflects the more mystical orientation of the Eastern Churches.

⁷ 1500-1650, i.e., roughly the period from the end of the Polish Jagellonian dynasty during the 16th century to the Cossack uprising in Ukraine (then mostly Polish-governed) under Bohdan Khmelnytsky in the mid 17th century.

⁸ Magisterium refers to the Church's official teaching authority or an official Church organ exercising that teaching authority. See Entry on Tradition and Living Magisterium in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/15006b.htm>.

⁹ "[T]he form and manner of any religious observance[.]" See Entry on Rites in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/13064b.htm>.

¹⁰ The "Roman" or "Latin" Rite uses the Code of Canon Law. The Eastern Catholic Churches use the Code of Canons of the Eastern Churches.

¹¹ Many, but not all, of these Eastern Catholic Rites have an Eastern Orthodox "equivalent." Thus, the Ukrainian Catholic Church and the Ukrainian Orthodox Church are quite similar in rite and practices. However, the Ukrainian Catholic Church recognizes the universal papal primacy, while the Ukrainian Orthodox Church does not.

¹² Approximate dates: From the First Council of Nicea in 325 until the mutual excommunications by the Pope and the Patriarch of Constantinople in 1054 (mutually rescinded in 1965). Some scholars argue that the so-called Council of Jerusalem (See Acts 15: 1-41 (King James) and Galatians 2 (King James)) was the first Church Council, and included juridical norms, i.e., that Gentile converts to Christianity would not have to keep the Mosaic law.

¹³ Approximately 1054 to 1400.

¹⁴ Approximately 1100 to 1300.

¹⁵ Bullaria are official documents, often dealing with juridical matters. See Entry on Bullarium in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/03048c.htm>.

¹⁶ The Roman Curia refers to the collective of administrative congregations and departments serving the Pope. See Entry on Roman Curia in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/13147a.htm>.

¹⁷ Appeals are normally made to the Roman Rota from archdiocesan or diocesan courts in the Roman Rite, or from the equivalent jurisdiction (e.g., eparchy or metropolia) in the Eastern Rites. However, the Roman Rota also has original jurisdiction in certain cases. See Entry on Sacra Romana Rota in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/13205c.htm>.

¹⁸ 1789-1815.

¹⁹ On April 30, 2007, Pope Benedict XVI named Monsignor Elliott Titular Bishop of Manaccenser and Auxiliary Bishop of Melbourne, Australia. On the use of the title "Monsignor," see the Entry on Monsignor in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/10510a.htm>.

²⁰ See Entry on Motu Proprio in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/10602a.htm>.

²¹ These might be considered more properly as examples of regula, meaning "rules" or "accepted standards." See Corriden, supra. These orders and their rules are nonetheless subject to the Codex Iuris Canonici.

²² For a discussion of Opus Dei as a personal prelature, see Francesco Monterisi: The Personal Prelature: A Framework Which Enriches the Communion of the Church, <http://www.opusdei.us/art.php?p=20829> (last visited May 17, 2007).

²³ The "Online Resources" throughout this research guide will be in order of usefulness/relevance, and not necessarily in alphabetical order.

²⁴ Primus inter pares, viz., first among equals.

²⁵ See Entry on Autocephali in THE CATHOLIC ENCYCLOPEDIA (1907), available at <http://www.newadvent.org/cathen/02142a.htm>.