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ARTICOLI

- George Nedungatt, S.J.**, *Ius divinum* 5-34

The idea of *ius divinum* is common to all theistic religions. In Judaism, the only lawgiver is God, while Moses is the mediator between God and brings God's word to the people of Israel. In Christianity, Jesus is the incarnate Word of God. And holy scripture as the word of God contains *ius divinum*. The Church is the guardian of *ius divinum*. The laws of the Church apply *ius divinum*, the theological understanding of which however is varied. *Ius divinum* does not drop from heaven but is revealed through the history of salvation and has its own history. The idea of *ius divinum* as merely inhibitive forbidding access to the tree of life is a misconception. The theology of *ius divinum* is important for the progress of ecumenical relations as well as for the reform of canon law.

- Vincenzo Ruggieri, S.J.**, *Il pozzo e la cisterna: l'acqua nella vita quotidiana e nell'eucologio bizantino* 35-57

Water was, and still is, an essential element for life on earth, and this stands true both for mankind and animals. Quite early in their history, the Byzantines realized the importance of water for life, mainly in the countryside, where aqueducts did not reach the extremities of remote villages and monasteries. By considering the many prayers dedicated to wells and cisterns, the author has chosen some interesting and ancient texts concerning a new well and the purification of a cistern. Through an interdisciplinary approach of liturgy, which incorporates the "book of prayers" (Euchologion), archaeology, hagiography and epigraphy, we may apprehend this widespread rite of the benediction of water of the Theophanies as the backbone of all subsequent prayers used for blessing water. The provenance of these prayers is traceable to Palestine, and if the waters of the Theophanies were blessed in Jerusalem, the need for new prayers for a well and a cistern may be quite reasonably explained by the arid, desert land of Palestine and Syria, which later spread to Asia Minor.

- Alexandra Nikiforova – Tinatin Chronz**, *The Codex Sinaiticus Liturgicus Revisited: A New Edition and Critical Assessment of the Text* 59-125

This article provides a new edition of the 9th-century fragment, *Codex Sinaiticus Liturgicus* (*RNB, gr. 44*, Constantin Tischendorf's collection), with both its Greek and Arabic texts, and compares it to Greek, Greek-Arabic, and Georgian Hagiopolite Lectionaries and Tropologia from St. Catherine's Monastery on Sinai, speculating about the typology, original state, and provenance of this codex, earlier considered to be a "livre unique" and "incomparable."

- Jacopo Gnisci – Rafał Zarzeczny, S.J.**, *They Came with their Troops Following a Star from the East. A Codicological and Iconographic Study of an Illuminated Ethiopian Gospel Book* 127-189

This article offers an analysis of the text and illuminations of an Ethiopic Gospel book dating to the late fifteenth or early sixteenth century. The manuscript includes an unusual procession scene depicting the Three Magi, followed by a large retinue of soldiers, beasts of burden, and servants, which extends over several folios and is of particular interest for the study of the peripatetic life of the court of the emperors of Ethiopia.

Marco Dino Brogi, O.F.M., Normativa de S. Hierarchia (aggiornamenti dalla chiusura del Vaticano II all'istituzione della Pontificia Commissione per la revisione del CICO)

191-218

The Second Vatican Council concluded its work on December 8th 1965, while the Pontifical Commission for the revision of the Code of Oriental Canon Law (CICO) was established only on June 1972. However, some urgent needs arisen between these two dates had required urgent solution; this paper exposes the origin and development of the three documents regarding the Oriental Hierarchy issued in that period by the Holy See.

The first one is the Motu Proprio *Episcopalis Potestatis*, issued by Pope Paul VI on May 2nd 1967, for the application of *Christus Dominus* (CD) 8: while all the bishops until that day were not allowed to exempt their faithful from any pontifical law, unless they be authorised by the Supreme Authority of the Church, the Council stated that the bishop governs his eparchy "loco Dei", as "Legatus et Vicarius Christi" (see LG 27), which implies that he must also be able to exempt a person from any law, if it is required for his spiritual good. CD 8 confirmed this principle, adding however that «this never in any way infringes upon the power which the Roman Pontiff has ... of reserving cases to him or to some other authority». It was therefore necessary that a list of the reservations, if any, be addressed by the Holy See before the entering in force of *Christus Dominus*; therefore the Congregation for the Oriental Churches had been charged to study the question, and the result was the above mentioned Motu Proprio *Episcopalis Potestatis* and then entered the Code of Canons of the Oriental Churches (CCEO) can. 1538 § 1.

The second document was a Letter giving instructions about the appointment of bishops, in application of *Orientalium Ecclesiarum* 9.3 stating that «the Patriarchs with their Synod are the higher authority for all business of the patriarchate, including the right of ... nominating bishops of their rite..., without prejudice of the inalienable right of the Roman Pontiff to intervene in individual cases». It was clear that the nomination of a bishop was no more requiring any confirmation of the Pope, but it was not said how or when would he intervene, if necessary. The question was raised in April 1965 by the Melkite Patriarch, wishing to nominate four bishops, and while Pope Paul VI started to study the matter with the Secretariat of State and the Congregation for the Oriental Churches, the Synod of the Melkite Church elected in July 1965 those bishops and published their names. The study went on, involving also some Oriental Churches, and finally the Pope sent to the Oriental Congregation through the Secretariat of State the model of a letter, which was sent by Cardinal Gustavo Testa to each Patriarch on June 22nd 1966: they were asked to submit each candidate for bishopric to the Pope, asking if there be any objection on them, so that he may agree with his election (see CCEO cc. 182 § 3 e 185 § 2). The third document concerns the bishops in charge outside the territory of the patriarchate. Until the Council they were appointed by the Holy See and

took *de facto* part in the Synods of their Church, excepting the elective ones. The Council stated that «wherever a hierarch of any rite is appointed outside the territorial bounds of the patriarchate, he remains attached (in Latin: *aggregatus*) to the hierarchy of the patriarchate of that rite, in accordance with canon law». As canon law at that time had no prescription on the topic, the reference obviously was to a future law, but the question was urged once again by the Melkite Church, as the two bishops from outside the patriarchate had been convoked after the death of Patriarch Maximos IV (November 2nd 1967) to the Synod who had to elect his successor. The question was studied very attentively by the Secretariat of State and the Oriental Congregation, together with some other Organs of the Holy See and also involving some Patriarchs, until a solution was found more than a year later. Then Pope Paul VI asked the President of the Pontifical Commission for the revision of CICO and the Prefect of the Oriental Congregation to prepare a text which after his approval was released as a *Declaratio* by Prefect Cardinal de Fürstenberg on March 25th 1970. According to this Declaration, the Bishops established outside the territorial boundaries of their Patriarchate may take part in all the Synods of their patriarchate, who must convoke them. Their appointment is still reserved to the Roman Pontiff, but the Synods have the right to present three candidates for each vacant See; these directions has entered CCEO, cc. 149-150.

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