

SUMMA

THE CATHOLIC, THE BAPTIZED AND THE FAITHFUL
IN FULL COMMUNION WITH THE CHURCH

*Observations on the notion of 'Catholic' in the Code of Canon Law
(with regard to canons 11 and 96)*

ERDŐ PÉTER

The author examines the significance of the substantive 'Catholic' in the CIC. With regard to the preceding terminology of the 1917 CIC and the documents of Vatican II. The paper analyses the canons that use the term 'Catholic' in the Code in force. Except of a few canons (e. g. canon 1059) this word means those who were baptized in the Catholic Church, as well as those, who were received into it, without regard to the question if they are in full communion with the Church at the present moment. These persons are the subjects of merely ecclesiastical laws in the sense of canon 11. Canon 11 is a general interpretation canon, consequently the 'Christian faithful' mentioned in many canons equals with the term 'Catholics' in this sense. At some places, however, the text supposes the full communion with the Catholic Church as an element that has influence on the legal standing of Christians.

For these reasons the 'Catholic' in the sense of canon 11 is the true protagonist of the canonical legislation. The legislator could exempt those 'Catholics' from the obligations based on merely ecclesiastical laws (or at least from most of them) who have left the full communion with the Church. However, such an amendment, under the given historical and social circumstances and the legal uncertainty rising from it, would seem little appropriate for the effectiveness of the sacramental sign and of the visible Church.

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DIE VORGESCHICHTE DER MENSCHENRECHTLICHEN
GENERALKLAUSEL IN DER UNGARISCHEN VERFASSUNG

LÁSZLÓ SÓLYOM

Art. 8 der ungarischen Verfassung enthält eine feierliche Deklaration, nach der die Republik Ungarn sich zu den unverletzlichen und unveräußerlichen Menschenrechten bekennt. Diese Bestimmung ist dann mit der Wesensgehaltgarantie und dem