

Dispensation from the Law: The Canonical Institution

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This Article discusses dispensation: its character, effects, and proper implementation. First, the Author makes a distinction between ecclesiastical law and divine law, the basis of their differences being the Code of Canon Law, in particular and for the Article's purposes, the Code of the Latin Church.

It is contented that ecclesiastical law may be the subject matter of dispensation while divine law may never be placed under its effects and cites provisions of the Canon Law which illustrate such point. There are, however, laws of the Church which fall into neither category either by lack of consensus of experts or its unclear origins.

The competent authorities who can perform the act of dispensation are exclusive and may render the dispensation invalid if such requirement is not complied with. If the conditions exist in which an act of dispensation is justified, the Author asserts that the purpose of such dispensation should be the spiritual welfare of a person and that the judgment concerning such is to be made by the dispensing authority.