

IN MEMORIAM

John Thomas Gilchrist (1927-1992)

While travelling to Ottawa in a fierce December snowstorm, John Gilchrist was tragically killed in an automobile accident. His death, following closely the accidental bicycling death in Toronto of his friend, Michael Sheehan of the Pontifical Institute of Mediaeval Studies, was a severe blow to medieval canonistic scholarship in Canada. At his death Gilchrist was engaged in a number of major research projects: a book-length manuscript, *Law, Society, and Religion in the Age of the Investiture Controversy*; a study and edition of the late eleventh-century canonical *Collection in Four Books*; and numerous articles on such subjects as the early crusades in canon law and reform canon law collections of the Gregorian period.

Gilchrist, born in England of parents who maintained properties of the Jesuits, received his BA in history at the University of Leeds. After two years in military service, he completed work for a Diploma in Education, and in 1957 he received a PhD, the first graduate at the University of Leeds to have been awarded this degree in medieval history. Thereafter, he held professorships at the University of Adelaide in South Australia and at Trent University in Peterborough, Ontario, Canada. Gilchrist was one of the handful of doctoral students who satisfied the demanding standards of Walter Ullmann, and it was Ullmann who transmitted to him his loving scepticism of the ways of the ecclesiastical establishment and his deep concern for understanding medieval legal texts. It was also Ullmann who put Gilchrist on to the canonistic manuscript editing project for which he is and will remain best known, the edition and study of the late eleventh-century *Collection in Seventy-Four Titles*. Despite its critical importance as the first major canonical collection compiled by supporters of the eleventh-century reformers of the church, scholars were dependent for the text on Thaner's apparatus in the partial edition of the *Collectio canonum* of Anselm. Gilchrist's edition was the first major canonical collection published in the *Monumenta Iuris Canonici* edited by Stephan Kuttner, and it set a high standard for canonistic editing in that distinguished series.

Gilchrist was not simply a superb text editor; he was an accomplished historian who could interpret what his texts said. Time and again, he would make a sweep through the dozens of canonical collection he had mastered, looking for their treatment of, for example, the Jews, crusaders, economic theory, or a myriad other subjects. All of these sweeps resulted in long, fundamental articles, many in the *Zeitschrift der Savigny-Stiftung*. In the view of many scholars Gilchrist's most significant contribution to medieval history in general was his demonstration that what has usually been called the Gregorian reform of the late eleventh century was not really Gregorian as seen in the eyes of contemporary canonist. Gilchrist demonstrated this through a careful and extensive search through dozens of canonical collection written in the eleventh and twelfth centuries. In these he discovered that the

canons of Gregory VII played little role in collections of law, which one would expect to epitomize the aims of Gregory's own reforms. As a result, since Gilchrist's articles on this subject medieval historians have often labelled the Gregorian Reform the 'so-called Gregorian reform' and have cited Gilchrist's articles in support of this.

Gilchrist was never a scholar to keep his learning to himself or direct it exclusively to other scholars; he delighted in passing it on to students. At the higher levels he attempted mightily to train MA students in the fledgling graduate programme at Trent University, and his accomplishments are the envy of many a small, primarily undergraduate university and college in North America. Training graduate students alone did not satisfy Gilchrist. He was also constantly concerned that undergraduates whose linguistic abilities were limited be able to use and enjoy the Latin texts he knew so well. Thus, he put into English his own Latin edition of the *Collection in Seventy-Four Titles*, the first such text ever translated in its entirety into English. That translation has initiated, even seduced hundreds of undergraduate and graduate students into the study of medieval canon law. One of the major projects that Gilchrist designed some years back with undergraduates especially in mind was a translation of the *Decretum* of Gratian. It was one of the great disappointments of Gilchrist's life that this project he had so carefully planned came to naught owing to lack of funding and support by several historians of classical medieval canon law.

Despite this disappointment —about which he spoke with colleagues again this past summer in Germany— Gilchrist was constantly an optimist and was ever making plans for his next articles or books. Although about to retire from active service at Trent University, Gilchrist was always young at heart and intensively active in scholarship and in university affairs at Trent University and on the wider Canadian academic scene. He was never content to rest on his laurels and was ever looking to future scholarly endeavors. Sadly, we shall not enjoy the fruits of his plans for the future, but the future will always be grateful for his enormous and enduring accomplishments in medieval history and canon law, achievements that have brought great distinction to Trent University and to the academic community as a whole in Canada.

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Michael McMahon Sheehan (1925-1992)

On 23 August 1992 Michael McMahon Sheehan, C.S.B., suffered a fall from his bicycle and died soon thereafter of severe head injuries. While most of his academic colleagues were shocked by his accidental death, those close to him knew that in this accident God in his mercy had spared Father Sheehan in his long, arduous, and painful battle with cancer.

Fr. Sheehan, who studied in Toronto and at the *École pratique des Hautes Etudes* in Paris, was one of a handful of students to have received the Doctorate in Mediaeval Studies at the Pontifical Institute of Mediaeval Studies. His thesis, publis-

hed as *The Will in Medieval England* (Toronto, 1962) quickly established him among the preeminent legal historians in North America. It also led him into other fields of legal history, particularly in the areas of marriage and the family, where his on-going bibliography was a constant source of information to legal, social, and economic historians. Indeed, a recent formal citation placed him among a handful of international pioneers in those fields. Beyond his involvement in legal history, Fr. Sheehan was keenly interested in and taught early and medieval archaeology and art history.

Historians of medieval canon law will remember Fr. Sheehan's deep commitment to and involvement in the International Congresses of Medieval Canon Law. As the numbers of lay participants —Catholic, Protestant, and Jewish— in those congresses increased and clerical numbers decreased, it was Fr. Sheehan, with his edifying personal spirituality and exceptional academic talents, who encouraged the latter and made bridges between the two groups of scholars, thereby signalling that the law of the Church has been a gift to all men and women and that all are welcome in its study.

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Rafael Pérez González

El 30 de marzo de 1993, murió el P. Rafael Pérez, después de un largo año con una penosa enfermedad en el Hospital de San Juan de Dios de Zaragoza, cuando le faltaban cinco meses para cumplir los 92 años.

Nació en Las Omañas, provincia de León, el 7 de agosto de 1901. Después de estudiar latín en la preceptoría de Santiago del Molinillo, regentada por el benemérito D. Saturnino García, tomó el hábito agustiniano el 10 de septiembre de 1916. Cursó la Filosofía en Valladolid y dos años de Teología en la Vid (Burgos) completando los estudios teológicos en Roma, donde obtuvo la licencia el 2 de julio de 1926, y doctorado en Derecho canónico, el 2 de julio de 1927, en el *Angelicum*, con la tesis *Matrimonium impediens ingressum in religionem*, calificada *suma cum laude*.

Desde 1927 hasta 1931 explicó Derecho y Moral en El Escorial, pasando a explicar lo mismo en Valladolid desde 1931 hasta 1932, haciendo al mismo tiempo de pedagogo de coristas. En 1932 fue nombrado secretario provincial del P. Anselmo Polanco, al que acompañó en sus visitas a las misiones de China, Filipinas, Estados Unidos, España, misiones de Iquitos (Perú) etc. Esto lo recogió en su declaración del 7 de noviembre de 1989 para la *Positio* (exposición sobre el martirio) de Anselmo Polanco, cuya causa ha encauzado. El identificó sus restos.

En 1935 fue nombrado definidor o consejero provincial y en 1936 rector del Real Colegio Seminario de Valladolid, donde explicó Derecho canónico. En 1938 se le nombra de nuevo secretario provincial, en cuyo cargo siguió hasta 1946. En

1947 es destinado a Valladolid para explicar Derecho canónico y Moral, haciendo al mismo tiempo de maestro de coristas de 1949 y rector en 1952.

El 22 de septiembre de 1953 fue nombrado asistente general en la curia agustiniana, dando clases de Derecho Canónico y Moral en el Colegio Internacional de Santa Mónica. El 14 de mayo de 1960 fue designado consultor de la S. Congregación de Ritos, sección causas de beatificación, donde pasó a ser vicepostulador general el 19 de octubre de 1965 y promotor general de la fe el 15 de junio de 1966. Cuando le llamaban «*Abogado del Diablo*» él se consideraba «*Abogado de Dios*». Estuvo en este cargo hasta su jubilación en 1975, en que fue condecorado con la *Cruz pro Ecclesia et Pontifice*.

Siguió trabajando en algunas causas, presidiendo el tribunal de Zaragoza en 1976-1977 sobre las virtudes de sor Genoveva Torres, fundadora de las Angélicas. Hizo lo mismo en Madrid desde 1981 hasta 1984 para el proceso sobre el fundador del *Opus Dei*. Esto le proporcionó mucha popularidad y algunas entrevistas, que le comprometían, al ser alteradas a veces sus declaraciones. Trabajó en 19 beatificaciones y 14 canonizaciones, dejando listas 106 causas para ulterior beatificación. Sus aportaciones llenan 10 volúmenes. Le tocó autenticar los restos de no pocos venerables, beatos y santos. Colaboró en el proceso de canonización del Hno. Adolfo Lanzuela, de la Salle, y encauzó de nuevo la causa de la Madre Rafols, fundadora de las Anas.

El mismo afirmaba que se había capacitado más para enseñar que para escribir e investigar. Aunque dejó inédita su tesis doctoral *Matrimonium impediens ingressum in religionem*, publicó lo siguiente:

Decisiones pontificiae ad canones Codicis Iuris Canonici interpretandos (El Escorial 1928) 63 p., que habían aparecido en *Archivo Histórico Hispano-Agustiniano*, de ese año.

«Consultorio canónico-litúrgico» en *Vergel Agustiniano* 1928-1929. En esta revista publicó «El Papa rey» 14 (1929) 45-48.

«Boletín canónico» en *Religión y Cultura* 1930-1931. En esta revista agustiniana publicó «Examen de libros» 2/1 (1929) 45-48.

«Stylus et praxis» para erigir una cofradía en *Casiciaco* 104 (1955) 60-63.

«Carta (1958) [fragmento] en XXV Aniversario, Roma 23 de julio de 1933, Chalma 23 de julio de 1958, Bodas de Plata Sacerdotales del R. P. Provincial emérito y prior, lic. fray Antonio Durán, OESA, Chalma 1958.

Desde 1965 hasta 1975 escribió muchos informes como promotor general de la fe, con datos diversos, como una memoria de su vida (en latín) cuyo contenido convendrá examinar y dar a conocer. Un resumen de parte de su vida y actuaciones está, como se ha observado, en la «Positio super martyrio», *Congregatio de causis sanctorum*, P.N. 722, Terulen. *Beatificationis seu declarationis martirii servorum Dei Anselmi Polanco, etc.* (Roma 1992) 4-74.

Sabía de memoria el Código de Derecho Canónico y daba las clases deleitando. Contestó con amabilidad y correctamente a cuantos le consultaron.

Con motivo de su muerte se recibieron muchos telegramas de condolencia, como uno de la S. Congregación de las causas de los santos, otro del prelado auxiliar de Zaragoza, Mons. Carmelo Borobio, al que acompañaban 50 sacerdotes, entre los que estaban los provinciales de los agustinos y un representante del P. General de los agustinos. Sobre él apareció una reseña bastante completa en *L'Osservatore Romano* del 3 de abril de 1993, p. 7.

Que descanse en paz este benemérito canonista.

F. CAMPO DEL POZO