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## Pope Francis' Reform of Roman Curia — Continuity and Discontinuity

**Abstract:** The article deals with the reform of the Roman Curia, implemented in 2022 by the Apostolic Constitution *Praedicate Evangelium* of Pope Francis. It does not deal with the redefined structure of the Roman Curia, but places this reform in a broader historical context, with an emphasis on comparison with the previous regulations of Popes Sixtus V in 1588, Pius X in 1908, the first Code of Canon Law of 1917, and the two previous reforms after the Second Vatican Council, of Pope Paul VI in 1967 and John Paul II in 1988. It shows both the partial continuity of Pope Francis' reform and the preceding juridical regulations, as well as his new emphases, and the partial juridical discontinuity that leads to a discrepancy in canon law between the provisions of the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches, on the one hand, and Pope Francis' Apostolic Constitution, on the other. This will have to be addressed in the future, either by further changes in the structure of the Roman Curia or by amending the provisions of the two existing Codes.

**Key words:** Catholic Church, canon law, codes of canon law, Roman Curia, apostolic constitutions, legal continuity and discontinuity

### Introduction

In the study of Pope Francis' reform of the Roman Curia, two distinctly different approaches are offered: a detailed treatment of the newly introduced structure of the entire Roman Curia, with an emphasis on an analysis of the mission of its various components, or a setting of this reform in a broader historical context, with an emphasis on comparison with previous regulations.

In our article we have chosen to take the latter approach. While this method does not provide as much detailed insight into the mission and functioning of the various current components of the Roman Curia as the first possible method mentioned above, it allows us to trace trends of development that are never complete in such a living body, and even to predict areas of possible further change. Setting it in its historical context must include not only the individual regulations of the structure of the Roman Curia itself, but also their setting in the overall legislation of the Catholic Church, especially in the law of the Codes.

## 1. Structure of the Roman Curia in the period before the Second Vatican Council

In this section we will only be able to point out the main features of the legislative development in the period before the Second Vatican Council.

### 1.1. The first substantial reform — the Apostolic Constitution *Immensa aeterni Dei* of Pope Sixtus V in 1588

After a period of gradual development of the various auxiliary bodies of the Pope, the first comprehensive reform of the Roman Curia was implemented under Pope Sixtus V with his Apostolic Constitution *Immensa aeterni Dei* of 22 January 1588.<sup>1</sup> By this constitution, the Pope established 15 congregations of cardinals — we give their Latin names and their English translations, with the abbreviated names, often used in the specialized literature, supplemented in parentheses:

1. Congregatio pro Sancta Inquisitione — Congregation of the Holy Inquisition,
2. Congregatio pro Signatura Gratiae — Congregation of the Signatura of Graces,

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<sup>1</sup> In describing this reform, we draw on the treatise: A. M. STICKLER: “Le riforme della Curia nella storia della Chiesa.” In: *LA CURIA ROMANA nella Cost. Ap. «Pastor bonus»*. Eds. P. A. BONNET, C. GULLO. Città del Vaticano 1990, pp. 7–12.

3. Congregatio pro erectione ecclesiarum at provisionibus consistorialibus — Congregation for the Erection of Churches and Consistorial Provisions,
4. Congregatio pro sacris ritibus et caeremoniis — Congregation for Sacred Rites and Ceremonies,
5. Congregatio pro Indice librorum prohibitorum — Congregation of the Index of Forbidden Books,
6. Congregatio pro executione et interpretatione Concilii Tridentini — Congregation for the Execution and Interpretation of the Council of Trent (Congregation of the Council),
7. Congregatio pro consultationibus regularium — Congregation for Consultations of Regulars (Congregation of Regulars),
8. Congregatio pro consultationibus episcoporum et aliorum praelatorum — Congregation for Consultations of Bishops and of Other Prelates (Congregation of Bishops),
9. Congregatio pro Universitate Studii Romani — Congregation of the University of Roman Studies (Congregation of the Sapienza),
10. Congregatio pro typographia Vaticana — Congregation of the Vatican Press,
11. Congregatio pro ubertate annonae Status Ecclesiastici — Congregation for the Abundance of the Harvest of the Church State,
12. Congregatio pro classe paranda et servanda ad Status Ecclesiastici defensionem — Congregation for the Preparation and Preservation of the Navy for the Defense of the Church State (Congregation of the Navy),
13. Congregatio pro Status Ecclesiastici gravaminibus sublevandis — Congregation for the Public Welfare of the Church State (Congregation of the Public Welfare),
14. Congregatio pro viis, pontibus et aquis curandis — Congregation of Roads, Bridges, and Waters,
15. Congregatio pro consultationibus negotiationum Status Ecclesiastici — Congregation for Consultations of the Church State (Congregation of State Consultations).

As is evident, a full one-third of the congregations dealt with the affairs of the Papal State, not of the universal Church. Moreover, this reform was only a partial one, since it did not include all the already existing components of the papal administrative apparatus, or even all the existing congregations — including the de facto very important Congregatio de Propaganda Fide — Congregation for the Propagation of the Faith, founded as early as 1568<sup>2</sup> and also the Congregatio de rebus Graecorum — Congregation

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<sup>2</sup> A. M. STICKLER: "Le riforme della Curia nella storia della Chiesa...", p. 10.

for the Affairs of the Greeks, founded in 1573, which focused on relations with the eastern non-united Christians.<sup>3</sup>

Nevertheless, this reform shows an important direction: the congregations are constituted as the basic and most important components of the papal administrative apparatus and are entrusted to the cardinals: they were appointed by the Pope and they freely appointed other persons working in the congregation entrusted to them.<sup>4</sup>

## 1.2. Structure of the Roman Curia according to the Apostolic Constitution *Sapienti consilio* of Pope St. Pius X of 1908

In the more than 300 years since the reform of Pope Sixtus V, there have been many changes in the structure and functioning of the Roman Curia, to which the de facto dissolution of the Papal State in 1870 and the development of the missionary work of the Church have contributed significantly. It is not our intention to trace all these changes, of which there were many, but only to present briefly the new comprehensive reform of the Roman Curia, implemented by the Apostolic Constitution of Pope St. Pius X *Sapienti consilio* of June 29, 1908, which came into force on November 3, 1908.<sup>5</sup>

This reform did not affect only the congregations, but the constitution lists all the components of the Roman Curia: eleven congregations, three tribunals and five offices. We shall now also give their Latin names and the English translation, again giving in brackets the abbreviated names often used in the specialized literature:

### I. Sacrae Congregationes — Sacred Congregations:

1. Congregatio Sancti Officii — Congregation of Holy Office (presided over by the Pope),
2. Congregatio Consistorialis — Consistorial Congregation (presided over by the Pope),
3. Congregatio de disciplina Sacramentorum — Congregation for the Discipline of Sacraments,
4. Congregatio Concilii — Congregation of the Council,

<sup>3</sup> CONGREGAZIONE PER LE CHIESE ORIENTALI: 2017: *Anno del Centenario*. Roma 2017, p. 11.

<sup>4</sup> A. M. STICKLER: “Le riforme della Curia nella storia della Chiesa...,” p. 9.

<sup>5</sup> PIUS X: *Constitutio apostolica de Romana curia Sapienti consilio* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 425—440 and *Acta Apostolicae Sedis* 1 (1909), pp. 7—19.

5. Congregatio negotiis Religiosorum sodalium praeposita — Congregation for the Affairs of Religious (Congregation for Religious),
6. Congregatio de Propaganda Fide — Congregation for the Propagation of Faith,
7. Congregatio Indicis — Congregation of the Index,
8. Congregatio sacrorum Rituum — Congregation for Rites,
9. Congregatio Caeremonialis — Congregation for Ceremonial,
10. Congregatio pro Negotiis ecclesiasticis extraordinariis — Congregation for Extraordinary Ecclesiastical Affairs,
11. Congregatio Studiorum — Congregation of Studies.

#### II. Tribunalia:

1. Sacra Poenitentiaria — Sacred Penitentiary,
2. Sacra Romana Rota — Sacred Roman Rota,
3. Signatura Apostolica — Apostolic Signatura.

#### III. Officia:

1. Cancellaria Apostolica — Apostolic Chancellery,
2. Dataria Apostolica — Apostolic Datary,
3. Camera Apostolica — Apostolic Camera,
4. Secretaria Status — Secretary of the State,
5. Secretariae Brevium ad Principes et Epistolarum latinarum — Secretaries of Brevias for Princes and Latin Epistles.

In addition to these three categories of the components of the Roman Curia, other institutions are listed immediately afterwards, with a note that their existing function is unaffected: for the care of the Vatican Basilica, the Congregatio reverendae fabricae S. Petri (Congregation of the Reverend Factory of St. Peter), for the area of studies Coetus studiis provehendis sacrae Scripturae et historiae (Groups for the Study of Sacred Scripture and of History), for the area of the distribution of papal material aid, the Coetus Obulo S. Petri administrando (St. Peter's Penny Administration Group), and finally for the area of the protection of the faith in Rome, the Coetus Fidei in Urbe praeservandae (Group for Protection of the Faith in the City).

The Apostolic Constitution is supplemented by two other documents, signed by the Secretary of State Rafael Cardinal Merry del Val y Zulueta on behalf of the Pope. The first of these is the Statute for the Roman Rota and for the Apostolic Signatura (and for the advocates serving in these tribunals): the *Lex propria Sacrae Romanae Rotae et Signaturae Apostolicae* (The Proper Law of the Roman Rota and the Apostolic Signatura), containing as an appendix a schedule of court fees.<sup>6</sup> The second document

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<sup>6</sup> Pius X: *Lex propria Sacrae Romanae Rotae et Signaturae Apostolicae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 440—461 and *Acta Apostolicae Sedis* 1 (1909), pp. 20—35.

is the detailed rules of procedure for the Roman Curia: *Ordo servandus in Sacris Congregationibus Tribunalibus Officiis Romanae Curiae* (Rules of Procedure for the Sacred Congregations, Tribunals and Offices of the Roman Curia).<sup>7</sup>

The close interconnection of these three documents not only provided the necessary unified legal basis for the structure and activity of the Roman Curia but also leads to the fact that all three documents are often described jointly as the integral apostolic constitution of Pope St. Pius X and referred to as such. Their significance is sustained by their publication twice: first by promulgation in the last volume of the *Acta Sanctae Sedis* of 1908 and then, for documentary reasons, also in the first volume of the *Acta Apostolicae Sedis* of 1909.

### 1.3. Modification of the recently established structure in the 1917 Code of Canon Law

The first Code of Canon Law, promulgated only nine years after the Constitution *Sapienti consilio* of St. Pius X on 27 May 1917, with force from 19 May 1918,<sup>8</sup> contains in canons 242—264 a complete modification of the structure of the Roman Curia.

- It adopts the structure of this constitution with a few modifications:
- the previous *Congregatio Indicis* — Congregation of the Index is missing,
  - to the previous *Congregatio Studiorum* — Congregation of Studies is given a new name *Congregatio de Seminariis et Universitatibus* — Congregation for Seminaries and Universities (canon 256),
  - *Congregatio pro Ecclesia Orientali* — Congregation for the Oriental Church (presided over by the Pope himself) is added with a clear designation for the Eastern Catholic Churches (canon 257).

Since the Code of Canon Law is very broad in content, the issue of the structure and mission of the Roman Curia is not even mentioned in the promulgatory Apostolic Constitution of Benedict XV *Providentissima Mater Ecclesia*, nor in the preface (praefatio) from the pen of the

<sup>7</sup> Pius X: *Ordo servandus in Sacris Congregationibus Tribunalibus Officiis Romanae Curiae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 462—490 and *Acta Apostolicae Sedis* 1 (1909), pp. 36—108.

<sup>8</sup> *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917). *Acta Apostolicae Sedis* 9, part II (1917), pp. 1—521; *Appendix*, pp. 534—536.

chief editor of the Code, Pietro Card. Gasparri, included in some editions of the Codex.<sup>9</sup>

## 2. Reforms of the Roman Curia under Popes St. Paul VI and St. John Paul II

### 2.1. Reform of the Roman Curia by Pope St. Paul VI's Apostolic Constitution *Regimini Ecclesiae universae* of 1967

Soon after the end of the Second Vatican Council, held in 1962—1965, Pope St. Paul VI issued the Apostolic Constitution *Regimini Ecclesiae universae* on August 15, 1967, with force from January 1, 1968,<sup>10</sup> by which he reformed the Roman Curia. To understand this reform, it is useful to recall some excerpts from its introductory (unnumbered) text:

Ratio etiam, quemadmodum decet, habenda est optati Patrum Concilii Oecumenici Vaticani Secundi, quod hisce verbis est enuntiatur: «Dicasteria, quae quidem Romano Pontifici atque Ecclesiae Pastoribus eximium prae-buerunt auxilium, novae ordinationi, necessitatibus temporum, regionum ac Rituum magis aptatae, subiciantur, praesertim quod spectat ad eorundem numerum, nomen, competentiam propriamque procedendi rationem, atque inter se laborum coordinationem» (*Christus Dominus* n. 9).

Account must also be taken, as is right, of the vote of the Fathers of the Second Vatican Ecumenical Council, which is expressed in these words: “To these Dicasteries, which have undoubtedly rendered invaluable assistance to the Roman Pontiff and to the Pastors of the Church up to now, let a new order be given, more in keeping with the needs of the times, of the regions and of the Rites, especially as regards their number, denomination, competencies, practice, and the coordination of their work” (*Christus Dominus*, no. 9).

<sup>9</sup> P. GASPARRI: “Praefatio.” In: *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus praefatione Emmi Petri card. Gasparri et indice analytico-alphabetico auctus*. Roma MCMLVI, pp. XXV—LVI.

<sup>10</sup> PAULUS VI: *Constitutio apostolica de Romana Curia Regimini Ecclesiae Universae* (15.08.1967). *Acta Apostolicae Sedis* 59 (1967), pp. 885—928.

Viam autem, qua exoptata Romanae Curiae Nostrae renovatio procedere debeat, non aliam esse putamus quam eam, quae ipsius Institutorum Ecclesiae renovationis propria esse cognoscitur. Et enim, ut alteram Concilii Vaticani Secundi sessionem die XXIX Septembris anno MCMLXIII aperientes declaravimus: «renovatio, ad quam Concilium spectat, neque praesentem Ecclesiae vitam subvertere ducenda est, neque eius traditiones interscindere, in iis quae sunt potissima et venerabilia, sed potius his ipsis traditionibus honorem habere, caducis et mendosis formis exutis, atque easdem sinceras feracesque efficere velle».

Ideo, retinendos esse censemus, licet in pluribus renovandos, tres praecipuos Dicasteriorum ordines, nempe Sacrarum Congregationum, Tribunalium et Officiorum, adiunctis vero Secretariatus certa ac firma ratione conditis. Sacrorum Dicasteriorum numerus, etsi quibusdam suppressis, augetur institutione Consilii de laicis, Secretariatuum, Generalis Ecclesiae Rationarii seu Officii, ut aiunt, «statisticae».

It is clear from these texts that Paul VI, in all the changes he made, wanted to follow the path of continuity. In doing so, however, he added secretariats to the three existing main types of parts of the Roman Curia, congregations, tribunals and offices. From the terminological point of view, it is important that for the first time in a legal text the term *dicasterium* is used to refer to all the components of the Roman Curia.

The basic relationships between them and their personnel are then determined by the norms of the constitution itself:

1. § 1. Curia Romana, qua Summus Pontifex negotia Ecclesiae universae expedire solet, constat Congregationibus, Tribunalibus, Officiis et Secretariatibus.

But the path, by which the desired renewal of Our Roman Curia must proceed, we believe should not be different from that which is recognised as proper to the very renewal of ecclesiastical institutions. For, as we declared at the opening of the second session of the Second Vatican Ecumenical Council on 29 September 1963: “It is not therefore the reform, at which the Council aims, a subversion of the present life of the Church, or a break with her tradition, in what is essential and venerable in it, but rather a homage to that tradition, in the very act of stripping it of every transient and defective manifestation in order to make it genuine and fruitful.”

We therefore believe that the three main orders of Dicasteries, namely the Sacred Congregations, the Tribunals and the Offices, with the addition of the Secretariats, established with valid and solid motivation, are to be maintained, even if they are to be renewed in many respects. The number of Sacred Dicasteries, despite some suppressions, increased with the establishment of the Council of the Laity, the Secretariats, and the Statistics Office.

1. § 1. The Roman Curia, through which the Supreme Pontiff conducts the affairs of the universal Church, consists of Congregations, Tribunals, Offices and Secretariats.



§ 2. Congregationes sunt inter se iuridice pares.

§ 3. Conflictus competentiae, si qui oriantur, Signaturae Apostolicae subiciuntur.

2. § 1. Congregationes coalescunt ex Cardinalibus, quos Summus Pontifex ascribendos censuerit.

§ 2. Firmis ordinariis coetibus Patrum Cardinalium, ad pertractandas res maioris momenti et naturam principii generalis habentes, Congregationibus Plenariis intersunt, tamquam earumdem Membra, Episcopi dioecesani nominati a Summo Pontifice. Convocatio Episcoporum fieri debet ad normam Litterarum Apostolicarum *Pro comperto sane* Motu Proprio datarum die 6 augusti 1967.

Quod attinet ad S. Congregationem pro Religiosis servetur praescriptum peculiare in eodem Motu Proprio statutum sub n. V; quod vero ad S. Congregationem pro Gentium Evangelizatione, seu de Propaganda Fide, spectat, valent Normae statutae sub n. 83, §§ 2—3 huius Constitutionis.

§ 3. Congregationibus praeest et eas dirigit Cardinalis Praefectus.

§ 4. Cardinali Praefecto adiutricem operam praestant Secretarius, electus a Summo Pontifice, necnon Subsecretarius, etiam a Summo Pontifice nominatus, alique Officiales.

§ 5. Cardinales, qua Membra Congregationis, itemque Congregationum Secretarii nominantur ad quinquennium et possunt confirmari. Indigent autem confirmatione advenientis nevi Summi Pontificis, exactis ab electione tribus mensibus.

Ii vero omnes de quibus in superiore § 2 ad quinquennium nominantur, iuxta praescriptum editum in comm.

§ 2. The Congregations are juridically equal.

§ 3. Conflicts of competence which may arise are submitted to the Apostolic Signatura.

2. § 1. The Congregations are formed by Cardinals chosen by the Supreme Pontiff.

§ 2. Without prejudice to the ordinary meetings of the Cardinal Fathers, in order to deal with matters of greater importance and of a general character, diocesan Bishops appointed by the Supreme Pontiff take part in the Plenary Meetings, as Members of the same Congregations. The Bishops must be convoked according to the norms of the Motu Proprio *Pro comperto sane* of 6 August 1967.

As regards the Sacred Congregation for Religious, the particular prescription contained in no. V of the same Motu Proprio applies. As regards the Sacred Congregation for the Evangelization of Peoples, the norms contained in nos. 83 §§ 2—3 of the present Constitution apply.

§ 3. The Congregations are presided over and directed by the Cardinal Prefect.

§ 4. Assisting the Cardinal Prefect are the Secretary, chosen by the Supreme Pontiff, the Undersecretary, also appointed by the Supreme Pontiff, and other officials.

§ 5. Cardinals, as Members of a Congregation, and also the Secretaries of Congregations are appointed for a five-year term and may be confirmed. Confirmation is also required at the advent of a new Supreme Pontiff, three months after election. All those mentioned in § 2 are appointed for a five-year term in accordance with the prescriptions of no. VI

Motu Proprio diei 6 augusti 1967 sub n. VI.

5. § 1. In omnibus Dicasteriis adsunt Consultores, a Summo Pontifice ad quinquennium electi ex universo orbe terrarum, tum inter Episcopos residentiales vel titulares, tum inter clericos dioecesanos vel religiosos vere peritos, prudentia et usu rerum comprobatos, necnon, si materia alicui Dicasterio subiecta id suadeat, inter laicos virtute, scientia, experientia praestantes, praesertim ex magistris studiorum Universitatum.

§ 2. Consultores possunt confirmari ad aliud quinquennium.

§ 3. Consultatio haberi potest tum per scripta vota, Romam mittenda, tum in coetibus pro opportunitate cogendis.

§ 4. Pro negotiorum varietate praeterea Consultores audiuntur, quorum consilium necessarium vel opportunum visum fuerit.

§ 5. In singulis casibus alii ad consulendum vocari possunt qui, licet in Consultorum numero non relati, peculiari peritia rei pertractandae, commendentur.

of the above-mentioned Motu Proprio of 6 August 1967.

5. § 1. In all Dicasteries there shall be Consultors, chosen by the Supreme Pontiff for a period of five years from among the residential or titular Bishops, diocesan or religious priests who are truly experienced and of proven prudence and ability, and also, if the matter of competence of a particular Dicastery so advises, from among lay people of clear virtue, science and experience and especially from among professors of universities.

§ 2. Consultors may be confirmed for another five-year term.

§ 3. Consultation may be carried out either by writing their opinions to be sent to Rome or in meetings to be held as appropriate.

§ 4. In addition, according to the variety of the business, the word of the Consultors whose opinion seems necessary or opportune shall be sought.

§ 5. In individual cases other persons may be called for advice who, although not included in the list of Consultors, are notable for their particular competence in the matter in question.

By the above norms listed in Part I. General Norms it is legally established the parity of the congregations (and *expressis verbis* only of them) among themselves as well as the basic staffing of the individual dicasteries.

The structure of the Roman Curia was thus established very broadly:

**II. Secretaria Status seu Papalis** — Secretariat of State or Papal Secretariat and **Sacrum Consilium pro Publicis Ecclesiae negotiis** (pristina Sacra Congregatio pro Negotiis ecclesiasticis extraordinariis) — Sacred Council for the Public Affairs of the Church (former Congregation for Extraordinary Ecclesiastical Affairs).

**III. Sacrae Congregationes** — Sacred Congregations:

Cap. I. **Sacra Congregatio pro Doctrina Fidei** (pristina Sacra Congregatio Sancti Officii) — Sacred Congregation for the Doctrine of the Faith (former Sacred Congregation of Holy Office),

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- Cap. II. Sacra Congregatio pro Ecclesiis Orientalibus (pristina Sacra Congregatio pro Ecclesia Orientali) — Sacred Congregation for Oriental Churches (former Sacred Congregation for Oriental Church),
  - Cap. III. Sacra Congregatio pro Episcopis (pristina Sacra Congregatio Consistorialis) — Sacred Congregation for Bishops (former Sacred Consistorial Congregation),
  - Cap. IV. Sacra Congregatio de disciplina Sacramentorum — Sacred Congregation for the Discipline of the Sacraments,
  - Cap. V. Sacra Congregatio Rituum (pristina Sacra Congregatio sacrorum Rituum) — (former Sacred Congregation for Sacred Rites),
  - Cap. VI. Sacra Congregatio pro Clericis (pristina Sacra Congregatio Concilii) — Sacred Congregation for the Clergy (former Sacred Congregation of the Council),
  - Cap. VII. Sacra Congregatio pro Religiosis et Institutis saecularibus (pristina Sacra Congregatio negotiis Religiosorum sodalium praeposita) — Sacred Congregation for Religious and Secular Institutes (former Sacred Congregation for the Affairs of Religious),
  - Cap. VIII. Sacra Congregatio pro Institutione catholica (pristina Sacra Congregatio Studiorum nunc Congregatio de Seminariis et Universitatibus studiorum) — Sacred Congregation for the Catholic Education (former Sacred Congregation of Studies, then Sacred Congregation for Seminaries and for Studies at Universities),
  - Cap. IX. Sacra Congregatio pro Gentium Evangelizatione seu de Propaganda Fide (pristina Sacra Congregatio de Propaganda Fide) — Sacred Congregation for Evangelization of Nations or of Propaganda Fide (former Sacred Congregation of Propaganda Fide).
- IV. Secretariatus — Secretariats:
- Cap. I. Secretariatum ad Christianorum unitatem fovendam — Secretariat for the Unity of Christians
  - Cap. II. Secretariatus pro non christianis — Secretariat for Non-Christians,
  - Cap. III. Secretariatus pro non credentibus — Secretariat for Non-Believers.
- V. Consilium de Laicis — Council for the Laity and Pontificia Commissio studiosorum a «Iustitia et pace» — Papal Commission of Studies of “Iustitia et Pax,”

**VI. Tribunalia — Tribunals:**

- Cap. I. Supremum Tribunal Signaturae Apostolicae — Supreme Tribunal of the Apostolic Signatura,
- Cap. II. Sacra Romana Rota — Sacred Roman Rota,
- Cap. III. Sacra Paenitentiarum Apostolica — Sacred Apostolic Penitentiary.

**VII. Officia — Offices:**

- Cap. I. Cancellaria Apostolica — Apostolic Chancellery,
- Cap. II. Praefectura rerum oeconomicarum Sanctae Sedis — Prefecture of the Economic Affairs of the Holy See,
- Cap. III. Camera Apostolica — Apostolic Camera,
- Cap. IV. Administratio Patrimonii Apostolicae Sedis — Administration of the Patrimony of the Apostolic See
- Cap. V. Praefectura Palatii Apostolici — Prefecture of the Apostolic Palace,
- Cap. VI. Generale Ecclesiae Rationarium seu Officium Statisticae — General Sum of the Church or Office of Statistic.

**Appendix:**

1. Fabrica S. Petri — Fabric of Saint Peter,
2. Other institutions whose status remains unchanged: Bibliotheca Apostolica Vaticana (Vatican Apostolic Library), Archivum Secretum Vaticanum (Vatican Secret Archive), Typographia et Libreria Vaticana (Vatican Typography [printing press — D. N.] and the Bookshop), Officium Magistri largitionum Pont. Max. seu Eleemosynaria Apostolica (Office of the Master of Donations or Apostolic Eleemosynary), Consilium pro instrumentis communicationis socialis, ceterique Coetus permanentes Pontificii (Council for Social Communications and other Permanent Pontifical Councils), and Consilium ad exsequendam Constitutionem Concilii Vaticani II de Sacra Liturgia (Council for the Execution of the Constitution on the Sacred Liturgy of the Second Vatican Council), until it has fulfilled its task.
3. Domus Pontificia — Papal Household.
4. Secretarius vero Brevium ad Principes et Secretarius Epistolarum latinarum (Secretaries of Brevias for Princes and Latin Epistles ) shall continue to fulfil their duties each, until otherwise provided.

An annex to the Apostolic Constitution is the *Regolamento Generale della Curia Romana*.

The text of the Apostolic Constitution clearly emphasizes the principle of subsidiarity, which is underlined, among other things, by the fact that, unlike earlier regulations, the Pope does not preside over any congregation (or indeed any other dicastery) of the Roman Curia.

## 2.2. Reform of the Roman Curia by the Apostolic Constitution of St. John Paul II *Pastor bonus* of 1988

The structure of the Roman Curia underwent further changes both during the pontificate of Pope St. Paul VI and the pontificate of St. John Paul II. This necessitated another relatively early reform of the Roman Curia, which was carried out by St. John Paul II with the Apostolic Constitution *Pastor bonus*, promulgated on June 28, 1988, with force from March 1, 1989.<sup>11</sup> The Introduction of this constitution, containing (finally!) numbered sections, gives insight into the method and reasons for the setting of the changes of the curia. The two popes made use of both the special commission appointed by St. Paul VI (Introduction, no. 5) and reformed by St. John Paul II (no. 6) to determine them and by consulting within the Consistories of Cardinals and sending the prepared scheme of the new structure of the Curia to all the cardinals, the patriarchs of the Eastern Catholic Churches and the episcopal conferences for comment (no. 6); the Commission of Cardinals then prepared the revised final text.

The Introduction of the constitution itself is mainly of a theological (ecclesiological) nature. In it the Pope stressed above all the following points: the ministerial character of the ministry of the bishops and therefore of the Pope (no. 2), the relationship between collegiality and papal primacy (no. 3), the mission of the Roman Curia, including a very brief history of its development (nos. 4 and 7), its *indoles ministerialis*, ministerial character (no. 7), and its *character vicarius*, vicarious character (no. 8). From this, then, comes the personal composition of the Curia itself: almost all cardinals work in it, and not only curial ones, as well as some bishops, especially diocesan ones, and finally priests, religious (especially priests), religious sisters and lay people of both sexes (no. 9). The interconnection of the various dicasteries is due both personally to the appointment of curial cardinals to several dicasteries and also organizationally to the meetings of the presidents of the dicasteries (no. 9).

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<sup>11</sup> IOANNES PAULUS II: *Constitutio apostolica de Romana Curia Pastor bonus* (28.06.1988). *Acta Apostolicae Sedis* 80 (1988), pp. 841—923.

The connection with the particular churches is ensured by the cooperation of the bishops addressed with the particular dicasteries as well as by their visits *ad limina Apostolorum* (no. 10).

Although it is not explicitly stated, St. John Paul II follows the path of continuity in introducing changes, which is manifested by the continued use of the term *dicasterium* for all the components of the Curia, as well as by the extension and new systematization of the various types of dicasteries, where the existing types are preserved and some others are added, while the term *instituta* is used to designate organizations loosely attached to the Roman Curia without being part of it:

Art. 2 — § 1. Dicasteriorum nomine intelleguntur: Secretaria Status, Congregationes, Tribunalia, Consilia et Officia, scilicet Camera Apostolica, Administratio Patrimonii Sedis Apostolicæ, Præfectura Rerum Œconomicarum Sanctæ Sedis.

§ 2. Dicasteria sunt inter se iuridice paria.

§ 3. Institutis autem Curie Romanæ accedunt Præfectura Pontificalis Domus et Officium de Liturgicis Celebrationibus Summi Pontificis.

Art. 2 — § 1. By the word “dicasteries” are understood the Secretariat of State, Congregations, Tribunals, Councils and Offices, namely the Apostolic Camera, the Administration of the Patrimony of the Apostolic See, and the Prefecture for the Economic Affairs of the Holy See.

§ 2. The dicasteries are juridically equal among themselves.

§ 3. Among the institutes of the Roman Curia are the Prefecture of the Papal Household and the Office for the Liturgical Celebrations of the Supreme Pontiff.

A significant change is the statement that all dicasteries (not merely congregations) are legally equal. A terminological change is the deletion of the title *sacra* from the names of congregations.

The structure of the Curia, listed after Chapter I containing the general norms, is thus much richer:

**II. Secretaria Status** — Secretariate of State (Secretariat and Sacrum Consilium pro Publicis Ecclesiae negotiis — Council for the Public Affairs of the Church is incorporated in the Secretariat of State as its second section).

**III. Congregationes** — Congregations:

1. Congregatio de Doctrina Fidei — Congregation for the Doctrine of the Faith,
2. Congregatio pro Ecclesiis Orientalibus — Congregation for the Oriental Churches,
3. Congregatio de Cultu Divino et Disciplina Sacramentorum — Congregation for Divine Worship and the Discipline of the Sacraments,

4. Congregatio de Causis Sanctorum — Congregation for the Causes of Saints,
5. Congregatio pro Episcopis — Congregation for Bishops,
6. Pontificia Commissio pro America Latina — Pontifical Commission for Latin America,
7. Congregatio pro Gentium Evangelizatione — Congregation for the Evangelization of Peoples,
8. Congregatio pro Clericis — Congregation for the Clergy, at the Congregation for the Clergy there exists Pontificia Commissio de Patrimonio Artis et Historiae conservando — the Pontifical Commission for Preserving the Patrimony of Art and History,
9. Congregatio pro Institutis Vitae Consecratae et Societatibus Vitae Apostolicae — Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life,
10. Congregatio de Seminariis atque Studiorum Institutis — Congregation of Seminaries and Educational Institutions (in practice, a modified earlier name gradually became established: Congregatio pro Educatione Catholica — Congregation for Catholic Education).

#### IV. Tribunalia:

1. Paenitentiaria Apostolica — Apostolic Penitentiary,
2. Supremum Tribunal Signaturae Apostolicae — Supreme Tribunal of the Apostolic Signatura,
3. Tribunal Rotae Romanae — Tribunal of the Roman Rota.

#### V. Pontificia concilia — Pontifical Councils:

1. Pontificium Consilium pro Laicis — Pontifical Council for the Laity,
2. Pontificium Consilium ad Unitatem Christianorum Fovendam — Pontifical Council for Promoting Christian Unity,
3. Pontificium Consilium pro Familia — Pontifical Council for the Family,
4. Pontificium Consilium de Iustitia et Pace — Pontifical Council for Justice and Peace,
5. Pontificium Consilium «Cor Unum» — Pontifical Council “Cor unum,”
6. Pontificium Consilium de Spirituali Migrantium atque Itinerantium Cura — Pontifical Council for the Pastoral Care of Migrants and Itinerant People,
7. Pontificium Consilium de Apostolatu pro Valetudinis Administris — Pontifical Council for Pastoral Assistance to Health Care Workers,
8. Pontificium Consilium de Legum Textibus Interpretandis — Pontifical Council for the Interpretation of Legislative Texts,
9. Pontificium Consilium pro Dialogo inter Religiones — Pontifical Council for Inter-Religious Dialogue,



10. Pontificium Consilium pro Dialogo cum Non Credentibus — Pontifical Council for Dialogue with Non-Believers,
11. Pontificium Consilium de Cultura — Pontifical Council for Culture,
12. Pontificium Consilium de Communicationibus socialibus — Pontifical Council for Social Communications.

**VI. Officia — Offices:**

1. Camera Apostolica — Apostolic Camera,
2. Administratio Patrimonii Sedis Apostolicæ — Administration of the Patrimony of the Apostolic See,
3. Præfectura Rerum Economicarum Sanctæ Sedis — Prefecture for the Economic Affairs of the Holy See.

**VII. Cetera Curiae Romanae Instituta — Other Institutes of the Roma Curia:**

1. Præfectura Pontificalis Domus — Prefecture of the Papal Household,
2. Officium de Liturgicis Celebrationibus Summi Pontificis — Office for the Liturgical Celebrations of the Supreme Pontiff.

**VIII. Advocati — Advocates**

**IX. Institutiones Sanctae Sedi adhaerentes — Institutions Connected with the Holy See:**

Tabularium seu Archivum Secretum Vaticanum — Vatican Secret Archives,

Bibliotheca Apostolica Vaticana — Vatican Apostolic Library,

Variae Academiae, eminet Scientiarum Academia Pontificia — different Academies, among them stands out Pontifical Academy of Sciences,

Typographia Polyglotta Vaticana — Vatican Polyglot Press,

Officina libraria editoria Vaticana — Vatican Publishing House and its bookstore,

Statio Radiophonica Vaticana — Vatican Radio,

Centrum Televisificum Vaticanum — Vatican Television Centre,

Fabrica Sancti Petri — Fabric of Saint Peter's,

Eleemosynaria Apostolica — Office of Papal Charities.

**Adnexa — Appendices:**

Two appendices are attached to the text of the constitution: I. De pastorali momento Visitationis «ad limina Apostolorum», de qua in articulis a 28 to 32 (Pastoral Significance of the Visit “ad limina Apostolorum,” to Arts. 28—32) and II. De Apostolicæ Sedis adiutoribus uti laboris Communitate, de qua in articulis a 33 to 36 (The Collaborators of the Apostolic See as a Work Community, to Arts. 33—36).



### 2.3. Changes since 1988 prior to the pontificate of Pope Francis

During the pontificates of St. John Paul II and Benedict VI, namely, from 1988 to 2013, there were a large number of modifications of the Roman Curia.<sup>12</sup> These consisted either in transfers of competences from one dicastery to another, that is, without changing the structure of the Curia (we do not list these here), or in modifications of this structure. However, only in a minority of the modifications of the structure has there been an amendment of the Apostolic Constitution *Pastor bonus* itself.

Therefore, we list here only the largest of the modifications to the structure of the Curia<sup>13</sup>:

- John Paul II's *motu proprio Ecclesia Dei* of 2 July 1988, which established the Pontifical Commission *Ecclesia Dei* for the Priestly Fraternity of St Peter;
- John Paul II's *motu proprio Ecclesiae orientalis* of 15 January 1993 changed the existing Pontifical Commission "Pro Russia" into Commissio Interdicasterialis Stabilis pro Ecclesia in Europa Orientali — Permanent Inter-Dicasterial Commission for Eastern Europe;
- John Paul II's *motu proprio Inde a Pontificatus* of March 25, 1993, by which the Pontifical Council for Dialogue with Non-Believers is joined to the Pontifical Council for Culture and the Pontificia Commissio de Patrimonio Artis et Historiae conservando — the Pontifical Commission for Preserving the Patrimony of Art and History is renamed Pontificia Commissio de Ecclesiae Bonis Culturalibus — the Pontifical Commission for the Cultural Heritage of the Church;
- Benedict XVI's *motu proprio Ecclesiae unitatem* of 2 July 2009, by which the Commission Ecclesia Dei is joined to the Congregation for the Doctrine of the Faith;

<sup>12</sup> More professional articles deal with the reforms of the structure of the Roman Curia in particular subject areas, e.g. in the teaching function, in the care of the poor or migrants, and in the organization of the economic dicasteries; see: A. ROMANKO: "Reforma Urzędu Informacji Finansowej i Instytutu Dziej Religijnych." *Prawo kano-niczne* 59/3 (2016), pp. 123—142 and M. MENKE: "Dykasteria ds. Komunikacji w struk-turze Kurii Rzymskiej." *Kościół i Prawo* 24/2 (2022), pp. 9—25, <https://doi.org/10.18290/kip22112.1>. A summary description of the entirety of the changes can be found in the article: A. ROMANKO: "Reformy Římské kurie po vyhlášení Kodexu kanonického práva z roku 1983 do Apoštolské konstituce Praedicate evangelium." *Revue církevního práva — Church Law Review* 91/2 (2023), pp. 51—62.

<sup>13</sup> For the sake of readability of the article, references to these documents are given only in the bibliography.

- the motu proprio of Benedict XVI. *Ubicumque et semper* of 21 September 2010, established the Pontifical Council for the New Evangelization;
- the motu proprio of Benedict XVI *La Sede Apostolica* of 30 December 2010 established the new dicastery Autorità di Informazione Finanziaria — Financial Reporting Authority and promulgated its statutes.

### 3. Integral Reform by the Apostolic Constitution of Pope Francis Praedicate *Evangelium*

#### 3.1. Preparation of the reform under the pontificate of Pope Francis

Only a month after his election, Pope Francis announced on 13 March 2013, that he has established a group of cardinals to advise him in the government of the universal Church and to study a plan for revising the Apostolic Constitution on the Roman Curia, *Pastor bonus*, taking up a suggestion that emerged during the General Congregations preceding the Conclave.<sup>14</sup> He transformed this group into the Council of Cardinals on 28 September 2013.<sup>15</sup>

The Pope also introduced many changes in the structure of the Curia, from which it was evident that what was to be expected was not amendments to the existing much changed and no longer transparent Apostolic Constitution *Pastor bonus*, but the creation and promulgation of a new apostolic constitution.<sup>16</sup> First, it was a series of measures linked to the economy and finance:

- chirograph of 24 June 2013, by which he established the Commission on the “Vatican Bank”;
- chirograph of 18 July 2013, by which he established the Pontifical Commission for the Organization of the Economic and Administrative Structure of the Holy See;

<sup>14</sup> *Comunicato della Segreteria di Stato* (13.04.2013). *Bolletino Sala Stampa della Santa Sede*, <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2013/04/13/0223/00502.html> [accessed 16.08.2024].

<sup>15</sup> FRANCISCUS: *Chirographum quo instituitur Consilium Cardinalium ad adiuvandum Romanum Pontificem in Universali Ecclesia gubernanda adque suscipiendum consilium emendationis Constitutionis Apostolicae «Pastor Bonus» de Curia Romana* (28.09.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 875—876.

<sup>16</sup> For the sake of readability of the article, references to these documents are again given only in the bibliography.

- motu proprio *La promozione* of 8 August 2013 establishing, among others, the Committee for Financial Security as part of the anti-money laundering measures;
- motu proprio *Fidelis dispensator et prudens* of 24 February 2014, by which he established three new economic departments: the Council for Economic Affairs, the Secretariat for Economic Affairs and the Auditor General;
- motu proprio *Confermando una tradizione plurisecolare* of 8 July 2014, by which he transferred the Ordinary Section for the Administration of the Assets of the Apostolic See to the Secretariat for Economic Affairs, and a year later, on 22 February 2015, he promulgated their statutes;

- motu proprio *I beni temporari* of 4 July 2016 by which he clarified the competences of the Apostolic See's property management bodies.

Pope Francis also implemented a number of modifications to the structure of the Roman Curia, most notably with the following documents:

- by the motu proprio *L'attuale contesto comunicativo* of 27 June 2015 he established the Secretariat for Communication and promulgated its Statute the following year on 6 September 2016;
- by the motu proprio *Sedula Mater* of August 15, 2016 he established the Dicastery for the Laity, Family and Life and at the same time promulgated its statute approved on June 4, 2016;
- by the motu proprio *Humanam progressionem* published two days later, on 17 August 2016, he established the Dicastery for the Service of Integral Human Development and published its statute, dated the same day;
- by the motu proprio *Sanctuarium in Ecclesia* of February 11, 2017, he transferred competences regarding shrines to the Pontifical Council for the New Evangelization;
- by the *Ex audientia* rescript of 23 June 2018, he changed the name of the Secretariat for Communication to the Dicastery for Communication;
- by the motu proprio *Da oltre trent'anni* of 17 January 2019, he abolished the Commission *Ecclesia Dei*;
- by the motu proprio *Fidem servare* of 11 February 2022 he changed the structure of the Congregation for the Doctrine of the Faith by establishing its two sections — doctrinal and disciplinary.

It came as a surprise to not a few canonists that some of the newly created parts of the Roman Curia bore the name *dicasterium*, which was (and still is) used as a general and indeterminate term for all components of the Roman Curia.

### 3.2. Implementation of the integral reform by the Apostolic Constitution *Praedicate Evangelium* of 2022

Pope Francis implemented the long-awaited and desired integral reform of the Roman Curia with the Apostolic Constitution *Praedicate Evangelium* of March 19, 2022.<sup>17</sup> In view of the changes in the structure of the Curia that have taken place so far and are still in progress, in accordance with the Apostolic Constitution, it has been somewhat unusually established that the Constitution will come into *full* force on 5 June 2022 (final Art. 250).

In the rather long general text of the Introduction (numbered I) and the Principles and Criteria for the Service of the Roman Curia (numbered II) its theological background is summarized. In addition to the usual emphasis on the understanding of the Church as a community (I, 4), the ministerial and vicarious nature of the Curia (I, 8 and II, 5), and the mission to support the bishops with emphasis on the principle of subsidiarity (II, 3), there are many new aspects. Above all, there is a great emphasis on the Church's evangelizing mission to the world (I, 1) and therefore also on missionary conversion (I, 2) and on the missionary mission understood in a broad sense, not only as *missio ad gentes* (I, 3,) and on the fact that every Christian is a missionary (I, 10). In the area of cooperation between the Pope and the bishops, emphasis is placed on cooperation not only with the bishops' conferences, but also with their groupings and with the Eastern hierarchical structures (I, 7—9 and II, 4), which were not mentioned in the previous apostolic constitutions. This connection is marked no longer as an expression of collegiality (implicitly referred to in I, 5) but as an expression of synodality (I, 4).

A completely new element is the emphasis on the spirituality of the curia staff (II, 6) and on the personal integrity and professionalism associated with it (II, 7), while this staff is to represent the diversity in the Church,

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<sup>17</sup> FRANCISCUS: *Costituzione apostolica sulla Curia Romana e il suo servizio alla Chiesa nel mondo Praedicate Evangelium* (19.03.2022). *Acta Apostolicae Sedis* 114 (2022), pp. 375—455.

Although the Latin title *Constitutio apostolica Praedicate Evangelium de Curia Romana eiusque servitio pro Ecclesia et mundo* is given in the *Acta Apostolicae Sedis*, and although its Latin text is also given on the Apostolic See's website at [https://www.vatican.va/content/francesco/la/apost\\_constitutions/documents/20220319-constitutio-ap-praedicate-evangelium.html](https://www.vatican.va/content/francesco/la/apost_constitutions/documents/20220319-constitutio-ap-praedicate-evangelium.html) [accessed 17.08.2024], the Constitution itself was promulgated in the Italian language and is also given in that wording in the *Acta Apostolicae Sedis*. Therefore, we have used the Italian name of the Constitution (except the bibliography) and will continue to quote from its Italian text, especially in the case of the names of the components of the Roman Curia.

including the diversity of cultures (II, 10). The General Norms (numbered III) specify that the staff is to be chosen not only from the clergy but also from the laity (Arts. 14—16). Time limits are also placed on the staff: appointment for a period of five years and the ceasing to hold office on reaching the age of 80, while prefects and secretaries are obliged to offer their resignation on reaching the age specified in the *Regolamento Generale della Curia Romana*. Clerical officials and members of institutes of consecrated life generally return to their local churches and communities after five years of service, which is intended to prevent clericalism and careerism (Art. 17).<sup>18</sup> The previously established principle that the *sede vacante* ceases to hold office for all the heads of curial institutions, except for the Grand Penitentiary and the Almoner of His Holiness (Art. 18), is observed.

Since in determining the structures of the Curia it is necessary to respond to current stimuli, other official documents clarifying or regulating the structure and competences of the Roman Curia were issued shortly after the entry into force of this Constitution. However, it is beyond the scope of this article to discuss even these.

### 3.3. Structure of the Roman Curia according to the Apostolic Constitution *Praedicate evangelium*

The new structure is also based on the principle of reduction of dicasteries, as set out in text II, 11:

Si è reso necessario ridurre il numero dei Dicasteri, unendo tra loro quelli la cui finalità era molto simile o complementare, e razionalizzare le loro funzioni con l'obiettivo di evitare sovrapposizioni di competenze e rendere il lavoro più efficace.

It has been necessary to reduce the number of the Dicasteries, unifying those whose purpose was very similar or complementary, and streamlining their functions with the aim of avoiding an overlap of competencies and improving the effectiveness of their work.

It should be noted that here the term *dicasterium* is used to refer to each component of the Roman Curia. In the rest of the constitution, however, the term is used in a narrower sense, effectively including the earlier congregations and pontifical councils, as shown in no. 12:

<sup>18</sup> Here I should like to point out that even the laity is not immune to careerism and a certain form of clericalism, as witnessed, among other things, by the experience of bishops' conferences and of some curia of local churches.

## Art. 12

§ 1. La Curia Romana è composta dalla Segreteria di Stato, dai Dicasteri e dagli Organismi, tutti giuridicamente pari tra loro.

§ 2. Con la dicitura Istituzioni curiali si intendono le unità della Curia Romana di cui al § 1.

§ 3. Sono Uffici della Curia Romana la Prefettura della Casa Pontificia, l'Ufficio delle Celebrazioni Liturgiche del Sommo Pontefice e il Camerlengo di Santa Romana Chiesa.

## Art. 12

§ 1. The Roman Curia is composed of the Secretariat of State, the Dicasteries and other Institutions, all juridically equal among themselves.

§ 2. The expression “curial institutions” is understood to mean the various components of the Roman Curia referred to in § 1.

§ 3. Among the Offices of the Roman Curia are the Prefecture of the Papal Household, the Office for the Liturgical Celebrations of the Supreme Pontiff and the Camerlengo of the Holy Roman Church.

This provision implies both an amended general designation of all the components of the Curia by the term “curial institution” and an amended definition of the types of components of the Roman Curia, as the following overview shows:

IV. Segreteria di Stato (in quanto Segreteria papale) — Secretariat of State (as the Papal Secretariat).

V. Dicasteri — Dicasteries:

1. Dicastero per l'Evangelizzazione (è presieduto direttamente dal Romano Pontefice) — Dicastery for Evangelization (is presided over directly by the Roman Pontiff),
2. Dicastero per la Dottrina della Fede — Dicastery for the Doctrine of the Faith,
3. Dicastero per il Servizio della Carità (chiamato anche Elemosineria Apostolica) — Dicastery for the Service of Charity (also known as the Office of the Papal Almoner),
4. Dicastero per le Chiese orientali — Dicastery for the Eastern Churches,
5. Dicastero per il Culto Divino e la Disciplina dei Sacramenti — Dicastery for Divine Worship and the Discipline of the Sacraments,
6. Dicastero delle Cause dei Santi — Dicastery for the Causes of Saints,
7. Dicastero per i Vescovi — Dicastery for Bishops,
8. Dicastero per il Clero — Dicastery for the Clergy,
9. Dicastero per gli Istituti di Vita Consacrata e le Società di Vita Apostolica — Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life,
10. Dicastero per i Laici, la Famiglia e la Vita — Dicastery for the Laity, the Family and Life,

11. Dicastero per la Promozione dell'Unità dei Cristiani — Dicastery for Promoting Christian Unity,
12. Dicastero per il Dialogo Interreligioso — Dicastery for Interreligious Dialogue,
13. Dicastero per la Cultura e l'Educazione — Dicastery for Culture and Education,
14. Dicastero per il Servizio dello Sviluppo Umano Integrale — Dicastery for Promoting Integral Human Development,
15. Dicastero per i Testi legislativi — Dicastery for Legislative Texts,
16. Dicastero per la Comunicazione — Dicastery for Communication.

**VI. Organismi di giustizia — Institutions of Justice:**

1. Penitenzieria Apostolica — Apostolic Penitentiary,
2. Supremo Tribunale della Segnatura Apostolica — Supreme Tribunal of the Apostolic Signatura,
3. Tribunale della Rota Romana — Tribunal of the Roman Rota.

**VII. Organismi economici — Institutions of Finance:**

1. Consiglio per l'economia — Council for the Economy,
2. Segreteria per l'economia — Secretariat for the Economy,
3. Amministrazione del Patrimonio della Sede Apostolica — Administration of the Patrimony of the Apostolic See,
4. Ufficio del Revisore Generale — Office of the Auditor General,
5. Commissione di Materie Riservate — Commission for Confidential Matters,
6. Comitato per gli Investimenti — Committee for Investments.

**VIII. Uffici — Offices:**

1. Prefettura della Casa Pontificia — Prefecture of the Papal Household,
2. Ufficio delle Celebrazioni Liturgiche del Sommo Pontefice — Office for the Liturgical Celebrations of the Supreme Pontiff,
3. Camerlengo di Santa Romana Chiesa — Camerlengo of the Holy Roman Church.

**IX. Avvocati — Advocates:**

1. Albo degli Avvocati presso la Curia Romana — Register of Advocates of the Roman Curia,
2. Corpo degli Avvocati della Santa Sede — Corps of Advocates of the Holy See.

**X. Istituzioni collegate con la Santa Sede — Institutions Associated with the Holy See:**

1. L'Archivio Apostolico Vaticano — Vatican Apostolic Archive,
2. Biblioteca Apostolica Vaticana — Vatican Apostolic Library,
3. Fabbrica di San Pietro — Fabric of Saint Peter,
4. Pontificia Commissione di Archeologia Sacra — Pontifical Commission for Sacred Archaeology,



5. Different Accademies, among which stand out the Pontificia Accademia delle Scienze, la Pontificia Accademia delle Scienze Sociali e la Pontificia Accademia per la Vita — Pontifical Academy of Sciences, the Pontifical Academy of Social Sciences and the Pontifical Academy for Life,
6. Agenzia della Santa Sede per la Valutazione e la Promozione della Qualità delle Università e Facoltà Ecclesiastiche (AVEPRO) — Agency for the Evaluation and Promotion of Quality in Ecclesiastical Universities and Faculties,
7. Autorità di Supervisione e Informazione Finanziaria — Supervisory and Financial Information Authority.

Apart from the introduction of the term *dicasterium* in a narrower sense and its application to the hitherto differently-named components of the Roman Curia, it is striking to those familiar with the tradition of the structure of the Curia that the Dicastery for the Doctrine of the Faith is not listed first (which corresponded to the principle that one must first be clear about what doctrine of the Church is to be proclaimed), but the Dicastery for Evangelization is listed first, which corresponds both to the title of this Apostolic Constitution and to the priorities of Pope Francis. Another change is the large number of Curia components dedicated to economic administration: while this corresponds to the current calls for economic transparency in the administration of the Apostolic See's property, it can easily lead, on the other hand, to a certain lack of clarity in the mission and competences of the different components, which may contradict the principle of the reduction of the Dicasteries and the clear definition of their competences, expressed in the text of II.10 of this Constitution.

It can therefore be stated that the reform of the structure of the Roman Curia, implemented by Pope Francis, follows the path of limited continuity — or, to say the opposite, of limited discontinuity.

#### 4. Comparison of the structure of the Roman Curia according to the Apostolic Constitution *Praedicate Evangelium* with the 1983 Code of Canon Law and with the 1990 Code of Eastern Churches

The Code of Canon Law of 1983<sup>19</sup> speaks of the Roman Curia explicitly in a unique canon:

<sup>19</sup> *Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983). *Acta Apostolicae Sedis* LXXV (1983), pars II, I—320, correctiones: *Appendix de die 22 Septembris 1983*, pp. 321—324.



**Can. 360** — Curia Romana, qua negotia Ecclesiae universae Summus Pontifex expedire solet et qua nomine et auctoritate ipsius munus explet in bonum et in servitium Ecclesiarum, constat Secretaria Status seu Papali, Consilio pro publicis Ecclesiae negotiis, Congregationibus, Tribunalibus, aliisque *Institutis*, quorum omnium constitutio et competentia lege peculiari definiuntur.

**Can. 360** — The Supreme Pontiff usually conducts the affairs of the universal Church through the Roman Curia which performs its function in his name and by his authority for the good and service of the churches. The Roman Curia consists of the Secretariat of State or the Papal Secretariat, the Council for the Public Affairs of the Church, congregations, tribunals, and other institutes; the constitution and competence of all these are defined in special law.

In the Code of Canons of Eastern Churches<sup>20</sup> we do not find a corresponding general text on the Roman Curia.

Compared to the Code text, we see several inconsistencies:

1. The Council for the Public Affairs of the Church was incorporated by the Apostolic Constitution of St. John Paul II *Pastor Bonus* into the Secretariat of State as its second section, so that it ceased to exist as a separate dicastery. This discrepancy has not yet been corrected despite two subsequent apostolic constitutions on the Roman Curia.
2. The Code clearly speaks of congregations, but they are not included in Pope Francis' Apostolic Constitution of 2022. Congregations of Roman Curia are clearly referred to in the 1983 Code of Canon Law in canons 1362, 1709, and 1710; in the Code of Canons of the Eastern Churches there are no mention about such congregations, because the Eastern Catholic Churches are under a unique congregation — the Congregation for the Oriental Churches. This discrepancy has not been corrected too.
3. But there is a far greater discrepancy as to the meaning of the term *dicasterium*. The 1983 Code of Canon Law, in full conformity with the canonical tradition codified in the Apostolic Constitution of St. Paul VI *Regiminis Ecclesiae universae* of 1967, as well as in the Apostolic Constitution of St. John Paul II *Pastor bonus* of 1988, uses it as a general and indefinite designation of every component of the Roman Curia — see canons 64, 354, 1445. It is used in the same way in the Code of Canons of the Eastern Churches in canons 45, 48, 1056 and 1386. Instead of this term, the Apostolic Constitution *Praedicate Evangelium* uses the term “curial institution,” which, however, does not appear in the Codex Law.

<sup>20</sup> *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990). *Acta Apostolicae Sedis* 82 (1990), pp. 1033—1064.

These divergences cause a lack of consistency in the canon law of the Catholic Church, bearing in mind that the primary collections of canon law are the 1983 Code of Canon Law and the 1990 Code of Canons of the Eastern Churches. Therefore, extra-canonical norms should either be in conformity with these Codes or amend them in an appropriate manner, which has not happened and which, in my opinion, remains a task for the Pope, which will probably only be implemented by a successor to the Pope Francis (ideally by his first successor).

## Conclusion

The reform of the Roman Curia by the Apostolic Constitution of Pope Francis *Praedicate Evangelium*, on the one hand, follows the existing development of the modifications of the structure and mission of the Roman Curia, but it also partly departs from them.

It introduces new accents that have not yet been included in the adaptations of the Roman Curia: A great emphasis on the Church's evangelizing mission to the world, missionary conversion and missionary mission, as well as on the fact that every Christian is a missionary; in the area of cooperation between the Pope and the bishops, an emphasis on cooperation not only with the episcopal conferences but also with their groupings and with the Eastern hierarchical structures, which were not mentioned in the previous Apostolic Constitutions; and the use of the term *synodality* instead of the previously used *collegiality*; and, above all, significant changes regarding the personnel of the Curia.

There are several new elements in the area of the curia staff: emphasis on the spirituality of the curia staff as well as on personal integrity and professionalism; the staff is to represent the diversity in the Church, including the diversity of cultures; the staff is to be selected not only from the clergy but also from the laity. Time limits for staff are amended: appointment for five years, ceasing to hold office on reaching the age of 80, prefects and secretaries are required to offer their resignation on reaching the age specified in the *Regolamento Generale della Curia Romana*. Officials from the ranks of clerics and members of institutes of consecrated life generally return to their local churches and communities after five years of service, which is intended to prevent clericalism and careerism. The traditional principle that *sede vacante* all heads of curial institutions cease to hold office, with the exception of the Grand Penitentiary and the Almoner of His Holiness, is observed.

The emphasis on the evangelizing mission of the Church was reflected not only in the title of the Apostolic Constitution, but also by placing the Dicastery for Evangelization first, before the Dicastery for the Doctrine of the Faith.

The discontinuity is evident in the change of the general designation of the components of the Curia: the term *curial institution* is now used instead of the term *dicasterium*. The term *dicasterium* is given a new, narrower meaning: it refers to the parts of the Curia replacing the former congregations and pontifical councils, which is also a sign of discontinuity. These changes, however, have created quite a significant inconsistency between this Apostolic Constitution and the general law of the Church, especially between the Codices, where both the Western and the Eastern Codes use the term *dicasterium* in its previous meaning, that is, as a general and indeterminate designation of any component of the Roman Curia; in addition, the Western Codex speaks of the Congregations of the Roman Curia, which no longer exist after Pope Francis' reform. Nor has canon 360 of the 1983 Code of Canon Law been modified, which continues to speak of the Council for the Public Affairs of the Church, which was already by the constitution of St. John Paul II *Pastor bonus* of 1988 incorporated into the Secretariat of State. These discrepancies are all the more serious because both the Western and the Eastern Code of Canon Law are the primary collections of canon law, while changes have been made by way of extra-canonical norms without harmonizing these legal arrangements. This remains a task that probably awaits a successor to Pope Francis; our desire is that his first successor should do so.

## Bibliography

(The documents of the same ecclesiastical authority are arranged chronologically)

BENEDICTUS XVI: *Epistulae apostolicae motu proprio datae Ecclesiae unitatem* (2.07.2009). *Acta Apostolicae Sedis* 101 (2009), pp. 710—711.

BENEDICTUS XVI: *Litterae apostolicae motu proprio datae Ubicumque et semper quibus Pontificium Consilium de Nova Evangelizatione Promovenda constituitur* (21.09.2010). *Acta Apostolicae Sedis* 102 (2010), pp. 788—792.

BENEDICTUS XVI: *Litterae apostolicae motu proprio datae La Sede Apostolica per la prevenzione ed il contrasto delle attività illegali in campo finanziario e monetario* (30.12.2010). *Acta Apostolicae Sedis* 103 (2011), pp. 7—8.

- BENEDICTUS XVI: *Statuto dell'Autorità di Informazione Finanziaria (AIF)* (30.12.2010). *Acta Apostolicae Sedis* 103 (2011), pp. 9—13.
- Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990). *Acta Apostolicae Sedis* 82 (1990), pp. 1033—1064.
- Codex iuris canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983). *Acta Apostolicae Sedis* LXXV (1983), pars II, I—320, correctiones: *Appendix de die 22 Septembris 1983*, pp. 321—324.
- Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus* (27.05.1917). *Acta Apostolicae Sedis* 9, part II (1917), pp. 1—521, *Appendix*, pp. 534—536.
- Comunicato della Segreteria di Stato* (13.04.2013). *Bolletino Sala Stampa della Santa Sede*, <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2013/04/13/0223/00502.html> [accessed 16.08.2024].
- CONGREGAZIONE PER LE CHIESE ORIENTALI: 2017: *Anno del Centenario*. Roma 2017.
- FRANCISCUS: *Chirographum quo instituitur Consilium Cardinalium ad adiuvandum Romanum Pontificem in Universali Ecclesia gubernanda adque suscipiendum consilium emendationis Constitutionis Apostolicae «Pastor Bonus» de Curia Romana* (28.09.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 875—876.
- FRANCISCUS: *Chirographum quo constituitur Commissio circa Institutum pro Operibus Religionis* (24.06.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 635—636.
- FRANCISCUS: *Chirographum quo Pontificia Commissio pro ordinatione structurae oeconomicae-administrativae Sanctae Sedis instituitur* (18.07.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 707—708.
- FRANCISCUS: *Litterae apostolicae motu proprio datae De vitandis pecunia sordide parta, nummariis rebus ad tromocratiam fovendam et accumulatione armorum ingentis destructionis* (8.08.2013). *Acta Apostolicae Sedis* 105 (2013), pp. 811—814.
- FRANCISCUS: *Litterae apostolicae motu proprio datae Fidelis dispensator et prudens ad Novum Consilium instituendum pro Coordinatione Rerum Oeconomicarum ac Administratoriarum Sanctae Sedis Civitatisque Vaticanae* (24.02.2014). *Acta Apostolicae Sedis* 106 (2014), pp. 164—165.
- FRANCISCUS: *Statuti dei nuovi organismi economici* (22.02.2015). *Communicationes* 47 (2015), pp. 25—44.
- FRANCISCUS: *Litterae apostolicae motu proprio datae Confermando una tradizione plurisecolare de translatione Sectionis Ordinariae Administrationis Patrimonii Apostolicae Sedis ad Secretariam de Re Oeconomica* (8.06.2014). *Acta Apostolicae Sedis* 106 (2014), pp. 618—620.
- FRANCISCUS: *Lettera apostolica in forma di motu proprio L'attuale contesto quibus Secretaria pro Communicatione conditur* (27.06.2015). *Acta Apostolicae Sedis* 107 (2015), pp. 591—592.
- FRANCISCUS: *Statuta Segretariae pro Communicatione conditae Litteris Apostolicis Motu Proprio datis “L'attuale contesto” quae antea publici iuris factae sunt* (6.09.2016). In *Acta Apostolicae Sedis* 108 (2016), pp. 1051—1058.
- FRANCISCUS: *Litterae apostolicae motu proprio datae I beni temporali de nonnullis officiis in rem oeconomicam-nummariam* (4.07.2016). *Acta Apostolicae Sedis* 106 (2016), pp. 862—865.

- FRANCISCUS: *Litterae apostolicae motu proprio datae Sedula Mater quibus Dicasterium pro Laicis, Familia et Vita constituitur* (15.08.2016). *Acta Apostolicae Sedis* 108 (2016), p. 963.
- FRANCISCUS: *Statutum novi Dicasterii pro Laicis, Familia et Vita* (4.06.2016). *Acta Apostolicae Sedis* 108 (2016), pp. 964—967.
- FRANCISCUS: *Litterae apostolicae motu proprio datae Humanam Progressionem quibus Dicasterium ad integram humanam progressionem fovendam constituitur* (17.08.2016). *Acta Apostolicae Sedis* 108 (2016), p. 968.
- FRANCISCUS: *Statutum novi Dicasterii ad Integram Humanam Progressionem Fovendam* (17.08.2016). *Acta Apostolicae Sedis* 108 (2016), pp. 969—972.
- FRANCISCUS: *Litterae apostolicae motu proprio datae Sanctuarium in Ecclesia quibus competentiae de Sanctuariis ad Pontificium Consilium de Nova Evangelizatione Promovenda transferuntur* (11.02.2017). *Acta Apostolicae Sedis* 109 (2017), pp. 335—338.
- FRANCISCUS: *Rescriptum ex Audientia Ss.mi: Rescritto del Santo Padre con il quale ha deciso che la Segreteria per la Comunicazione si chiami d'ora in poi "Dicastero per la Comunicazione"* (23.06.2018), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2018/06/23/0476/01039.htm> [accessed 17.08.2024].
- FRANCISCUS: *Litterae apostolicae motu proprio datae Da oltre trent'anni de suppressenda Pontificia Commissione «Ecclesia Dei»* (17.01.2019). *Acta Apostolicae Sedis* 111 (2019), pp. 111—113.
- FRANCISCUS: *Litterae apostolicae motu proprio datae Fidem servare con la quale viene modificata la struttura interna della Congregazione per la Dottrina della Fede* (11.02.2022). *Acta Apostolicae Sedis* 114 (2022), pp. 287—289.
- FRANCISCUS: *Constitutio apostolica Praedicate Evangelium de Curia Romana eiusque servitio pro Ecclesia in mundo* (19.03.2022). *Acta Apostolicae Sedis* 114 (2022), pp. 375—455.
- GASPARRI P.: "Praefatio." In: *Codex iuris canonici Pii X Pontificis Maximi iussu digestus Benedicti Papae XV auctoritate promulgatus praefatione Emmi Petri card. Gasparri et indice analytico-alphabetico auctus*. Roma MCMLVI, pp. XXV—LVI.
- IOANNES PAULUS II: *Constitutio apostolica de Romana Curia Pastor bonus* (28.06.1988). *Acta Apostolicae Sedis* 80 (1988), pp. 841—923.
- IOANNES PAULUS II: *Litterae apostolicae motu proprio datae quibus Commissio quaedam ad plenam ecclesialem communionem Fraternitatis sacerdotalis a sancto Pio X sodalium vel eidem coniunctorum expediendam instituitur Ecclesia Dei* (2.07.1988). *Acta Apostolicae Sedis* 80 (1988), pp. 1495—1498.
- IOANNES PAULUS II: *Litterae apostolicae motu proprio datae Europae Orientalis quibus Pontificia Commissio «Pro Russia» in Commissionem Interdicasterialem Stabilem pro Ecclesia in Europa Orientali immutatur* (15.01.1993). *Acta Apostolicae Sedis* 85 (1993), pp. 309—310.
- IOANNES PAULUS II: *Litterae apostolicae motu proprio datae Inde a Pontificatus quibus Pontificium Consilium de Cultura et Pontificium Consilium pro Dialogo cum non credentibus in unum rediguntur* (25.03.1993). *Acta Apostolicae Sedis* 85 (1993), pp. 549—552.

- MENKE M.: “Dykasteria ds. Komunikacji w strukturze Kurii Rzymskiej.” *Kościół i Prawo* 24/2 (2022), pp. 9—25, <https://doi.org/10.18290/kip22112.1>.
- PAULUS VI: *Constitutio apostolica de Romana Curia Regimini Ecclesiae Universae* (15.08.1967). *Acta Apostolicae Sedis* 59 (1967), pp. 885—928.
- PIUS X: *Constitutio apostolica de Romana curia Sapienti consilio* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 425—440 and in *Acta Apostolicae Sedis* 1 (1909), pp. 7—19.
- PIUS X: *Lex propria Sacrae Romanae Rotae et Signaturae Apostolicae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), pp. 440—461 and *Acta Apostolicae Sedis* 1 (1909), pp. 20—35.
- PIUS X: *Ordo servandus in Sacris Congregationibus Tribunalibus Officiis Romanae Curiae* (29.06.1908). *Acta Sanctae Sedis* 41 (1908), 462—490 and *Acta Apostolicae Sedis* 1 (1909), pp. 36—108.
- ROMANKO A.: “Reforma Urzędu Informacji Finansowej i Instytutu Dziej Religijnych.” *Prawo kanoniczne* 59 (2016) no. 3, pp. 123—142.
- ROMANKO A.: “Reformy Římské kurie po vyhlášení Kodexu kanonického práva z roku 1983 do Apoštolské konstituce Praedicate evangelium.” *Revue církevního práva — Church Law Review* 91/2 (2023), pp. 51—62.
- STICKLER A.M.: “Le riforme della Curia nella storia della Chiesa.” In: *LA CURIA ROMANA nella Cost. Ap. «Pastor bonus»*. Eds. P. A. BONNET, C. GULLO. Città del Vaticano 1990, pp. 1—15.

DAMIÁN NĚMEC

## La réforme de la Curie romaine introduite par le Pape François : continuité et discontinuité juridique

### Résumé

Cet article examine la réforme de la Curie romaine mise en œuvre en 2022 par la constitution apostolique *Praedicate evangelium* du Pape François. Il ne se concentre pas sur la forme de la structure redéfinie de la Curie romaine, mais situe cette réforme dans un contexte historique plus large, en insistant sur la comparaison avec les réglementations antérieures des papes Sixte V en 1588, Pie X en 1908, le premier Code de droit canonique de 1917 ainsi que deux réformes postérieures au Concile Vatican II, celles du Pape Paul VI en 1967 et de Jean-Paul II en 1988. L'article met en évidence à la fois la continuité partielle de la réforme du Pape François avec les réglementations antérieures et ses nouvelles orientations, ainsi que la discontinuité juridique partielle qui entraîne des divergences dans le droit canonique entre les dispositions du Code de droit canonique de 1983 et du Code des canons des Églises orientales de 1990, d'une part, et la constitution apostolique du Pape François, d'autre part. Ces divergences devront être résolues à l'avenir, soit par de nouvelles modifications dans la structure de la Curie romaine, soit par des changements dans les dispositions des deux codes existants.

**Mots-clés :** Église catholique, droit canonique, codes de droit canonique, Curie romaine, constitutions apostoliques, continuité et discontinuité juridique

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DAMIÁN NĚMEC

## La riforma della Curia romana introdotta da Papa Francesco: continuità e discontinuità giuridica

### Riassunto

Quest'articolo analizza la riforma della Curia romana attuata nel 2022 dalla costituzione apostolica *Praedicate evangelium* di Papa Francesco. Non si concentra sulla forma della struttura ridefinita della Curia romana, ma colloca questa riforma in un contesto storico più ampio, con particolare attenzione al confronto con le precedenti regolamentazioni dei papi Sisto V del 1588, Pio X del 1908, il primo Codice di diritto canonico del 1917, nonché con due riforme successive al Concilio Vaticano II, quelle di Papa Paolo VI del 1967 e di Giovanni Paolo II del 1988. L'articolo evidenzia sia la continuità parziale della riforma di Papa Francesco con le precedenti regolazioni giuridiche e i suoi nuovi accenti, sia la discontinuità giuridica parziale, che porta a divergenze nel diritto canonico tra le disposizioni del Codice di diritto canonico del 1983 e del Codice dei canoni delle Chiese orientali del 1990, da un lato, e la costituzione apostolica di Papa Francesco, dall'altro. Queste divergenze dovranno essere risolte in futuro, o mediante ulteriori modifiche nella struttura della Curia romana, o attraverso cambiamenti nelle disposizioni dei due codici esistenti.

**Parole chiave:** Chiesa cattolica, diritto canonico, codici di diritto canonico, Curia romana, costituzioni apostoliche, continuità e discontinuità giuridica