

RESEARCH ARTICLE

The New Reform of the Roman Curia: Hopes of Decentralization and a New Style of Papal Leadership

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Abstract

The Roman Curia is the body of institutions that assist the pope in his ministry as supreme pastor of the Catholic Church. The much-awaited reform of the curia, by means of the Apostolic Constitution *Praedicate Evangelium*, gave rise to strong hopes of decentralization and efficiency at the Vatican and the church. However, a close reading of this new norm does not immediately lead to concluding that any more ecclesiastical competences of the Holy See have been transferred to particular churches. Instead, the reform may be characterized as a decentralization of procedures, rather than competences, and a passionate call for the spiritual conversion and professionalism of Vatican officials. The reform is also in line with the type of synodal church that Pope Francis announced from the beginning of his pontificate, in which decisions are made after listening to everyone who is affected by that decision and by everyone who has something to contribute to the discussion. In this article, the author offers, for readers who are not experts in the law or doctrine of the Catholic Church, a discussion of the main changes brought by the reform, their significance, and possible consequences, as well as some recent changes introduced after the election of Pope Leo.

Keywords: *Praedicate Evangelium*; Roman Curia; Holy See; Vatican; Catholic Church; decentralization

The authority of the pope has been, historically, a point of friction among Christian denominations. Paul VI acknowledged that the pope was, without a doubt, the biggest obstacle on the way to ecumenism.¹ John Paul II declared that he had a responsibility to “find a way of exercising the primacy which, while in no way renouncing what is essential to its mission, is nonetheless open to a new situation.”² Further, papal jurisdiction is sometimes regarded as a hurdle to the legitimate exercise of the Catholic bishops’ own authority in particular churches, such as dioceses or eparchies. In recent decades, the scope and extent of papal power has also been a subject of discussion in the context of attempts to hold the Holy See accountable for acts of sex abuse by clergy, under domestic and international law.

¹ Paul VI, *Discours aux membres du secrétariat pour la promotion de l’unité des chrétiens* [Speech on ecumenism and its obstacles] (April 28, 1967), https://www.vatican.va/content/paul-vi/fr/speeches/1967/april/documents/hf_p-vi_spe_19670428_unione-cristiani.html.

² John Paul II, *Ut Unum Sint* [On commitment to ecumenism] (May 25, 1995), *Acta Apostolicae Sedis*, no. 87 (1995): 921–82, § 95.

Because the Roman Curia is one of the main instruments through which the pope carries out his pastoral ministry and exercises his universal jurisdiction, any reforms of the curia and, especially, any decentralizing measures, are relevant to questions such as whether any Orthodox or reformed churches may, in the future, accept to be in full communion with Rome and on which terms.³ It is also relevant to whether it can truly be said that the autonomy of bishops immunizes the Holy See from liability for wrongful acts committed by those under the direct authority of those bishops. Furthermore, very few in the church dispute today the primacy of the pope, as defined in the First Vatican Council, a definition regularly reasserted in doctrinal documents.⁴ Therefore, it is easier to criticize the Roman Curia, instead, without sounding too controversial.⁵

The reform of the curia through the apostolic constitution *Praedicate Evangelium* of 2022 addressed some of the abovementioned criticisms regarding excessive centralization and inefficiency.⁶ Nevertheless, the reform seems to have meant different things to different people. For Vatican officials and experts in canon law, the law of the church, it was mostly necessary to improve coordination among curial institutions and to codify all the partial reforms of the curia that had already taken place from the time of Francis's election in 2013, but also before.⁷ For progressive theologians, the reform may have been a missed opportunity to implement a conciliarist interpretation of the theology of the episcopate in the Second Vatican Council.⁸ Finally, for Francis himself, the reform was perhaps just one more way to push his agenda for co-responsibility and a synodal church "marked by reciprocal listening" (*Praedicate Evangelium*, preamble, number 4).

In the first year after his election, in what is sometimes seen as the document that embodied the entire program of his pontificate, Francis wrote that he was "conscious of the need to promote a healthy decentralization." He added that "[t]he papacy and the central structures of the universal Church also need to hear the call to pastoral Conversion. The Second Vatican Council stated that, like the ancient patriarchal Churches, episcopal conferences are in a position 'to contribute in many and fruitful ways to the concrete realization of the collegial spirit.' Yet this desire has not been fully realized ... Excessive centralization, rather than proving helpful, complicates the Church's life and her missionary outreach."⁹ More hints about the meaning of this "healthy decentralization" can be found elsewhere in

³ Juan Ignacio Arrieta, "Presupposti organizzativi della riforma della Curia Romana" [Organizational prerequisites for the reform of the Roman Curia], *Ius Ecclesiae* 27, no. 1 (2015): 37–60, at 54.

⁴ Pius IX, Dogmatic Constitution *Pastor Aeternus* [On papal primacy and infallibility] (July 18, 1870), *Acta Sanctae Sedis*, no. 6 (1870–1871): 40–47.

⁵ Gilles Routhier, "Une décentralisation salutaire ou une révision en profondeur du gouvernement de l'Église catholique?" [A beneficial decentralization or a profound revision of the governance of the Catholic Church?], *Théologiques* 27 no. 2 (2019): 37–57, at 39–43; Thomas Reese, *Inside the Vatican* (Cambridge, MA: Harvard University Press, 1996), 279–83.

⁶ Francis, *Praedicate Evangelium* [On the Roman Curia and its service to the church in the world] (March 19, 2022), https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html. An apostolic constitution is the most solemn form of papal decree and is used to enact new religious legislation for the entire church or to universally proclaim an essential religious doctrine.

⁷ Antonio Viana, "Elementos de la futura reforma de la curia romana prevista por el papa Francisco" [Elements of the future reform of the Roman Curia planned by Pope Francis], *Ius Canonicum* 54, no. 108 (2016): 271–99, at 273–77; Hugo H. Capello, "El Papa Francisco y la reforma de la Curia Romana" [Pope Francis and the reform of the Roman Curia], *Anuario Argentino de Derecho Canónico*, no. 24 (2018): 183–200, at 193–200.

⁸ Gregorio Delgado, "Se cabalga en la contradicción" [They ride on contradiction], *Religión Digital* September 9, 2022, https://www.religiondigital.org/libertad_en_todo-gregorio_delgado/cabala-contradiccion-reforma-curia_7_2485921396.html.

⁹ Francis, *Evangelii Gaudium* [On the proclamation of the Gospel in today's world] (November 24, 2013), *Acta Apostolicae Sedis* 105, no. 12 (2013): 1032, §§ 16, 32; Isabelle de Gaulmyn, "La réforme de la curie" [The reform of the curia], *Pouvoirs* 3, no. 162 (2017): 35–46, at 37.

Francis's magisterium, with his skepticism toward an "immoderate desire for total change without sufficient reflection or grounding, to an attitude that would solve everything by applying general rules."¹⁰

These quotations show how Francis disliked not only an overreliance on legal norms in the life of the church but also on universal canonical norms that may not be appropriate for the immense variety of situations in different parts of the world and that may be better addressed by local pastors and local ecclesiastical legislators.

In several interviews and speeches after his election, Francis also made a list of "ailments of the curia," such as feeling indispensable, lack of sensibility and coordination, gossip, obsequiousness toward one's bosses, cliques, and careerism. He also mentioned some solutions and guidelines for the reform, like collaboration, collegiality, consultation, synodality, listening, training, austerity, and service. Significantly, he added that dicasteries should be mediators, not entities for censorship.¹¹

And yet, *Praedicate Evangelium* did not make sweeping changes. The new apostolic constitution organically assembled the reforms that had already taken place in the Roman curia from 2014 to 2022. Its preamble and its section on principles and criteria also show interesting innovations, even though their legal value is less clear.¹² Many of its articles did incorporate elements of decentralization in the governance of the universal church. Furthermore, it has an interpretative and guiding value for the entire system of canon law, even though its constitutional dimension would only be indirect in so far as, first, the curia is just an instrument of papal primacy, so it is the pope and not the curia who governs the universal church; second, the governance of the universal church is in the hands of both the pope and the College of Bishops; and third, the one and only Catholic church comes into being "in and from" particular churches, in a relationship of mutual interiority.¹³ Therefore, it would be a mistake to see a reform at the top of the church as a reform of the entire church.¹⁴

On the other hand, trying to understand or to describe the structure of a religious organization like the church, using categories taken from constitutional law—such as federalism versus the unitary state—has the risk of simplifying or denaturalizing a community of believers with its own goals and characteristics and maybe analyzing everything through the narrow prism of conflict between center and periphery.¹⁵ The church is not a

¹⁰ Francis, *Amoris Laetitia* [On love in the family] (March 19, 2016), *Acta Apostolicae Sedis*, 108, no. 4 (2016): 311–446, § 2.

¹¹ Interview with Antonio Spadaro, *La Civiltà Cattolica*, August 19, 2013, https://www.vatican.va/content/francesco/en/speeches/2013/september/documents/papa-francesco_20130921_intervista-spadaro.html; Francis, Address to the Roman Curia (December 22, 2014), https://www.vatican.va/content/francesco/en/speeches/2014/december/documents/papa-francesco_20141222_curia-romana.html; Juan Ignacio Arrieta, "La reforma de la curia romana [The reform of the Roman Curia]," in *Verdad, justicia y caridad: volumen conmemorativo del 50º aniversario de la Asociación Española de Canonistas* [Truth, justice and charity: commemorative volume for the 50th anniversary of the Spanish Association of Canonists], ed. Lourdes Ruano Espina et al. (Madrid: Dykinson, 2019), 29–41, at 37.

¹² Manuel Ganarín, "Praedicate Evangelium di Papa Francesco, sulla riforma della Curia Romana [Praedicate Evangelium of Pope Francis on the reform of the Roman Curia]," *Centro Studi Rosario Livatino*, April 5, 2022, section 2, <https://www.centrostudilivatino.it/praedicate-evangelium-di-papa-francesco-sulla-riforma-della-curia-romana/>.

¹³ Second Vatican Council, *Lumen Gentium* [On the nature and mission of the church] (November 21, 1964), *Acta Apostolicae Sedis*, no. 57 (1965): 5–75, § 23; *Praedicate Evangelium*, article 4; Ángel Marzoa et al., eds., *Comentario exegético al código de derecho canónico* [Exegetical commentary on the Code of the Canon Law] (Pamplona: Euns, 1997), volume 2, part 1, at 682 (commentary to canon 368).

¹⁴ Massimo del Pozzo, "Una lettura 'strutturale' di 'Praedicate Evangelium'" [A "structural" reading of *Praedicate Evangelium*], *Stato, Chiese e pluralismo confessionale*, no. 13 (2022): 47–94, at 49, 93.

¹⁵ Joël Benoît d'Onorio, *Le pape et le gouvernement de l'Eglise* [The pope and the government of the church] (Paris: Editions Fleurus Tardy, 1992), 78; Carlo Cardia, s.v. "Principio de subsidiariedad [Subsidiarity principle]," in *Diccionario general de derecho canónico* [General dictionary of canon law], ed. Antonio Viana et al., 8 vols. (Pamplona: Euns, 2012), 7:430.

state but it cannot be properly equated to a nongovernmental organization either, despite some seeming similarities like their voluntary work and charitable activities.¹⁶ However, sometimes it is canon lawyers themselves who are responsible for such misunderstandings, with their tendency to introduce the same terminology of state legal systems into the wording of ecclesiastical norms and in their analysis.¹⁷

The Origins and Evolution of the Roman Curia

The central government of the church has changed significantly over time, sometimes emphasizing centralization and others decentralization.¹⁸ The curia itself is a product of history, not revelation or management theory.¹⁹ During the first thousand years there were just individual collaborators of the pope—for the most part, clergy from the diocese of Rome—and various *collegii*, which helped the bishop of Rome in his developing role as central authority in the church and as monarch of the Papal States.

Such groups of collaborators are at the origin of the College of Cardinals. The curial reforms of Gregory VII and Urban II (eleventh century) are a milestone in the evolution of this college and of the Consistory, which progressively became a formal meeting of cardinals frequently called and presided over by the pope to give him advice and help him in decision making. At this time, it also became more frequent that the pope would delegate power to other individuals or bodies, as did the practice of hearing appeals regarding ecclesiastical disputes originating in particular churches. Further, the temporal and spiritual jurisdiction of the different bodies of the curia often overlapped or were not easily distinguished.²⁰

The Avignon Papacy (1309–1376) sophisticated the curia but its increasing power also made it more prone to clientelism and nepotism. This papacy in exile may have also symbolized that the pope was mainly the sovereign of all Christians, assisted by a papal curia, rather than being just the bishop of Rome, assisted by a diocesan curia.²¹ Later, the Western Schism (1378–1417) meant a diminution of the powers of the College of Cardinals, which assumed a more consultative role. However, by this time the curia also consolidated into more stable commissions.

With the apostolic constitution *Immensa aeterni Dei* of 1588, Sixtus V gave the curia competences and structure meant to respond to the Protestant reformation. This structure has continued to the present day, with a system of fifteen congregations—now commonly called dicasteries—with five cardinals each, with the authority to make collegial decisions in ordinary matters, although the most important ones have to be deferred to the pope.²² The distinction between the executive and judicial functions of the dicasteries was blurred, a

¹⁶ “Pope Francis Warns Church Could Become “Compassionate NGO,” BBC News, March 14, 2013, <https://www.bbc.com/news/world-europe-21793224>; Arrieta, “La reforma de la curia romana,” 48.

¹⁷ Matteo Carnì, *La responsabilità civile della diocesi per i delitti commessi dai presbiteri. Profili canonistici e di diritto ecclesiastico* [The civil liability of the diocese for crimes committed by priests: canonical and ecclesiastical perspectives] (Turin: Giappichelli, 2019), 283.

¹⁸ Congregation for the Doctrine of the Faith, *The Primacy of the Successor of Peter in the Mystery of the Church* (October 31, 1998), § 12 https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19981031_primato-successore-pietro_en.html; Brian Tierney, “Modelos históricos del papado” [Historical models of the papacy], *Concilium*, no. 108 (1975): 207–18, at 207; Adriano Garuti, s.v. “Primado del Romano Pontífice” [Primacy of the Roman pontiff], in Viana et al., *Diccionario general de derecho canónico*, 6:452–57.

¹⁹ Reese, *Inside the Vatican*, 109.

²⁰ Juan Ignacio Arrieta, s.v. “Curia Romana,” in Viana et al., *Diccionario general de derecho canónico*, 2:862–71, at 862.

²¹ Norman Tanner, “La reforma de la curia romana a través de la historia” [The reform of the Roman Curia throughout history], *Concilium*, no. 353 (2013): 17–28, at 21.

²² Sixtus V, *Immensa aeterni Dei* [On the structure and competences of the Roman curia] (January 22, 1588), *Bullarium Romanum* 8 (Turin, 1863), 985–99.

problem that persists today and whose cause may be the absence of a clear separation of powers in the church, if a religious organization can or should be based on such a principle.²³

It is impossible to deny the centralizing effect of the Gregorian and subsequent reforms of the curia but, in the seventeenth and eighteenth centuries, the pope found himself with little control over particular churches, like in feudal times, due to the increasing authority of absolutist kings in religious matters, as a result of doctrines such as Regalism, Gallicanism, Febronianism, and, oftentimes, anti-curial or anti-Roman sentiment.²⁴

The extent of and reasons for such centralization have been the subject of much scholarly debate. The thesis of Paolo Prodi, one of the most influential historians of the papacy in this period, is that the main goal of popes during modern times was to consolidate territorial power in Italy and that the Roman curia was the instrument they used to that effect, even if it conflated the spiritual and temporal power of the pope and diverted resources from purely spiritual goals, like the implementation of the tridentine reform.²⁵ The influence of this thesis cannot be overstated and a good part of the historiography on the modern papacy can be divided into those who support and those who criticize Prodi.²⁶ Among the critics, A. D. Wright believes that such an Italian-centered vision of the evolution of the papacy may simply reveal a tradition in Italian historiography and politics, from Machiavelli to the Risorgimento, that sees the papacy as the main obstacle to the unity of Italy. Contrary to Prodi's view, Wright believes that the increasing role of the Holy Office and of other congregations, such as Propaganda Fide, show the interest of the pope to exercise his universal pastoral role and to meet the challenges of the Reformation and of the application of tridentine decrees.²⁷

The loss of the Papal States in 1870 simplified the curia because it no longer had to deal with the burden of running a real country. Then, Pius X approved *Sapienti Consilio* in 1908, where there is, for instance, a degree of separation of powers, in that it left judicial matters to the tribunal of the Roman Rota.²⁸ Additionally, specific norms for each dicastery were enacted. These norms and subsequent reforms of Benedict XV were codified in the first code of canon law, of 1917.

The teachings and norms of the Second Vatican Council (1962–1965) to some extent corrected the centralizing thrust that was characteristic of church governance during the second millennium.²⁹ Paul VI, influenced by the council's doctrine on collegiality and the autonomy of the episcopate, approved *Regimini Ecclesiae Universae* in 1967.³⁰ At this time, the members of the curia also became more international, after having been predominantly Italians for centuries.³¹ Some lay individuals were also hired. John Paul II promulgated *Pastor*

²³ Gianfranco Ghirlanda, "La costituzione apostolica *Praedicate Evangelium* sulla curia romana" [The apostolic constitution *Praedicate Evangelium* on the Roman Curia], *Periodica de re canonica* 111, no. 3 (2022): 355–420, at 395.

²⁴ Klaus Schatz, *Papal Primacy: From Its Origins to the Present* (Collegeville: Liturgical Press, 1996), 185–97; Massimo Faggioli, "The Roman Curia at and after Vatican II: Legal-Rational or Theological Reform?," *Theological Studies* 76, no. 3 (2015): 550–71, at 551.

²⁵ Paolo Prodi, *The Papal Prince: One Body and Two Souls: The Papal Monarchy in Early Modern Europe* (Cambridge: Cambridge University Press, 1987), 182–85.

²⁶ Miles Pattenden, *Electing the Pope in Early Modern Italy, 1450–1700* (Oxford: Oxford University Press, 2017), 2–3.

²⁷ A. D. Wright, *The Early Modern Papacy: From the Council of Trent to the French Revolution, 1564–1789* (London: Routledge, 2013), 111.

²⁸ Pius X, *Sapienti consilio* [On the structure and competences of the Roman Curia] (June 29, 1908), *Acta Apostolicae Sedis*, no. 1 (1909): 7–19.

²⁹ Massimo del Pozzo, "La Curia romana y el principio de subsidiariedad [The Roman Curia and the principal of subsidiarity]," *Ius Canonicum* 63, no. 125 (2023): 47–97, at 66.

³⁰ *Regimini ecclesiae universae* [On the structure and competences of the Roman Curia] (August 15, 1967), *Acta Apostolicae Sedis*, no. 59 (1967): 885–928.

³¹ Massimo Faggioli, "Reforma de la curia en el Vaticano II y después del Vaticano II [Reform of the Curia during Vatican II and after Vatican II]," *Concilium*, no. 353 (2013): 693–703, at 701.

Bonus in 1988, elaborating on the need to make the curia an instrument to ensure that the church is a communion of churches and that any ecclesiastical authority is a pastoral ministry, not a mere exercise of power.³² Since the enactment of *Pastor Bonus*, the norms pertaining to the competences and organization of the curia have been reformed on many occasions, in accordance with the priorities of each pope.³³

The need and the desire for better institutional coordination at the central government of the church was expressed during the General Congregations of Cardinals that preceded the conclave of 2013, when Francis was elected pope.³⁴ Many inside and outside the curia agreed with the need for reform, given the streak of scandals, leaks, and coordination failures that took place during the last period of the pontificate of Benedict XVI.³⁵

After his election, Francis created the Council of Cardinals—sometimes called C9—which had a first draft ready in 2018.³⁶ The text of *Praedicate Evangelium* was subject to a broad process of consultation among the dicasteries of the curia, episcopal conferences, patriarchates and synods of Eastern churches, conferences of major superiors of religious orders, diplomatic missions of the Holy See, and some pontifical universities.³⁷ The Council of Cardinals revised the text in 2020, and the Congregation for the Doctrine of the Faith and the Pontifical Council for Legislative Texts, gave their own input that same year.³⁸

Praedicate Evangelium was finally promulgated by Francis on March 19, 2022 and entered into force on June 5, 2022. The final text and its official publication were not exempt from mistakes, notably article 93, on the possibility of celebrating the mass in accordance to the rite that existed prior to the reform of 1970 but that Pope Francis had abolished in 2021.³⁹

There are other canonical norms regulating the curia, in addition to *Praedicate Evangelium*. The code of canon law of 1983 describes the curia and its functions in canons 360 and

³² *Pastor Bonus* [On the structure and competences of the Roman Curia] (June 28, 1988), *Acta Apostolicae Sedis*, no. 80 (1988): 841–930.

³³ Juan Ignacio Arrieta, “La nuova organizzazione della curia romana” [The new organization of the Roman Curia], *Ius Ecclesiae* 34, no. 2 (2022): 419–34, at 419; Fernando Puig, “Considerazioni su tre sviluppi giurico-organizzativi della curia romana dopo la *Pastor Bonus*” [Considerations on three juridical-organizational developments of the Roman curia after the *Pastor Bonus*], *Ius Ecclesiae* 30, no. 1 (2018): 307–24, at 308. Some of the most important modifications to *Pastor Bonus* were introduced by two apostolic letters: Apostolic Letter *Inde a Pontificatus* [the Pontifical Council for Culture and the Pontifical Council for Dialogue with Non-Believers are united] (March 25, 1993), *Acta Apostolicae Sedis*, no. 85 (1993): 549–52; Apostolic Letter *Ubicumque et Semper* [establishing the Pontifical Council for promoting the new evangelism] (September 21, 2010), *Acta Apostolicae Sedis* 102, no. 11 (2010): 788–92.

³⁴ Sala Stampa della Santa Sede, Briefing sulla ottava e sulla nona congregazione generale del collegio cardinalizio [Holy See Press Office, Briefing on the eighth and ninth general congregations of the College of Cardinals] (March 9, 2013), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2013/03/09/0142/00359.html>.

³⁵ Juan Vicente Boo, *El papa de la alegría* [The pope of joy] (Barcelona: Espasa, 2016), 181–83; Viana, “Elementos de la futura reforma de la curia romana prevista por el papa Francisco,” 272; Arrieta, “La reforma de la curia romana,” 30; Kurt Martens, “The Reform of the Roman Curia at the Service of the New Evangelization,” *Jurist* 75, no. 197 (2015): 197–228, at 226; Gaulmyn, “La réforme de la curie,” 37.

³⁶ Francis, Chirograph by which a council of cardinals is established to assist the holy father in the governance of the universal church and to study possible revisions of the apostolic constitution “*Pastor Bonus*” on the roman curia (September 28, 2013), https://www.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco_20130928_chirografo-consiglio-cardinali.html.

³⁷ Bollettino Sala Stampa della Santa Sede, Intervento di S.E. mons. Marco Mellino (March 21, 2022), no. 0192, 10–11; Cindy Wooden, “Pope, Council of Cardinals Meet Online to Discuss Curia Reform,” *National Catholic Reporter*, October 14, 2020, <https://www.ncronline.org/vatican/pope-council-cardinals-meet-online-discuss-curia-reform>.

³⁸ Vatican News, “Council of Cardinals Revising New Apostolic Constitution,” February 19, 2020, <https://www.vaticannews.va/en/pope/news/2020-02/council-of-cardinals-revising-new-apostolic-constitution.html>.

³⁹ Ganarin, “*Praedicate Evangelium* di Papa Francesco, sulla riforma della Curia Romana,” section 1.

361, whereas the code of 1917 devoted twenty-three canons to it (canons 242–64).⁴⁰ Additionally there is the new *Regolamento Generale della Curia Romana* and the *Regolamento del personale della Curia Romana*, both of 2025; the *Ordo Servandus*, or particular rules of each of the institutions of the curia and specific norms concerning new functions that the pope may attribute or delegate from time to time.⁴¹

The Roman Curia as an Instrument of Papal Authority

The Roman Curia “consists of the Secretariat of State ... congregations, tribunals, and other institutes” (canon 360) that assist the Roman pontiff in the governance of the universal church (that is, in the religious matters that affect the entire community of Catholics); in the governance of other ecclesiastical entities like international religious orders; and, exceptionally, in the direct governance of particular churches.

The Roman pontiff and the curia are considered a single canonical legal entity referred to as Holy See or Apostolic See (canons 113, 1 and 361).⁴² However, Italian law understands that certain bodies of the curia are legal entities on their own and enjoy immunities of their own.⁴³ The Holy See also has international legal personality, which is different from that of the Vatican City State, whose only purpose and reason to exist is to guarantee the freedom of the Holy See vis à vis states. The Vatican City State also provides the Holy See with the minimum stability and logistical apparatus needed to function properly, although their distinct personality in international law is controversial, more so because the government of the Vatican City State—the *governatorato*—and the Holy See are not physically separate, the competences of some of their bodies overlap and because the conduct of the Holy See *ad extra* sometimes contributes to this confusion.⁴⁴

The College of Cardinals is not part of the curia (canon 349). Neither is the Synod of Bishops (canon 342), created by Paul VI in 1965 as an institution that represents the whole Catholic episcopate and whose function is to provide assistance and advice to the pope and to promote a closer union between the pope and the bishops.⁴⁵ The College of Bishops is also not part of the curia, nor is the curia competent for the College of Bishops, which is, together with its head, the pope, “also the subject of supreme and full power over the universal Church,” which it exercises in a solemn manner in the ecumenical council (canons 336 and 337).⁴⁶

⁴⁰ *Codex Iuris Canonici* (1983), https://www.vatican.va/archive/cod-iuris-canonici/cic_index_sp.html; *Sacrae Discipline Legis* [Apostolic constitution for the promulgation of the Code of Canon Law] (January 25, 1983), *Acta Apostolicae Sedis* 75, no. 2 (1983): 1–355.

⁴¹ Leo XIV, *Rescriptum ex Audientia Sanctissimi* of the Secretary of State, *Regolamento generale della curia romana* (RGCR) [On the procedural norms of the Roman Curia] (November 23, 2025), *L'Osservatore Romano*, no. 270 (November 24, 2025), special supplement, 1–2; Leo XIV, *Rescriptum ex Audientia Sanctissimi* of the Secretary of State, *Regolamento del personale della Curia Romana* [On the personnel regulations of the Roman Curia] (November 23, 2025), *L'Osservatore Romano*, no. 270 (November 24, 2025), special supplement, 3–10.

⁴² Arrieta, “Curia Romana,” 866.

⁴³ Lateran Treaty (February 11, 1929), *Acta Apostolicae Sedis*, no. 21 (1929): 209–95, art. 11.

⁴⁴ James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 2006), 221–33; Ioanna Cismas, *Religious Actors and International Law* (Oxford: Oxford University Press, 2014), 155; Arrieta, “Presupposti organizzativi della riforma della Curia Romana,” 55; Francis, *Legge Fondamentale dello Stato della Città del Vaticano* [Fundamental law of the Vatican City State] (May 13, 2023), https://www.vatican.va/content/francesco/it/motu_proprio/documents/20230513-legge-fond-scv.html; Francis, *Legge sul Governo dello Stato della Città del Vaticano* [Law on the government of the Vatican City State] (November 25, 2018), https://www.vatican.va/content/francesco/it/motu_proprio/documents/papa-francesco-20181125_leggegoverno-cittadelvaticano.html.

⁴⁵ Paul VI, *Apostolica Sollicitudo* [Establishing the Synod of Bishops] (September 15, 1965), *Acta Apostolicae Sedis*, no. 57 (1965): 775–80, §§ I and II; Second Vatican Council, *Christus Dominus* [On the pastoral ministry of bishops] (October 28, 1965), *Acta Apostolicae Sedis*, no. 58 (1966): 579–97, § 5.

⁴⁶ Ghirlanda, “La costituzione apostolica Praedicate Evangelium sulla curia romana,” 370.

Other institutions such as the Secret Archive, the Vatican Publishing House or *Radio Vaticana* are not part of the Roman curia but neither do they belong to the Vatican City State. Finally, although any power that the curia has, arises from the fact that the pope is the bishop of Rome, the Roman curia must be distinguished from the curia of the diocese of Rome.

Governance in the church is mainly the task of clergy, whose authority is often called *sacra potestas*—the power necessary to carry out the triple sacerdotal function of teaching, sanctifying and governing. In addition to preaching and celebrating the sacraments, governing includes the power to make rules and decisions in ecclesiastical matters and charity work. This is called power of governance or power of jurisdiction (canons 129 and 135), which may also be held by the lay faithful. However, governing in the church can also simply take the form of pastoral counseling, advice, or exhortation, without any binding power on the rights and obligations of the faithful.⁴⁷

Curial institutions have power of governance of an executive or judicial nature. In principle, only the pope has legislative power to approve or derogate universal canonical norms, unless he delegates that function in specific cases. For instance, the pope can delegate to an organ of the curia its legislative power to issue universal canonical norms in a certain area, or delegate that same power to an episcopal conference to issue norms applicable in a certain country. Delegation is different from the case where a curial institution issues a norm and this norm later receives a specific approval from the pope (canon 30; *Pastor Bonus*, article 18; *Praedicate Evangelium*, article 30). Delegation is also different from the case of universal canonical norms granting or devolving competences to bishops or to episcopal conferences, in which case bishops or episcopal conferences would be exercising their own competences and in their own name.

Most importantly, the power of the curia is “vicarious” because it “does not operate by its own right or on its own initiative. It receives its power from the Roman Pontiff and exercises it within its own essential and innate dependence on the Pontiff” (*Pastor Bonus*, introduction, number 8). Otherwise said, “[e]ach curial institution carries out its proper mission by virtue of the power it has received from the Roman Pontiff, in whose name it operates” (*Praedicate Evangelium*, principles, number 5). A practical consequence is that, although there is no recourse against any legislative, executive, or judicial act of the pope, an exercise of the vicarious power of the curia can be appealed, for instance, to verify that the curial institution was acting in conformity with the instructions of the pope (*Praedicate Evangelium*, article 197, number 1).⁴⁸

The power of the curia is also *collegial* insofar as their decisions are made by a plurality of individuals but the decision as such is attributed to the curial institution of which those individuals are members.

Some competences of the Holy See are the erection of inter-diocesan seminaries (canon 237, 2); the supervision, erection and suppression of international associations of lay faithful (canons 305, 2 and 312, 1); the erection of new dioceses (canon 373); the appointment of bishops (canon 377); the approval of local councils and their decrees (canon 439, 1); delegating to episcopal conferences the competence to issue norms for a

⁴⁷ Second Vatican Council, *Lumen Gentium*, § 27; Antonio Viana, *Organización del gobierno de la Iglesia* [Organization of church government] (Pamplona: Eunsa, 1997), 41.

⁴⁸ Eduardo Baura, “El ejercicio de la potestad de la Curia Romana a la luz de la *Praedicate Evangelium* y el derecho de los fieles al buen gobierno [The exercise of power in the Roman Curia in light of *Praedicate Evangelium* and the right of the faithful to good governance],” *Ius Canonicum* 63, no. 125 (2023): 1–37, at 8–9; Antonio Viana, “La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*” [The power of the Roman Curia according to the apostolic constitution *Praedicate Evangelium*] *Ephemerides Iuris Canonici* 62, no. 2 (2022): 535–63, at 541.

specific country (canon 455,1); the revision and approval of decrees issued by national episcopal conferences (canon 456); the erection and suppression of “international” religious orders and decisions regarding their properties (canon 584); issuing general guidelines to draft local catechisms (canon 775, 1); the approval of Catholic universities and their bylaws (canon 816); the approval of new editions of the Bible (canon 825); the erection of inter-diocesan tribunals (canon 1423); or the adjudication of some of the most serious canonical crimes, like sex abuse. Additionally, the pope can always hear appeals filed by any faithful and overturn the decisions of any tribunal or authority (canon 1417). The pope is also the supreme authority in matters pertaining to ecclesiastical property (canon 1256), so alienating certain assets owned by dioceses or by other ecclesiastical entities may need permission from a curial dicastery.

Different Perspectives on Papal Authority and the Need to Reform the Roman Curia

The pope has “supreme, full, immediate, and universal ordinary power in the Church” (canon 331), as the “successor of Peter,” to maintain the unity of beliefs, morals and discipline.⁴⁹ This is a way “not of exercising power over the people ... but of leading them towards peaceful pastures.”⁵⁰ Supreme does not mean unlimited but that it is not subject to any higher human power. Universal and immediate means that he can exercise his authority in religious matters over all Catholics, not just clergy.⁵¹

The ordinary governance of particular churches remains with the bishops because “[t]he pastoral office or the habitual and daily care of their sheep is entrusted to them completely.”⁵² Local bishops are supposed to have enough legislative, judicial, and executive authority to fulfil their mission as pastors of their diocese (canons 381, 1; 391; 392). Bishops, priests, and all the faithful carry out their respective religious mission under their own authority, conferred by baptism and not by delegation of the pope (canons 204 and 208).⁵³ A pope who personally makes all decisions and assumes all powers would be inconceivable.⁵⁴

The pope can indeed intervene directly in the governance of particular churches, but this authority is to be exercised under exceptional circumstances, where local bishops fail to fulfil or have difficulties fulfilling their own competences (*Praedicate Evangelium*, article 107, number 2).⁵⁵ The role of the pope “strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care” (canon 333, 1). Thus, a common justification for centralism in the history of the church is that in the context of the investiture controversy (eleventh and twelfth centuries), as well as at the time of absolutist monarchies (seventeenth and eighteenth centuries), any grant of ecclesiastical competences to particular churches would have meant an assumption of those competences by secular rulers.⁵⁶

Therefore, the official understanding that the church has of itself underscores the role and autonomy of bishops and of all the faithful. This has led to a devolution of competences

⁴⁹ Second Vatican Council, *Lumen Gentium*, § 22.

⁵⁰ John Paul II, *Ut unum sint*, § 94.

⁵¹ Eduardo Molano, s.v. “Potestad del Romano Pontífice” [Authority of the Roman pontiff], in Viana et al., *Diccionario general de derecho canónico*, 6:304.

⁵² Second Vatican Council, *Lumen Gentium*, § 27.

⁵³ Second Vatican Council, *Lumen Gentium*, § 10; D’Onorio, *Le pape et le gouvernement de l’Eglise*, 159.

⁵⁴ Del Pozzo, “Una lettura ‘strutturale’ di ‘Praedicate Evangelium,’” 50.

⁵⁵ D’Onorio, *Le pape et le gouvernement de l’Eglise*, 161.

⁵⁶ José María González del Valle, s.v. “Descentralización” [Decentralization], Viana et al., *Diccionario general de derecho canónico*, 3:258.

to local bishops since before the Second Vatican Council and to the implementation of the principle of subsidiarity, to a certain extent.⁵⁷

Outside the church, the power of the pope and the curia have been described in very different ways. Where the Holy See has been named a defendant in lawsuits for sex abuse, plaintiffs have claimed that the pope had “absolute and unqualified power and control ... over each and every priest, bishop, brother, sister, parish, diocese, archdiocese and instrumentality of the Church”⁵⁸ or “complete and absolute” authority over “the entire worldwide Catholic Church.”⁵⁹ A Victims Communication filed before the International Criminal Court asserted that the church is “monarchical in practice, with all authority leading to and ultimately residing in the Pope.”⁶⁰ The United Nations Committee against Torture held that “the Holy See exercised such significant control and was in a position to, among other things, compel perpetrators of acts of sexual abuse to cease committing them.”⁶¹ Contrary to this absolutist vision of papal power, the European Court of Human Rights has held that the Holy See must indeed be considered a foreign sovereign, with the same rights and obligations as those of a state, but that it is not unreasonable to see that the pope is not the principal of the bishops and that Catholic bishops are not the agents of the pope.⁶²

In academic literature the pope is sometimes referred to as the worldwide employer of bishops and priests and these as organs or *de facto* organs of the Holy See. Particular churches would be nothing but “administrative departments.”⁶³ The authority of the Holy See is sometimes described with military expressions such as “the chain of command of the Holy See begins with the Pope and ends with every individual clergy of the world ... A vertical line of authority runs from the Priest, the Bishop to the Pope, who can bypass all intermediate levels of authority.”⁶⁴ Similarly, the Holy See “holds all legislative, executive and juridical authority” and the pope “has ultimate power over all churches and groups of churches, and forms the legitimate basis for the authority of bishops to whom authority is delegated.”⁶⁵

For a minority of Catholic scholars, the daily governance of the entire church would indeed be totally in the hands of the pope and the curia.⁶⁶ The reason for such degree of

⁵⁷ Congregation for Bishops, Directory for the Pastoral Ministry of Bishops *Apostolorum Successores* [Guidelines for the ministry of bishops in their dioceses] (February 22, 2004), §§ 5 and 12, https://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20040222_apostolorum-successores_en.html; D’Onorio, *Le pape et le gouvernement de l’Eglise*, 219–28.

⁵⁸ O’Byrne v. Holy See, 471 F. Supp. 2d 784 (W.D. Ky. 2007).

⁵⁹ Doe v. Holy See, 557 F.3d 1066 (9th Cir. 2009); Expert Declaration of Thomas P. Doyle, Docket No. 302, dated March 12, 2012, Doe v. Holy See, 557 F.3d 1066 (9th Cir. 2009), para. 13.

⁶⁰ Center for Constitutional Rights, Victims’ Communication Pursuant to Article 15 of the Rome Statute Requesting Investigation and Prosecution of High-level Vatican Officials for Rape and Other Forms of Sexual Violence as Crimes against Humanity and Torture as a Crime Against Humanity, ICC File No. OTP-CR-159/11, para. 133, <https://s3.documentcloud.org/documents/243877/victims-communication.pdf>.

⁶¹ U.N. Committee against Torture, Consideration of Reports Submitted by States Parties under Article 19 of the Convention, CAT/C/SR.1223 (2014).

⁶² *J.C. et autres c. Belgique* [J.C. and Others v. Belgium], App. No. 11625/17, 3 Eur. Ct. H.R. at 9, 57, 69 (2021); Jean-Pierre Schoupe, “Personnalité internationale du Saint-Siège et immunité de juridiction devant les juridictions belges et la Cour européenne des droits de l’homme [International personality of the Holy See and immunity from jurisdiction before the Belgian courts and the European Court of Human Rights],” *Ius Ecclesiae* 35, no. 1 (2023): 135–60, at 142.

⁶³ Ajeng Tri Wahyuni, “State Responsibility of Vatican City State (Holy See) in International Law” (Master’s thesis, Tilburg University, 2011), 30, <http://arno.uvt.nl/show.cgi?fid=114794>.

⁶⁴ Kaleigh McManus, “The Holy See’s Compliance with the United Nations Convention on the Rights of the Child,” *DePaul Journal for Social Justice* 12, no. 1 (2019): 1–27, at 6.

⁶⁵ William Thomas Worster, “The Human Rights Obligations of the Holy See under the Convention on the Rights of the Child,” *Duke Journal of International Law* 31, no. 2 (2021): 351–423, at 414.

⁶⁶ Hervé Légrand, “El primado romano, la comunión en las iglesias y entre los obispos” [The Roman primacy, communion in the churches and among the bishops], *Concilium*, no. 353 (2013): 743–60, at 751.

control, in this view, is that the ecclesiological innovations of the Second Vatican Council have been either only partially implemented or outright ignored, leading to a situation where the curia has not only usurped the authority of the College of Bishops but also that of the pope himself in a process of re-centralization very apparent since John Paul II.⁶⁷ However, for others the church is remarkably decentralized. Most decisions are made on the regional, national, and local levels, and the curia, with some five thousand people working in it, is not the government of a religion of more than one billion members, nor could it attempt to be.⁶⁸

Main Principles and Changes of the Reform: Evangelization, Communion, Decentralization, and Cooperation

The legislative reform introduced by *Praedicate Evangelium* consolidates, reorganizes, and operationalizes previously enacted changes to make the Roman Curia a pastoral instrument that truly fulfills the needs of particular churches, not to replace them in their task of announcing the Gospel.

The Curia at the Service of the Church and of Evangelization

Praedicate Evangelium reasserts that the curia is at the service of the pope but also of bishops. It is not a buffer between them. Nevertheless, the type of service that the curia should render to each layer of authority varies depending of “each one’s specific nature” (*Pastor Bonus*, introduction, number 8; *Praedicate Evangelium*, preamble number 8; principles numbers 1, 3; article 1).

Following the definition of the Roman Curia (*Praedicate Evangelium*, article 1), is a section titled “The Pastoral Nature of the Work of the Curia” (*Praedicate Evangelium*, articles 2–6). Years before the reform, Francis had already warned that “[m]ere administration can no longer be enough”; everybody must be “permanently in a state of mission” and structures of governance cannot be an end in themselves but must contribute to a “missionary conversion” (*Praedicate Evangelium*, preamble, number 2).⁶⁹

An illustration of the relevance given to evangelization in the reform is the fact that, although dicasteries are “all juridically equal among themselves” (*Pastor Bonus*, article 2, number 2; *Praedicate Evangelium*, article 12, number 1), the first one mentioned in *Praedicate Evangelium* is the Dicastery for Evangelization—the former congregation of Propaganda Fide, created by Gregory XV in 1622. For the last five hundred years, this place of preeminence in the curial structure had been occupied by the Congregation for the Doctrine of the Faith.⁷⁰ Additional evidence of the relevance given to the Dicastery for Evangelization is the fact that the pope himself now presides over it (*Praedicate Evangelium*, article 54). However, because the administrative activity of the pope is not subject to any formal oversight, frequent papal intervention in the dicastery might limit the possibilities of the faithful to defend their rights.⁷¹

⁶⁷ Faggioli, “Reforma de la curia en el Vaticano II y después del Vaticano II,” 693; Gérard Mannion, “¿Una historia de disonancia cognitiva? A vueltas con la brecha entre el Concilio y la Curia” [A story of cognitive dissonance? Returning to the gap between the Council and the Curia], *Concilium*, no. 353 (2013): 727–41, at 732, 737–38; Faggioli, “The Roman Curia at and after Vatican II: Legal-Rational or Theological Reform?,” 552, 565.

⁶⁸ John Allen, *All the Pope’s Men: The Inside Story of How the Vatican Really Works* (New York: Doubleday, 2004), 65–67; Gaulmyn, “La réforme de la curie,” 40.

⁶⁹ Francis, *Evangelii Gaudium*, §§ 25, 30.

⁷⁰ Paul III, *Licet ab initio* [Establishing the Roman Inquisition] (July 21, 1542), *Bullarium Romanum* 6 (Torino, 1860), 344–46.

⁷¹ Antonio Viana, “Novedades de la *Praedicate Evangelium* en cuanto a la terminología, distribución de competencias y actividad administrativa” [New developments in *Praedicate Evangelium* regarding terminology, distribution of responsibilities, and administrative activity], *Ius Canonicum*, no. 63 (2023): 517–39, at 524.

Communion, Synodality and Collaboration

Although bishops are not delegates of the pope and have ecclesiastical authority of their own, their acts would be null and void if they were not in “hierarchical communion” with him.⁷² This involves subordination but also “a coordination of responsibilities on the part of Diocesan Bishops and the supreme authority”⁷³ and the curia is one of the instruments of coordination and protection of that communion (*Praedicate Evangelium*, preamble, number 4; principles numbers 2, 8).

For Francis, communion also demands synodality: a church “marked by reciprocal listening, whereby everyone has something to learn. The faithful people, the College of Bishops, the Bishop of Rome: all listening to each other and all listening to the Holy Spirit” (*Praedicate Evangelium*, preamble, number 4). Thus, a wider participation of bishops and the laity should reflect itself in all structures of governance.⁷⁴ The law of the church already provided that all Christians “have the right and even at times the duty to manifest to the sacred pastors their opinion on matters which pertain to the good of the Church” (canon 212, 3).

Furthermore, the curia “must cooperate with the particular Churches [and] the Episcopal Conferences” and must take into account their opinion and inform them of the decisions taken (*Praedicate Evangelium*, article 36, number 1; article 37). Such general calls for closer collaboration between the curia and particular churches and episcopal conferences are repeated elsewhere, as when *Praedicate Evangelium* indicates, in reference to the Dicastery for the Doctrine of the Faith, that it “carries out its work in close contact with diocesan/eparchial Bishops” (*Praedicate Evangelium*, article 72, number 1). The new Dicastery for the Laity, the Family and Life is simply asked to “maintain relationships” with particular churches and episcopal conferences (*Praedicate Evangelium*, article 128, number 2). The Dicastery for the Promotion of Integral Human Development is called to act “[i]n cooperation with Episcopal Conferences, their regional and continental groupings” (*Praedicate Evangelium*, article 164). The Dicastery for Interreligious Dialogue is also requested to plan “its initiatives in consultation with the particular Churches, Episcopal Conferences” (*Praedicate Evangelium*, article 152, number 1). In fact, particular churches are probably much better placed to determine what is needed for ecumenical dialogue.

Praedicate Evangelium also contains numerous provisions indicating that the curia is to receive advice, assistance, and opinion from lower levels of the hierarchy, even when the decision-making authority remains with the curia. This is the case of doctrinal documents to be issued by the curia but that are of general character or great importance or affect particular churches. In such cases, the opinion of episcopal conferences and their regional groupings has to be taken into account (article 36, number 2). Similarly, in matters concerning a particular church, the nuncio or papal representative at that place—who supposedly has better information because he is on the ground—is to be consulted and the episcopal conference is informed of the decision taken (article 37). The curia must also seek the opinion of the local episcopate concerned about the conclusion of concordats (article 49), the appointment of bishops (article 105, number 1) and the creation of new dioceses (article 106). Episcopal conferences must also contribute to the study of marriage and the

⁷² Paul VI, *Lumen Gentium*, §§ 22–23; Gianfranco Ghirlanda, s.v. “Comunión jerárquica [Hierarchical communion],” in Viana et al., *Diccionario general de derecho canónico*, 2:338, 341.

⁷³ John Paul II, *Pastores Gregis* [On bishops as evangelizers] (October 16, 2003), *Acta Apostolicae Sedis* 96, no. 12 (2004): 827–924, § 56.

⁷⁴ Francis, Address for the Commemoration of the Fiftieth Anniversary of the Establishment of the Synod of Bishops (October 17, 2015), https://www.vatican.va/content/francesco/en/speeches/2015/october/documents/papa-francesco_20151017_50-anniversario-sinodo.html.

family (article 137, number 1) and must be involved in the prevention and resolution of conflicts (article 165).

This definitely seems an improvement. *Pastor Bonus* already provided that “[c]lose relations are to be fostered with particular Churches and groupings of bishops, seeking out their advice when preparing documents of major importance that have a general character” (article 26 §1). However, there is no evidence that local bishops have been consulted before issuing recent important canonical norms like *Mitis Iudex* (2015), on the reform of the canonical procedure regarding marriage, *Come una madre amorevole* (2016), on the possibility and process of removal of bishops in cases of serious negligence in the discharge of its responsibilities, nor in *Episcopalis communio* (2018), on the synod of bishops.⁷⁵ On a positive note, the recent reform of the penal law of the church (canons 1311–99) was indeed subject to a broad process of consultation among particular churches and church institutions, worldwide.

On the other hand, this reform does not modify the advisory and consultative function of the Synod, nor it would probably be the appropriate place to do it.⁷⁶ In *Praedicate Evangelium* there is only a general reference, at article 33, as to how the curia must cooperate in the work of the General Secretariat for the Synod. For some, the synod has fallen short of what they believe the Second Vatican Council wished it to be. They claim that delicate debates in its meetings have usually been avoided, popes have paid little attention to its conclusions and, in practice, it is subordinated to the curia.⁷⁷ Francis had indeed expressed his desire that the synod could experience “further development” and “increasingly become a privileged instrument for listening to the People of God,” in line with his interest in synodality.⁷⁸ At the heart of this debate there is, once again, an expressed or unexpressed desire to give more power to local bishops, to counteract the universal power of the pope. The Second Vatican Council did highlight the bishops’ own authority in their own particular churches but not over the universal church, in relation to which they were asked only to express “solicitude,” which was nevertheless “not exercised by an act of jurisdiction.”⁷⁹

An effort to foster co-responsibility and the collaborative and participatory dimension of collegiality and synodality (*Praedicate Evangelium*, article 3) with regard to work within the curia itself can also be noticed in the provisions regarding meetings with the pope of those responsible for each dicastery, in interdicasterial meetings, and meetings of bishops with the different dicasteries. Such system of meetings is basically the same established in *Pastor Bonus*, article 11, but *Praedicate Evangelium* is more insistent on the regularity with which meetings must be held (articles 10, 24, 34, 35). Theoretically, the most relevant type of meeting is the plenary session, where the most important decisions are made. However, the plenary session is to be held every two years or at longer intervals. An important improvement to foster the participation of ecclesiastics whose ministry is outside Italy is the possibility of using videoconferences (*Praedicate Evangelium*, article 26, number 4). Collegiality can also be seen in that the prefect only coordinates the work of all the other members without being hierarchically superior to them. The prefect does not even have a casting vote in case of a tie. Those with a right to vote in the dicasteries are the members themselves and, in some cases, one or more secretaries.

⁷⁵ Viana, “La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*,” 538.

⁷⁶ Mirian de las Mercedes Cortés Diéguez et al., eds., *Derecho Canónico I. El Derecho del Pueblo de Dios* [Canon law I: The law of the people of God] (Madrid: Biblioteca de Autores Cristianos, 2019), 415.

⁷⁷ Gaulmyn, “La réforme de la curie,” 44; Reese, *Inside the Vatican*, 60–65; Mannion, “¿Una historia de disonancia cognitiva?,” 735.

⁷⁸ Francis, *Episcopalis Communio* [On the Synod of Bishops] (September 15, 2018), *Acta Apostolicae Sedis* 110, no. 10 (2018): 1359–78, §§ 5–6.

⁷⁹ Second Vatican Council, *Lumen Gentium*, § 23.

Another interesting innovation of the reform regarding collaboration among dicasteries is that, whereas under *Pastor Bonus* article 54, any documents or norms issued by a dicastery and touching upon matters of faith or morals were subject to the “prior judgment” of the Dicastery for the Doctrine of the Faith, with *Praedicate Evangelium*, such documents or norms are just “to be subjected beforehand to the considered judgment of the Doctrinal Section of this dicastery, which through a process of discussion and mutual understanding will help in making appropriate decisions” (*Praedicate Evangelium*, article 75). However, it is unclear whether the dicastery now has the last word or not. Likewise, although the competences of the Dicastery for Legislative Texts remain the same, in so far as it has the task to “formulate the authentic interpretation” of universal canonical norms, the reform has added that the dicastery simply “assists” other institutions of the curia when they prepare texts of a normative character (*Praedicate Evangelium*, articles 176, 179). Regardless of the ambiguities, these two small changes may deprive these two dicasteries of some of the power of preventive control that they had before.

Subsidiarity and the Scope of Curial Competences

The principle of subsidiarity refers to the need that the higher levels of an organization intervene in the affairs of the lower levels only when the lower levels cannot carry out their functions on their own. The principle was first formulated as part of the church’s social teaching.⁸⁰ Whether the Second Vatican Council incorporated the principle to the hierarchical structure of the church or it was superseded by its new ecclesiology of communion is still a matter of debate.⁸¹ Insofar as the ecclesiological paradigm of organization and governance in the church is that of hierarchical communion and not simply hierarchy, the practical or even theoretical use of the principle of subsidiarity at any level may be looked upon with suspicion, as it supposedly describes a superior-inferior relationship.⁸²

Praedicate Evangelium describes the competences of the curia as those matters that are reserved by nature or by law to the Apostolic See; are entrusted to the curia by the pope himself and must therefore be also matters reserved by nature or by law to the Apostolic See; and exceed the competence of individual bishops or episcopal conferences. The curia also studies and promotes any pastoral issue for the good of the church or to improve coordination but “with respect and due regard for the competencies of the particular Churches, Episcopal Conferences” and evaluates or decides matters referred to it by any member of the church (article 21). This description of competences was anticipated in *Pastor Bonus*, article 13, but now this clarification favors subsidiarity.

Although the principle of subsidiarity is not expressly mentioned in *Praedicate Evangelium*, there are some traces of it in the general request that the service of the curia must “respect the competence of others” (article 3).⁸³ However, *Pastor Bonus* already said that the curia had to “guarantee an organic articulation of legitimate autonomies ... for that authority which belongs by divine right to the pastors of the particular Churches” (*Pastor Bonus*, introduction

⁸⁰ Pius XI, *Quadragesimo Anno* [On Catholic social teaching] (May 15, 1931), *Acta Apostolicae Sedis*, no. 23 (1931): 177–228, § 80.

⁸¹ Second Vatican Council, *Lumen Gentium*, § 27; Marzoa et al., *Comentario exegético al código de derecho canónico*, 1:183; Carlo Cardia, s.v. “Principio de subsidiariedad” [Principal of subsidiarity], in Viana et al., *Diccionario general de derecho canónico*, 7:429–34.

⁸² Del Pozzo, “La Curia romana y el principio de subsidiariedad,” 60

⁸³ Burkhard Josef Berkmann, “Subsidiarität und Dezentralisierung bei der Reform der Römischen Kurie. Eine Analyse von *Praedicate Evangelium*” [Subsidiarity and decentralization through the reform of the Roman Curia: an analysis of *Praedicate Evangelium*], *NomoK@non—Web-Journal für Recht und Religion*, March 19, 2023, <https://nomokanon.de/nomokanon/article/view/239>.

number 11). Commentators on *Pastor Bonus* have referred to its pastoral character, subsidiarity, and pastorality.⁸⁴

An example of how the competences of the curia are now described as those exceeding the competences of particular churches concerns the important issue of how to celebrate the sacraments. Where *Pastor Bonus* indicated that the Congregation for Divine Worship “fosters and safeguards the regulation of the administration of the sacraments ... grants favors and dispensations not contained in the faculties of diocesan bishops” (*Pastor Bonus* article 63), *Praedicate Evangelium* says that the dicastery now simply “oversees the discipline of the sacraments ... grants requests for indulgences and dispensations concerning matters that exceed the competencies of diocesan Bishops” (*Praedicate Evangelium*, article 90, number 2). The new wording improves the old one from the point of view of subsidiarity, highlighting the competences of bishops.

Another practical application of the principle of subsidiarity concerns the new regulation of the intervention of the Dicastery for Bishops in the exercise of the authority of bishops over their particular churches. This dicastery can intervene directly in the governance of a diocese only if “the correct exercise of the episcopal function of governance” requires it but only if “the Metropolitan or the Episcopal Conferences ... are not able to resolve the problem” (*Praedicate Evangelium*, article 107, number 2). Metropolitan bishops must exercise vigilance regarding the observance of faith and ecclesiastical discipline in the so-called suffragan dioceses entrusted to them. If a local bishop was negligent in the discharge of his duties, the metropolitan can inform the curia about it. However, the metropolitan does not have any other supervisory or disciplinary functions (canon 436). Where the metropolitan or episcopal conference are not able to solve the problem of a negligent bishop or a diocese in turmoil, with these very limited powers, the Dicastery for Bishops can decide upon a fraternal or an apostolic visitation, which entails sending someone to investigate the situation in the diocese. Then, the dicastery will have to “propose to the Roman Pontiff the measures deemed appropriate” and in the end it will be for the pope to make the final decision. Therefore, the intervention of the curia and of the pope is only called for if lower levels of the ecclesiastical hierarchy fail, but not before. The previous regulation was much vaguer concerning the authority of the Dicastery for Bishops and the cases and process of intervention in particular churches (*Pastor Bonus*, article 79).⁸⁵

Limited Decentralization of Curial Competences

Decentralization refers to a shift of competences from higher to lower levels of the hierarchy.⁸⁶ Whereas subsidiarity itself is not mentioned in *Praedicate Evangelium*, decentralization is (principles, number 2). A first group of provisions concerning decentralization of competences may be seen in those articles that describe the tasks of curial institutions in terms of the support or assistance they provide to particular churches and episcopal conferences. Berkmann understands that although the curia does not lose competences, now they would be limited to giving support to particular churches, which are the ones with the primary competence in these areas.⁸⁷

Pastor Bonus article 64, number 1 already contained references to the supporting tasks of the curia. These are now broadened in *Praedicate Evangelium*. The curia must give assistance in local initiatives regarding evangelization and inculturation, that is adapting Christian teachings to different cultures (articles 56, number 1; 57, number 3; 62); give financial

⁸⁴ Cortés Diéguez et al., *Derecho Canónico I*, 423.

⁸⁵ Berkmann, “Subsidiarität und Dezentralisierung bei der Reform der Römischen Kurie,” 12–13.

⁸⁶ del Valle, “Descentralización,” 3:257.

⁸⁷ Berkmann, “Subsidiarität und Dezentralisierung bei der Reform der Römischen Kurie,” 15.

support to mission territories and new particular churches (article 65, number 1); and give assistance and cooperation in the development of guidelines and strategies for the protection of minors (article 78, number 2), in the promotion of liturgy and inculturated liturgies (article 89, number 3), in matters of clerical discipline rights and duties of the clergy and their territorial distribution of clergy (article 115), in programs for the promotion of family life (article 138, number 2), in the training of those engaged in interreligious dialogue (article 149, number 2), and in religious education generally and the promotion of Catholic identity in schools and their corresponding norms (articles 159, number 2; 160, number 1).

The new competences given to episcopal conferences are another example of decentralization, in that competences are shifted downward from the curia. Nevertheless, they can also be regarded as an example of centralization from the point of view of individual bishops, who may now be bound by the decisions made by a qualified majority in the episcopal conference of their country.⁸⁸ Critics of the power of the curia may argue that strengthening episcopal conferences also strengthens individual bishops, in so far as the pope might think twice before opposing majority decisions of big and influential national conferences. Sometimes a comparison is made between new, stronger episcopal conferences and the ancient patriarchates.⁸⁹ However, the only authority that has a solid basis in sacred scripture is that of bishops, and in the Latin Church, tradition in this regard has evolved differently than it has in the Eastern Catholic Churches.

Some of these new competences of the episcopal conferences have already been mentioned, such as the competence to issue norms regarding Catholic education and the establishment of Catholic schools (*Praedicate Evangelium*, articles 159, 160). Previously, the episcopal conferences were competent only to issue general norms (canon 804), and the Congregation for Education that issued norms for the governance (although not for the establishment) of Catholic schools (*Pastor Bonus*, article 115).

Similarly, the Pontifical Commission for the Protection of Minors is now given the task to assist episcopal conferences in developing strategies and procedures for protecting minors (*Praedicate Evangelium*, article 78, number 2). For instance, in 2002, the United States Conference of Catholic Bishops issued the *Essential Norms*, but these restated existing canon law norms and required the *recognitio* from the Congregation for Bishops to be enforceable in the United States.⁹⁰ *Praedicate Evangelium* does not speak of a new normative competence of episcopal conferences, for the protection of minors. However, although developing strategies does not involve the making of norms, the development of procedures seems difficult without the possibility of issuing norms to enforce those procedures.

Yet another example of this kind of decentralization is the culturally sensitive issue of translation and adaptation of liturgical texts. The reform provides that the Dicastery for Divine Worship is competent to confirm “the translations of liturgical books in current languages and grants the *recognitio* to the fitting adaptations of these to local cultures, as legitimately approved by the Episcopal Conferences” (*Praedicate Evangelium*, article 89, number 2). Under *Pastor Bonus*, such translations and adaptations made locally needed the approval of the Holy See for use in particular churches. The curia could also make changes to the texts proposed by bishops and episcopal conferences. Now, episcopal conferences may prepare and approve translations and the curia will only confirm the correctness of the procedure followed locally to approve the translations. Adaptations of liturgical texts,

⁸⁸ Berkmann, 18.

⁸⁹ Légrand, “El primado romano, la comunión en las iglesias y entre los obispos,” 748–49.

⁹⁰ United States Conference of Catholic Bishops, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, adopted in June 2002 and recognized by the Holy See on December 8, 2002, https://www.vatican.va/roman_curia/congregations/cbishops/documents/rc_con_cbishops_doc_20021216_recognitio-usa_en.html.

however, still require the *recognitio* of the relevant dicastery, which then allows the curia to make changes to those adaptations. However, as in other decentralizing reforms of *Praedicate Evangelium*, this change simply codifies a previous reform of the code of canon law (canon 838, 3) made by Francis in 2017.⁹¹

In the Latin Church, the appointment of bishops or the confirmation of those legitimately elected is made by the pope (canon 377, 1). The dicastery for bishops, and the nuncio of each country play an important role in the selection of candidates. After the reform, the dicastery will discharge this task “considering the proposals presented by” particular churches and episcopal conferences. Further, this dicastery “[i]n appropriate ways ... also engages in this process the members of the people of God of the dioceses in question” (*Praedicate Evangelium*, article 105, number 1), which recalls ancient practices in the church, such as the election or confirmation of bishops by acclamation.⁹² The dicastery is also in charge of establishing the criteria for the selection of candidates to the episcopate but is meant to do so “in consultation with Episcopal conferences” (*Praedicate Evangelium*, article 105, number 2).

Other decentralized competences were also introduced before *Praedicate Evangelium* but have been confirmed in the reform. *Competentias quasdam* modified the need for the approval of the relevant dicastery to simply obtaining its confirmation in matters such as local catechisms (*Praedicate Evangelium*, article 58, number 2) or the erection of inter-diocesan seminaries and programs of priestly formation (*Praedicate Evangelium*, article 114, number 4).⁹³ For Juan Ignacio Arrieta, the little impact that *Competentias quasdam* has had reveals that *Praedicate Evangelium* does not grant any more competences to particular churches and everything that does not pertain to the unity of the church has already been transferred to particular churches. The reform is also realistic: many episcopal conferences and dioceses around the world simply do not have the capacity to carry out certain functions, so curial competences are a proper application of the principle of subsidiarity, not necessarily manifestations of excessive centralization.⁹⁴

Further, a typology of curial competences and relationships with particular churches can be made. First are those competences that belong to the curia itself and the model is one of collaboration and agreement with particular churches. Second, regarding competences of bishops, the task of the Roman Curia is to promote and assist local initiatives. Third, regarding competences shared by the curia and particular churches, the role of the curia is that of safeguarding universal ecclesiastical norms and teachings.⁹⁵

Centralization, Coordination and Procedures

Despite some evidence of subsidiarity and decentralization, *Praedicate Evangelium* and certain prior norms can also indicate some centralizing tendencies. For example, the Congregation for the Doctrine of the Faith assumed disciplinary competences regarding the crime of sex abuse in 2001; previously it was presumed that penal or administrative proceedings for sex abuse would take place at the diocesan level, with a possible appeal to the Roman Rota.⁹⁶ Although this transfer of competences had long been deemed necessary

⁹¹ Francis, Apostolic Letter *Magnum principium* [modifying canon 838 of the Code of Canon Law] (September 3, 2017), *Acta Apostolicae Sedis* 109, no. 10 (2017): 967–70.

⁹² Antonio Viana, s.v. “Nombramiento de obispos,” in Viana et al., *Diccionario general de derecho canónico*, 5:555.

⁹³ Francis, Apostolic Letter *Competentias quasdam decernere* [amending various provisions of the Code of Canon Law and to the Code of Canon Law of Oriental Churches] (February 11, 2022) https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-assegnare-alcune-competenze.html.

⁹⁴ Arrieta, “Presupposti organizzativi della riforma della Curia Romana,” 45.

⁹⁵ Del Pozzo, “La Curia romana y el principio de subsidiariedad,” 83.

⁹⁶ John Paul II, Apostolic Letter *Sacramentorum Sanctitatis Tutelae* [reserving the adjudication of some serious canonical crimes to the Congregation of the Doctrine of the Faith] (April 30, 2001), <https://www.vatican.va/>

because the bishops simply could not deal with the volume of sex abuse cases, the reform of the curia now confirms such competence (*Praedicate Evangelium*, article 76).⁹⁷

A similar case of recent centralization is the *motu proprio Come una madre amorevole*, whereby the Congregation for Bishops—now the Dicastery for Bishops—was given competences to remove negligent bishops by decree, which then had to be approved by the pope.⁹⁸ Surprisingly, although this change makes bishops as a whole much more dependent on the curia, which can discipline them severely, this new curial competence is not mentioned in *Praedicate Evangelium*.

Furthermore, *Praedicate Evangelium* and a reform of the code of canon law in 2020 have made into law an already existing practice whereby bishops need the previous written authorization of the curia to erect new religious orders, even if these are only going to be present in their diocese and do not have universal character (*Praedicate Evangelium*, article 122).⁹⁹ Before this reform of 2020, local bishops only had the obligation to consult the dicastery on this matter (canon 579).

Another example of centralization in *Praedicate Evangelium* is the new competence of the Dicastery for the Laity to “approve the proposals of Episcopal Conferences relating to the institution of new ministries and ecclesiastical offices to be entrusted to the laity” (article 133). Before *Praedicate Evangelium*, local bishops could institute lay ministries such as parish assistant—for instance, in countries or regions with very few priests—without the approval of the Holy See (canons 145 and 149). As in other areas, the pope had already introduced several reforms such as instituting the lay ministry of catechist or suppressing the restriction that lay ministries could be carried out only by the male faithful.¹⁰⁰

Finally, *Praedicate Evangelium* provides that cooperation must exist not only between the curia and particular churches but also between particular churches themselves. The curia is now given more specific tasks of coordination in such horizontal type of cooperation, which were less obvious in *Pastor Bonus*. For instance, the Dicastery for Evangelization, through its Section on First Evangelization and New Particular Churches, promotes the exchange of experiences between churches, as well as coordinates their processes of integration and merger (*Praedicate Evangelium*, article 64). Similarly, the Dicastery for the Laity promotes exchanges between particular churches, episcopal conferences, and international youth organizations (*Praedicate Evangelium*, articles 128, 130).

As mentioned, Leo XIV approved in 2025 the Regolamento generale della *Curia Romana*, much more concise than the previous Regolamento of 1999 and which operationalizes the reforms of *Praedicate Evangelium* with concrete norms on interdicasterial collaboration, including structured meetings among heads of dicasteries and enhanced mechanisms of information-sharing and joint policy development, aimed at ensuring coherence across curial activity. It also strengthens the coordinating role of the Secretariat of State, particularly in facilitating communication and ensuring procedural unity in the preparation and

[content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_20020110_sacramentorum-sanctitatis-tutela.html](https://www.vatican.va/content/john-paul-ii/en/motu_proprio/documents/hf_jp-ii_motu-proprio_20020110_sacramentorum-sanctitatis-tutela.html).

⁹⁷ Martens, “The Reform of the Roman Curia at the Service of the New Evangelization,” 222.

⁹⁸ Francis, Apostolic Letter *As a Loving Mother* [on the removal of bishops], (June 4, 2016), https://www.vatican.va/content/francesco/en/apost_letters/documents/papa-francesco_lettera-ap_20160604_come-una-madre-amorevole.html.

⁹⁹ Francis, Apostolic Letter *Authenticum Charismatis* [amending canon 579 of the Code of Canon Law] (November 1, 2020), https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio-20201101_authenticum-charismatis.html.

¹⁰⁰ Francis, Apostolic Letter *Antiquum ministerium* [instituting the ministry of catechist] (May 10, 2021), *Communiciones*, no. 53 (2021): 81–87; Francis, Apostolic Letter *Spiritus Domini* [modifying canon 230, 1 Code of Canon Law regarding access of women to the ministries of lector and acolyte] (January 10, 2021), *Communiciones*, no. 53 (2021): 66–67.

execution of papal decisions. It introduces more standardized administrative processes, including clearer rules on internal deliberation, document handling, and hierarchical transmission of decisions, thereby increasing formal transparency and predictability in curial workflows. It also addresses aspects of administrative organization such as working methods, internal planning, and coordination of offices, reflecting a more systematized and managerial approach to governance.

The New Structure of the Roman Curia

Praedicate Evangelium does not substantially alter the structure of the Roman Curia, largely framing the curia as it was in *Pastor Bonus*. However, *Praedicate Evangelium* provides new aspects to the structure of the Roman Curia through the following: codifying recent reforms, changes in terminology, broadening the definition of who can serve as a Vatican official, reducing the size of the Roman Curia itself, establishing greater accountability, and increasing the role of the laity.

Codification of Recent Reforms

One of the goals of *Praedicate Evangelium* was to give some homogeneity to the previous reforms made by Francis and others.¹⁰¹ For instance, the Council for the Economy, the Secretariat for the Economy, and the Office of the Auditor General were established in 2014.¹⁰² In 2015, Francis established the Secretariat for Communication (now called the Dicastery for Communication), putting under one umbrella nine other related entities.¹⁰³ The Dicastery for Laity, Family and Life was established in 2016, with overlapping functions that before had corresponded to the Pontifical Council for the Laity and the Pontifical Council for the Family.¹⁰⁴ The Dicastery for Promoting Integral Human Development was also established in 2016, with powers and functions that had belonged to the Pontifical Council for Justice and Peace, the Pontifical Council *Cor Unum*, the Pontifical Council for the Pastoral Care of Migrants and Itinerant People and the Pontifical Council for Healthcare Workers. This dicastery is also responsible for Caritas Internationalis, the international federation of diocesan charity institutions.¹⁰⁵

In 2022, Francis modified the Congregation for the Doctrine of the Faith, establishing two different sections, one with doctrinal and another with disciplinary competences, inside which a “Supreme Apostolic Tribunal” was created (*Praedicate Evangelium*, article 76).¹⁰⁶ This

¹⁰¹ Arrieta, “La reforma de la curia romana,” 29–41.

¹⁰² Francis, Apostolic Letter *Fidelis Dispensator et Prudens* [establishing a new coordinating agency for the economic and administrative affairs of the Holy See and the Vatican City State] (February 24, 2014), *Acta Apostolicae Sedis* 106, no. 3 (2014): 164–65; Francis, Apostolic Letter *Transferral of the Ordinary Section of the Administration of the Patrimony of the Apostolic See to the Secretariat for the Economy* (July 9, 2014), *Acta Apostolicae Sedis* 106, no. 8 (2014): 618–20.

¹⁰³ Francis, Apostolic Letter, *The Current Context of Communications* [establishing the Secretariat for Communication] (June 27, 2015), https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150627_segreteria-comunicazione.html.

¹⁰⁴ Francis, Apostolic Letter *Issued Motu Proprio Sedula Mater* [establishing the Dicastery for the Laity, Family and Life], *Acta Apostolicae Sedis* 108, no. 9 (2016): 963–67.

¹⁰⁵ Francis, Apostolic Letter *Humanam Progressionem* [instituting the Dicastery for Promoting Integral Human Development] (August 17, 2016), https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20160817_humanam-progressionem.html.

¹⁰⁶ Francis, Apostolic Letter *Fidem Servare* [modifying the internal structure of the Congregation for the Doctrine of the Faith] (February 11, 2022), https://www.vatican.va/content/francesco/en/motu_proprio/documents/20220211-motu-proprio-fidem-servare.html.

reform was necessary because, although the main role of this congregation was historically to promote the purity of the faith, policing to some extent the work of theologians around the world, in the last decades, much of its work had been devoted to judging cases of sex abuse.¹⁰⁷ The disciplinary section will continue to judge such cases, and certain cases against cardinals, patriarchs, legates of the Apostolic See, bishops, and other individuals. Finally, the Pontifical Commission for the Protection of Minors, created in 2014 and whose purpose is mostly to provide guidance for the protection of minors, has also been integrated within this dicastery (*Praedicate Evangelium*, article 78).¹⁰⁸ Although some see in this the importance that Francis wants to give to the protection of minors, given the relevant position of this dicastery, others have criticized the decision.¹⁰⁹

The Secretariat of State is not listed among ordinary dicasteries because of its task of coordination and synthesis within the curia.¹¹⁰ This powerful role was nevertheless reduced with *Pastor Bonus*, which facilitated an easier access to the pope by the presidents of the dicasteries.¹¹¹ The reform now also incorporates Francis's prior decision to add to the Secretariat of State a third section dealing with diplomatic personnel (*Praedicate Evangelium*, article 45, number 2).¹¹² The first section of the Secretariat of State continues to coordinate the entire work of the curia and the second is in charge of the diplomacy of the Holy See.

The reform does not mention the Council of Cardinals, which Francis created as another advisory body and which can probably not be considered part of the curia. However, the secretary of state and the president of the Governatorato have always been part of the Council of Cardinals. The fact that most cardinals in the council are and continue to be diocesan bishops, rather than officials of the curia, may be seen as another example of either decentralization, coordination between the curia and particular churches or simply as a visible way to strip the curia of some of its power or legitimacy.¹¹³ Nevertheless, Pope Leo seems to have abandoned the council meetings, although he has not announced the dissolution of this informal consultative organ.

There have not been major changes regarding tribunals or, now, Institutions of Justice (*Praedicate Evangelium*, articles 189–204). Rodríguez Ocaña believes that more can be done to facilitate the access to justice for all the faithful. More can also be done to clarify the functions of executive and judicial bodies because, after the reform, various dicasteries continue to have certain adjudicatory functions. Another improvement would have been to make sure that ordinary appeals against rulings of diocesan judges could be heard in the country of origin instead of Rome, which unduly delays the final resolution of disputes.¹¹⁴

¹⁰⁷ Merlin Rengith Ambrose, "Praedicate Evangelium: The Task Accomplished and Ahead," *NomoK@non*, November 19, 2022, at 4–5, <https://www.nomokanon.de/index.php/nomokanon/article/view/218>.

¹⁰⁸ Francis, *Chirograph Minorum Tutela Actuosa* [instituting the Pontifical Commission for the Protection of Minors] (March 22, 2014), *Acta Apostolicae Sedis* 107, no. 6 (2015): 562–63.

¹⁰⁹ Ambrose, "Praedicate Evangelium," 9; Stephan Hecht, "Missionary Pragmatism? The Apostolic Constitution Praedicate Evangelium in the Light of Power and Participation at Francisco Suárez SJ (1548–1617)," *NomoK@non*, October 24, 2022, at 2, <https://www.nomokanon.de/index.php/nomokanon/article/view/219>; Brian Davies, "Comment: Praedicate Evangelium," *New Blackfriars* 103, no. 1105 (2022): 319–21, at 320–21.

¹¹⁰ John Paul II, *Rescriptum ex Audientia Sanctissimi* of the Secretary of State, *Regolamento generale della curia romana* [on the procedural norms of the Roman Curia] (June 30, 1999), *Acta Apostolicae Sedis*, no. 91 (1999): 629–99, article 130, number 2; Leo XIV, *Regolamento generale della curia romana* (2025), article 36, number 2.

¹¹¹ Viana, "Elementos de la futura reforma de la curia romana prevista por el papa Francisco," 284.

¹¹² Comunicato della Segreteria di Stato sulla costituzione della Terza Sezione della Segreteria di Stato con la denominazione di Sezione per il Personale di ruolo diplomatico della Santa Sede [Press release from the Secretariat of State on the establishment of the Third Section of the Secretariat of State, to be known as the Section for Diplomatic Personnel of the Holy See] (November 2, 2017), *Communicationes*, no. 49 (2017): 289.

¹¹³ Gaulmyn, "La réforme de la curie," 41.

¹¹⁴ Rafael Rodríguez Ocaña, "Los organismos de justicia en Praedicate Evangelium" [The judicial organs in *Praedicate Evangelium*], *Stato, Chiese e pluralismo confessionale*, no. 6 (2023): 115–63, at 155–57.

Similarly, some bishops had suggested to eliminate administrative appeals to Rome of executive decisions made by local bishops but Kurt Martens believes that this would have severely diminished the protection of the rights of the faithful (canon 1417).¹¹⁵

The Apostolic Penitentiary continues to have competences over the internal forum—that is, matters pertaining to the exercise of the power of governance, where such exercise is not public or matters pertaining to the acts of the faithful that are not public.

The Supreme Tribunal of the Apostolic Signatura continues to be the highest administrative court, competent to deal with “recourses against individual administrative acts, whether issued by the Dicastries or the Secretariat of State” (*Praedicate Evangelium*, article 197, number 1). This may indicate that this tribunal is not competent to adjudicate recourses against, for instance, acts and decisions of the institutions of finance, because they are not dicasteries in the new classification of curial institutions. Moreover, Eduardo Baura believes that the reform has not solved the possible lack of impartiality of judges in this tribunal, who can be, at the same time, cardinals in other dicasteries or diocesan bishops but with interests of their own in the activities of certain dicasteries.¹¹⁶

The Tribunal of the Roman Rota continues to be competent for the so-called contentious matters and is best known for being the highest court in matters pertaining to nullity and dissolution of marriage.

Finally, despite Francis’s insistence on the improvement of the service that all curial institutions provide, the difficulties that many faithful experience in accessing these tribunals persist: fees to be paid, lack of language skills, and the professional monopoly created by the stricture that lawyers must be registered with the College of Advocates of the Roman Rota or with the Tribunal of the Apostolic Signatura.¹¹⁷ The new norms on the Register of Advocates do not address these problems (*Praedicate Evangelium*, articles 238–39).

The Institutions of Finance are the most recent addition, motivated in part by the scandals of the last decades and the incorporation of the Holy See in various international economic organizations (*Praedicate Evangelium*, articles 205–27).¹¹⁸ These developments demanded not only more supervision, transparency, and prevention of money laundering but also a simplification of structures. As previously said, the Council for the Economy, the Secretariat for the Economy, and the Office of the Auditor General were already established in 2014. The Commission for Confidential Matters was created in 2020.¹¹⁹ *Praedicate Evangelium* maintains the old Administration of the Patrimony of the Apostolic See and adds a new committee, the Committee for Investments. Basically, the financial institutions can be divided between those whose function is asset management and those whose role is auditing, control, and oversight.

Manuel Ganarin believes that the reform must also be saluted for the fact that it differentiates better between the finances of the Holy See and the finances of the Vatican

¹¹⁵ Martens, “The Reform of the Roman Curia at the Service of the New Evangelization,” 220.

¹¹⁶ Baura, “El ejercicio de la potestad de la Curia Romana a la luz de la *Praedicate Evangelium* y el derecho de los fieles al buen gobierno,” 24.

¹¹⁷ Martens, “The Reform of the Roman Curia at the Service of the New Evangelization,” 213; *Normae Romanae Rotae Tribunalis*, approved in *forma specifica* by John Paul II on 7 February 1994, promulgated 18 April 1994, *Acta Apostolicae Sedis*, no. 86 (1994): 508–40.

¹¹⁸ Benedict XVI, Apostolic Letter for the prevention and countering of illegal activities in the area of monetary and financial dealings (December 30, 2010), https://www.vatican.va/content/benedict-xvi/en/motu_proprio/documents/hf_ben-xvi_motu-proprio_20101230_attivita-illegali.html; Monetary Agreement between the European Union and the Vatican City State (2010/C 28/05), 2010 Official Journal of the European Union C 28/13.

¹¹⁹ *Norme sulla trasparenza, il controllo e la concorrenza dei contratti pubblici della Santa Sede e dello Stato della Città del Vaticano* [Regulations on transparency, control, and competition in public contracts of the Holy See and the Vatican City State] (June 1, 2020), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2020/06/01/0315/00705.html>.

City State, although others understand that the connection between both entities has become more explicit in recent times.¹²⁰

On October 6, 2025, Pope Leo XIV issued his first *motu proprio*, *Coniuncta Cura*, repealing a 2022 rescript by Francis that had centralized all fund and asset management in the *Istituto per le Opere di Religione* and *Amministrazione del Patrimonio della Sede Apostolica*. This amounts to a partial reversal of one of Francis's centralizing measures.¹²¹

Changes in Terminology

In *Pastor Bonus*, the different entities of the curia were the Secretariat of State, the congregations, the tribunals, the pontifical councils, and the offices, even though all these bodies were usually referred to as dicasteries. In *Praedicate Evangelium*, the types of entities in the curia have been reduced to the Secretariat of State, the dicasteries, the institutions of justice (tribunals), and the offices.

The terms *congregation* and *pontifical council* in *Pastor Bonus* were meant to differentiate between those curial institutions that exercised actual power of governance with executive and sometimes also judicial functions (congregations) and those whose task was one of pastoral promotion, similar to that of public policy think tanks (councils).¹²² However, this difference had in the course of time lost its meaning and usefulness because there were some councils with a degree of power of governance, such as the authority to create canonical associations, approve norms or hear administrative appeals.

There had been proposals to create links between congregations and councils in accordance with the scope of their activities and there was some evidence of the intention to do this in the drafting process of *Pastor Bonus*. This way, for instance, the Council for Promoting Christian Unity would engage in ecumenical work but the execution of any activity to restore unity in the church would be the task of the Congregation for the Doctrine of the Faith.¹²³ This proposal does not seem to have been followed.

In *Praedicate Evangelium* the term *dicastery* encompasses what were previously known as congregations and pontifical councils. Now all dicasteries have, at the same time, competences to exercise the power of governance and to carry out activities of promotion in their respective area. Tribunals also exercise the power of governance insofar as they have adjudicatory functions, although not executive.

This new terminology has the advantage of underlining both the equality among curial institutions (excluding any mutual subordination) and the equal and direct dependence from the pope, notwithstanding the relationships of coordination entrusted to the Secretariat of State, as established. The disadvantage is that, as noted, in the administrative praxis, the term *dicastery* was used for all curial institutions, including tribunals and offices, whereas now, under *Praedicate Evangelium*, that may no longer be possible, which may lead to confusion.

The name *Institutions of Justice* may also not be fully adequate for what is a tribunal. For instance, the Apostolic Penitentiary is not a tribunal because it does not deal with disputes regarding rights and obligations of any parties.¹²⁴

¹²⁰ Ganarin, "Praedicate Evangelium di Papa Francesco, sulla riforma della Curia Romana," section 5; Arrieta, "Presupposti organizzativi della riforma della Curia Romana," 55–56; Puig, "Considerazioni su tre sviluppi giurico-organizzativi della curia romana dopo la Pastor Bonus," 318–22.

¹²¹ Leo XIV, Apostolic Letter in the Form of a Motu Proprio *Coniuncta cura* [on the financial Investment activities of the Holy See] (September 29, 2025), promulgated October 6, 2025, https://www.vatican.va/content/leo-xiv/it/apost_letters/documents/20250929-coniuncta-cura.html.

¹²² Reese, *Inside the Vatican*, 113.

¹²³ Martens, "The Reform of the Roman Curia at the Service of the New Evangelization," 214–15.

¹²⁴ Viana, "La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*," 546.

The secretariats—the Secretariat of State and the Secretariat for the Economy—have functions as personal secretariats, or close staff, of the pope, along with their own other functions. The offices—the Prefecture of the papal household, the Office for the Liturgical Celebrations of the Supreme Pontiff, and the Camarlungo—do not exercise any kind of power of governance.

However, although the attempt to better distinguish between executive and judicial functions has been one of the relative successes of some of the major reforms of the curia, it has not been fully achieved yet. As noted, the Dicastery for the Doctrine of the Faith will continue to have adjudicatory competences with respect to crimes like the sexual abuse of minors, with a disciplinary section in charge of this.

Vatican Officials

The voting members of the dicasteries can now be cardinals or bishops, brothers or sisters of religious orders, and also lay persons (*Praedicate Evangelium*, article 15). Until the Second Vatican Council, only cardinals could be members.¹²⁵ The concentration of tasks in the role of the cardinals had tainted the curia with a style of governance in which the personality of the leader was more relevant than it should be and, moreover, there were too many informal channels of distributing resources and information.¹²⁶

Some argued that when a Vatican official is a bishop, it facilitates the dialogue with diocesan bishops who come to Rome,¹²⁷ and the acceptance, locally, of curial decisions.¹²⁸ Others believe that if there was no obligatory correlation between positions in the curia and the rank of bishop or cardinal, the pope would have more flexibility in making those appointments and curial officials would focus on their work, instead of playing politics for the next conclave. Moreover, if jobs at the curia are meant to be temporary, it is always easier to send a priest back to its diocese than it is to find a new job for a cardinal or a bishop.¹²⁹

Each dicastery is presided over by a prefect—who now does not have to be ordained—or by the pope himself, as in the case of the Dicastery for Evangelization. Nevertheless, the heads of the Supreme Tribunal of the Apostolic Signatura, the Council for the Economy, and the Camarlungo must still be cardinals. Additionally, in each dicastery there can also be one or more secretaries, undersecretaries and officials or consultants, as under *Pastor Bonus*.

Praedicate Evangelium insists on professionalism (principle 7) but also on the need to avoid careerism. To this end, five years—which can be extended by another five—is the period that clergy and members of religious orders can serve at curial institutions before returning to their ordinary pastoral work (article 17, number 4). Therefore, the laity may stay longer. Similarly, this limitation of five plus five years does not affect the heads of curial institutions. Obviously, balancing service, proper qualifications, professionalism, and the temporal nature of the work at the curia presents certain advantages but also certain challenges.¹³⁰ On the one hand, as it has been noted, the temporal limitation for clergy prevents careerism.

¹²⁵ Second Vatican Council, *Christus Dominus*; Paul VI, Apostolic Letter *Pro Comperto Sane* [for the appointment of diocesan bishops as members of the Roman Curia] (August 6, 1967), *Acta Apostolicae Sedis*, no. 59 (1967): 881–84, §10.

¹²⁶ Puig, “Considerazioni su tre sviluppi giuridico-organizzativi della curia romana dopo la *Pastor Bonus*,” 313, 316; Thomas J. Reese, “La reforma de la curia romana. De una corte del siglo XVII a un servicio de nuestro tiempo” [The reform of the Roman Curia: from a 17th-century court to a service of our time], *Concilium*, no. 353 (2013): 773–84, at 779–80; Baura, “El ejercicio de la potestad de la Curia Romana a la luz de la *Praedicate Evangelium* y el derecho de los fieles al buen gobierno,” 28.

¹²⁷ Martens, “The Reform of the Roman Curia at the Service of the New Evangelization,” 216.

¹²⁸ Viana, “Elementos de la futura reforma de la curia romana prevista por el papa Francisco,” 293.

¹²⁹ Reese, “La reforma de la curia romana,” 776.

¹³⁰ Viana, “La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*,” 544.

It may also make it easier for dioceses and other church institutions to allow their personnel to move to Rome temporarily. This would also ensure that curial personnel reflect the catholicity of the church. Ensuring the return of clerical officials to their places of origin would also prevent their uprooting and alienation—losing touch with pastoral work at the most basic level. On the other hand, the temporal restriction may force curial institutions to be permanently training rapidly changing personnel.¹³¹

As noted, in 2025, Pope Leo approved the *Regolamento del personale della Curia Romana*, establishing the legal and administrative framework governing the status, organization, rights, and duties of all employees serving of the Holy See. It provides detailed rules on recruitment, contractual arrangements, professional categories, internal mobility, disciplinary regimes, and termination of service. It affirms principles of merit-based selection, and functional competence in hiring and career progression. The regulation further defines working conditions, including the organization of working time, vacation entitlements, welfare provisions, and social protections. It also clarifies disciplinary procedures and internal accountability mechanisms, specifying the responsibilities of superiors and the procedural safeguards applicable in cases of misconduct.

From an institutional perspective, the regulation reflects the broader ecclesiological and governance shift introduced by *Praedicate Evangelium*, emphasizing the curia as a service-oriented structure at the disposition of the pope and the universal mission of the church, rather than as a self-contained bureaucratic elite. It also advances a more integrated vision of collaboration between clerics and lay personnel, reinforcing the growing participation of lay professionals in curial governance.

Reducing the Size of the Roman Curia

Reducing the size of the curia, avoiding duplication of functions and unifying existing entities was one of the reforms of *Praedicate Evangelium* that was met with more agreement.¹³² As yet, the expected reduction has been realized only in part. From the twenty-nine curial institutions established in *Pastor Bonus*, there are now twenty-six. For instance, the new Dicastery for Evangelization is the result of the merger of the Congregation for the Evangelization of Peoples with the Pontifical Council for Promoting the New Evangelization, created by Benedict XVI in 2010.¹³³ The new Dicastery for Culture and Education is the result of the merger of the Congregation for Catholic Education with the Pontifical Council for Culture.

One of the reasons for this modest institutional reduction is that although several institutions have been regrouped into one, new ones have been created, especially in the sphere of economy and finance and in that of media and communications. The reduction contrasts with the number of articles in the two norms studied here: 193 in *Pastor Bonus* and now 250 in *Praedicate Evangelium*.

The Accountability of the Roman Curia

The Roman curia, like any other institution of governance in the church, must respect the rule of law when it makes decisions such as the granting of approvals, licenses, or

¹³¹ Mirian M. Cortés Diéguez, “Composición de la Curia romana, participación de fieles laicos e idoneidad para el servicio,” *Ius Canonicum* 63, no. 125 (2023): 99–140, at 134–35.

¹³² Arrieta, “Presupposti organizzativi della riforma della Curia Romana,” 43.

¹³³ Benedict XVI, Apostolic Letter *Ubicumque et Semper* [establishing the Pontifical Council for the new evangelization] (September 21, 2010), https://www.vatican.va/content/benedict-xvi/en/apost_letters/documents/hf_ben-xvi_apl_20100921_ubicumque-et-semper.html.

dispensations; when it decides on administrative appeals; or when it makes reports about the activity of individuals or entities in the church (*Praedicate Evangelium*, articles 23 and 32, number 1). However, it is a common complaint that curial institutions lack accountability and often make decisions without listening to everyone with a legitimate interest in the matter.¹³⁴

Praedicate Evangelium shows some attempts to instill a different mentality. For instance, in the reports that bishops of particular churches must submit to the curia, in preparation for the visit to the pope *ad limina apostolorum* every five years, the report must also contain “an evaluation of the support received from curial institutions” and the expectations of what cooperation with the curia should be in the future (*Praedicate Evangelium*, article 40, number 2).

Similarly, the control of the finances of each dicastery may have been improved with a better definition of the role of the Secretary for the Economy and of the Office of the Auditor General (*Praedicate Evangelium*, articles 212, number 2; 215; 222; 223). Further, the Office of the Auditor can now commence an investigation *ex officio* and not just at the request of another institution of finance.

The Role of the Laity in the Curia

The link made by *Praedicate Evangelium* between communion and synodality, co-responsibility and participation naturally leads to the question of the role of the laity in the governance of the universal church. The reform establishes that “[t]he Pope, the Bishops and other ordained ministers are not the sole evangelizers in the Church ... Each Christian, by virtue of baptism, is a missionary disciple” (*Praedicate Evangelium*, preamble, number 10; article 59, number 1). In fact, in recent decades, the number and importance of lay members of the curia had increased, especially in areas such as the economy and finance, the media and the protection of minors.¹³⁵ As of March 2023, of a total of 520 members of curial institutions, 22 are non-ordained males (including non-ordained members of religious orders) and 28 women (including female members of religious orders).¹³⁶

The complementarity between the common priesthood of all the baptized and the ministerial priesthood of those ordained is now a common doctrine in the church.¹³⁷ The laity are considered “sharers in the Priestly, Prophetic and Kingly Mission of Jesus Christ.”¹³⁸ Before, the code of canon law of 1917 granted the power of governance strictly to those who had received the sacrament of orders, that is, the clergy (code of 1917, canon 118). The code of 1983, however, explains that “there exists among all the Christian faithful a true equality regarding dignity and action by which they all cooperate in the building up of the Body of Christ according to each one’s own condition and function” (canon 208). On this basis, the code also provides that “[l]ay members of the Christian faithful can cooperate in the exercise of this same power according to the norm of law” (canon 129, 2). For instance, there can be lay judges in ecclesiastical tribunals, exercising the “judicial” dimension of the power of governance (canon 1421, 2).

¹³⁴ Viana, “La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*,” 559.

¹³⁵ Arrieta, “La reforma de la curia romana,” 40.

¹³⁶ Cortés Diéguez, “Composición de la Curia romana, participación de fieles laicos e idoneidad para el servicio,” 137–38.

¹³⁷ Second Vatican Council, *Lumen Gentium*, § 10; John Paul II, *Pastores Gregis*, § 10.

¹³⁸ John Paul II, Apostolic Exhortation *Christifideles laici* [on the vocation and mission of the lay faithful] (December 30 1988), https://www.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_30121988_christifideles-laici.html.

Pastor Bonus had already established that “[t]he Roman Curia calls into its service diocesan priests ... male religious ... and female religious ... and lay men and women” (introduction, number 9). *Pastor Bonus* also established that “[a]ccording to the specific nature of certain dicasteries, clerics and other faithful can be added to the body of cardinals and bishops ... Strictly speaking, the members of a congregation are the cardinals and the bishops” (article 3, number 2). Elsewhere, *Pastor Bonus* repeated that there could be lay members of dicasteries but qualified their role by adding that “matters requiring the exercise of power of governance be reserved to those in holy orders” (*Pastor Bonus*, article 7). *Pastor Bonus* was already a big leap forward in that the bishops and not only cardinals could be members of a dicastery and in the fact that the laity could also be members. Therefore, the laity were not members, strictly speaking, and they could not exercise the power of governance, which probably limited their role to consultative functions in those dicasteries that did exercise the power of governance, such as congregations and tribunals, and to a decision-making role in those dicasteries whose function was of pastoral promotion, such as pontifical councils.

With the new reform of the curia “any member of the faithful can preside over a Dicastery or Office, depending on the power of governance and the specific competence and function of the dicastery or office in question” (*Praedicate Evangelium*, principles, number 5). This is concretized when the new norm indicates that “[d]epending on the nature of the Dicastery, priests, deacons, those in Institutes of Consecrated Life and Societies of Apostolic Life and lay faithful may also be appointed members” (*Praedicate Evangelium*, article 15). Ganarin reads the fact that the first members of the dicasteries mentioned in this provision continue to be cardinals and the laity are mentioned last as indicating a certain gradual preference for the first, so that lay members of the dicasteries will always be the exception.¹³⁹

The wording of this provision in *Praedicate Evangelium* is definitely more liberal than was the previous one in *Pastor Bonus* but it does not dispel all its ambiguities and need for interpretation.¹⁴⁰ Although *Praedicate Evangelium* does not expressly say that the power of governance can be exercised by non-clergy, it eliminates the abovementioned limitations of *Pastor Bonus* concerning that power.

Praedicate Evangelium further justifies this new role of the laity indicating that “[b]y their family life, their engagement in society and their faith, which helps them to discern God’s working in the world, they have much to offer, especially through their promotion of the family, respect for the values of life and creation, the Gospel as a leaven of temporal affairs, and the discernment of the signs of the times” (*Praedicate Evangelium*, preamble, number 10). Therefore, Francis seems to be saying that what the lay faithful can contribute at the curia has to do with their knowledge of secular matters, so therefore it is in areas related to these matters—and not others—where lay Christians may serve at the curia.

Thus, there may be dicasteries where the worldly experience of the lay faithful would be welcome but there may be others where the sheer clerical nature of their goals and functions makes the presence of lay members not only unnecessary but maybe also undesirable because of, for instance, the risk of “clericalizing” them.¹⁴¹ Francis had spoken against this possibility, indicating that the laity should discover their “proper vocation, which is not to be an office manager or a priest-diplomat, but instead, and above all, an evangelizer.”¹⁴² However, Francis insists that the curia is nothing but another instrument of evangelization (*Praedicate Evangelium*, preamble, numbers 2 and 12).

¹³⁹ Ganarin, “*Praedicate Evangelium* di Papa Francesco, sulla riforma della Curia Romana,” section 4.

¹⁴⁰ Ambrose, “*Praedicate Evangelium*,” 12–13.

¹⁴¹ Thomas Reese, “Pope Francis Reforms the Vatican Curia. Here’s Hoping He’s Not Done,” *Religion News Service*, March 23, 2022, <https://religionnews.com/2022/03/23/pope-francis-reforms-the-vatican-curia/>.

¹⁴² Francis, Address to Participants in Congress of The International Forum of Catholic Action” (April 27, 2017), https://www.vatican.va/content/francesco/en/speeches/2017/april/documents/papa-francesco_20170427_congresso-azione-cattolica.html).

Thus, and although *Praedicate Evangelium* does not say this expressly, a layperson may be the head of the Dicastery for the Laity, the Family and Life or the Dicastery for Communication but probably not the head of the Dicastery for Bishops, the Dicastery for the Clergy, or the Dicastery for Institutes of Consecrated Life and Societies of Apostolic Life (religious orders).¹⁴³ Indeed, *Praedicate Evangelium* expressly reserves certain positions for ordained men, as in the case of the Supreme Tribunal of the Apostolic Signatura (*Praedicate Evangelium*, article 195, number 1), the head of the Council for the Economy (*Praedicate Evangelium*, article 206, number 2), and the Camarlungo (*Praedicate Evangelium*, article 235). Neither *Pastor Bonus* nor *Praedicate Evangelium* establish that judges of the Roman Rota must be clergy, but its specific “*Normae*” say so (article 3, number 1).¹⁴⁴

Surprisingly, although the new reform of the curia underlines that the laity are more in touch with worldly matters, such as finance and the economy, and that this is what they can contribute with in the governance of the universal church, the Council for the Economy must be made of eight cardinals or bishops and only seven lay men or women (*Praedicate Evangelium*, article 206, number 1). This may also be contradictory with the principles of professionalism (*Praedicate Evangelium*, principles, number 7) because, in most cases, a cardinal or a bishop will not have the qualifications and experience that a lay man or woman has in management or finance.¹⁴⁵

Another practical problem of incorporating the laity to the curia is that they may expect higher salaries than clergy and the fact that many clergy who are called to the Vatican may already have extensive experience working at other structures of ecclesiastical governance such as diocesan curia or religious orders.¹⁴⁶

For most commentators of the reform of the curia, the new role of the laity is a positive application of the doctrine of the Second Vatican Council but for others it is not sufficiently concretized or does not go far enough.¹⁴⁷ For Gianfranco Ghirlanda, Manuel Ganarin, and Nihal Abeyasingha, this innovation of *Praedicate Evangelium* settles the classical controversy in canon law about whether the power of governance is granted by the sacrament of orders or by the transfer of that power through the *missio canonica* (the appointment to an ecclesiastical office) in favor of the second option.¹⁴⁸ Arrieta agrees that the power of governance of the curia is vicarious and, therefore, clergy at the curia exercise any power they have by reason of the task given to them by the pope and not because they are ordained.¹⁴⁹ Del Pozzo agrees: it would not be possible to see in this reform of the curia any new teaching of the church with respect to the basic sacramental origin of authority in the church. Rather, the already existing praxis with respect to the presence of the laity in structures of governance of the church is to be found in the vicarious nature of the authority of the curia and in the fact that many positions in the curia do not involve a responsibility in the cure of souls.¹⁵⁰

¹⁴³ Ganarin, “*Praedicate Evangelium* di Papa Francesco, sulla riforma della Curia Romana,” section 4.

¹⁴⁴ Angelo Sodano, *Rescriptum ex Audientia Sanctissimi*, Norms of the Tribunal of the Roman Rota (February 7, 1994), *Acta Apostolicae Sedis*, no. 86 (1994): 508–40, article 3.1.

¹⁴⁵ Viana, “La potestà della curia romana secondo la costituzione apostolica *Praedicate Evangelium*,” 544.

¹⁴⁶ Arrieta, “La riforma de la curia romana,” 41.

¹⁴⁷ Hecht, “Missionary Pragmatism?,” 2–4.

¹⁴⁸ Ghirlanda, “La costituzione apostolica *Praedicate Evangelium* sulla curia romana,” 386; Ganarin, “*Praedicate Evangelium* di Papa Francesco, sulla riforma della Curia Romana,” section 4; Nihal Abeyasingha, “*Praedicate Evangelium*: Pope Francis’ Reform of Curia: Authority as Service-Communion-Participation-Evangelization,” *Vidyajyoti Journal of Theological Reflection*, 86, no. 8 (2022): 567–81, at 575.

¹⁴⁹ Arrieta, “La nuova organizzazione della curia romana,” 428–29.

¹⁵⁰ Del Pozzo, “Una lettura ‘strutturale’ di ‘*Praedicate Evangelium*,’” 69; Cure of souls or care of souls is “the exercise of a clerical office involving the instruction, by sermons and admonitions, and the sanctification, through the sacraments.” William H. W. Fanning, s.v. “Cure of Souls,” *Catholic Encyclopedia*, accessed Oct. 29, 2024, <https://catholiclibrary.org/library/view?docId=Reference-EN/CathEnc.C.html&chunk.id=00002133>.

Finally, it should be remembered that, although members of religious orders are not usually seen as part of the lay faithful, the relevant distinction is between men who are ordained and those—men and women—who are not, either because they have chosen not to receive the sacrament or because they cannot receive it, in the case of women. In this regard, soon after the approval of *Praedicate Evangelium*, Francis issued a new norm amending the code of canon law and allowing the non-clergy to be appointed superiors of those religious orders among whose members there may be priests and nonordained men or women (canon 588, 3). Major superiors—that is, heads of the religious order worldwide—may now be appointed with permission of the relevant congregation at the curia, whereas local superiors who are not clergy may be appointed without permission from the Holy See.¹⁵¹

Conclusions

With this new reform of the curia, the doctrine of the church regarding its organizational features and layers of authority remains the same.¹⁵² No significant decentralization of competences has taken place, either.¹⁵³ The complexity and subtlety of the relationship between papal primacy and the autonomy of individual bishops continues to be relatively unresolved, although *Praedicate Evangelium* insists, more than did previous norms on the organization of the curia, in the role of the bishops, episcopal conferences, and their regional and continental groupings in the governance of the universal church.

A more precise concretization of such role may have to wait until a new administrative praxis may be established in the curia, implementing the calls of *Praedicate Evangelium* for collaboration and consultation between the curia and the bishops and episcopal conferences. There may also be other reforms of the code of canon law itself, like some reforms made since Francis's election and that have now been codified in *Praedicate Evangelium*. However, in a millenary institution like the Vatican, sudden and very apparent changes in the way of doing things will probably be the exception rather than the rule.¹⁵⁴ At least Pope Leo has made several references to *Praedicate Evangelium* since his election, in terms that amount to an endorsement of this reform, without closing the door to a "reform of the reform."¹⁵⁵

The reform of the curia in *Praedicate Evangelium* is mostly one of principles regarding the values, ethos, and decision-making style that the Roman Curia should have as an administrative apparatus. The reform does not imply radical changes in rules and structures. *Praedicate Evangelium* is also Francis's heartfelt call to change the leadership style of the members of the curia to more professionalism and to spiritual reform for everyone involved in the governance of the universal church (*Praedicate Evangelium*, principles, numbers 6, 7).¹⁵⁶ These express calls for spiritual reforms are the most apparent instances of

¹⁵¹ Francis, Rescriptum ex Audientia Sanctissimi [Response of the Holy Father Francis regarding the derogation from canon 588, 2 Code of Canon Law] [abrogating canon 588, 2 of the Code of Canon Law] (May 18, 2022), <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2022/05/18/0371/00782.html>.

¹⁵² Del Pozzo, "La Curia romana y el principio de subsidiariedad," 74.

¹⁵³ Baura, "El ejercicio de la potestad de la Curia Romana a la luz de la *Praedicate Evangelium* y el derecho de los fieles al buen gobierno," 7.

¹⁵⁴ Allen, *All the Pope's Men*, 130–34; De Gaulmyn, "La réforme de la curie," 35, 39.

¹⁵⁵ Address of Pope Leo XIV to superiors and officials of the secretariat of state (June 5, 2025), <https://www.vatican.va/content/leo-xiv/en/speeches/2025/june/documents/20250605-segreteria-distato.html>; Address of Pope Leo XIV, at the end of the first session of the extraordinary consistory (January 7, 2026), <https://www.vatican.va/content/leo-xiv/en/speeches/2026/january/documents/20260107-concistoro-straordinario.html>.

¹⁵⁶ Arrieta, "La nuova organizzazione della curia romana," 420, 422; Del Pozzo, "Una lettura 'strutturale' di 'Praedicate Evangelium,'" 92.

discontinuity in a norm that is very much in continuity with previous rules, principles, and reforms.¹⁵⁷

Moreover, *Praedicate Evangelium* emphasizes ideas, values, and criteria than can already be traced back to its predecessor, *Pastor Bonus*, such as the need that the curia remains or becomes an instrument of service, evangelization, and communion, not a barrier to be overcome by bishops to get to the pope. Again, whether this goal is achieved will depend on the extent to which the principles of *Praedicate Evangelium* are followed.¹⁵⁸ The reform of John Paul II in *Pastor Bonus* has been abrogated but not greatly changed in practice. Still, the seeds have been planted to give the organizational norms of the curia a more pastoral and missionary interpretation and application.¹⁵⁹

It is unclear whether *Praedicate Evangelium* has granted bishops more competences than they had before and it is hard to say whether that is also the case with episcopal conferences but the reform theoretically increases their relevance as common partners in the exercise of the competences of the curia.

All the references to how curial institutions are supposed to collaborate with and listen to the opinions of everyone who has something to say and who may be affected by decisions made at the curia are heavily dependent on the goodwill of curial officials and the pope himself.¹⁶⁰ For Arrieta, this change in leadership style and this kind of decentralization of procedures and not of competences seems more adequate with collegiality and with the relationship between the universal and particular churches.¹⁶¹ On the other hand, for Pozzo, the reform suffers from idealism, a degree of confusion and lack of normative teeth, which may in fact decrease the effective role of particular churches and episcopal conferences.¹⁶² In general, the reform does not provide for a legal recourse or remedy for those who believe that they have not been listened to. Decisions made at the curia, especially those which have the endorsement or the direct approval of the pontiff will be as enforceable as before, even if all the calls for collaboration and consultation are ignored.

In this regard, for the validity of acts in canon law, those acts must not be contrary to law, must not injure the rights of others and must comply with those formalities established by law (canons 38 and 124, 1). Could local bishops or Episcopal conferences claim that an act of the curia is invalid because the relevant dicastery did not ask for their opinion, despite the repeated calls of *Praedicate Evangelium* to do so? Canon 10 of the code answers in the negative because an act can only be considered null and void in canon law if a law specifically says so, for the reasons indicated in the law itself and *Praedicate Evangelium* does establish the invalidity of any acts of the curia in that case.¹⁶³

It is still hard to say, at this point, whether the leadership style of Pope Francis himself, and his pontificate, was marked by a centralizing or decentralizing tendency and a diversity of opinions exists in this regard.¹⁶⁴ On the one hand there is Francis's reform of the curia and

¹⁵⁷ Damián Némec, "Pope Francis' Reform of Roman Curia—Continuity and Discontinuity," *Ecumeny and Law* 12, no. 2 (2024): 162–63.

¹⁵⁸ Berkmann, "Subsidiarität und Dezentralisierung bei der Reform der Römischen Kurie," 12.

¹⁵⁹ Del Pozzo, "Una lettura 'strutturale' di 'Praedicate Evangelium,'" 59, 62.

¹⁶⁰ In a discussion, Cardinal Madariaga expressed his concerns that the new reform might encounter opposition among curial officials. "Praedicate Evangelium, las claves de la reforma de Francisco, a debate en los XXXVII Jueves de RD" [*Praedicate Evangelium*, the keys to Francis' reform, debated at the XXXVII Thursdays of RD], *Religión Digital*, June 3, 2022, https://www.religiondigital.org/vaticano/Cardenal-Maradiaga-reforma-curia-praedicate-evangelium-juevesrd_0_2456154378.html.

¹⁶¹ Arrieta, "Presupposti organizzativi della riforma della Curia Romana," 46–47, 56–57.

¹⁶² Del Pozzo, "La Curia romana y el principio de subsidiariedad," 80.

¹⁶³ Del Pozzo, 77.

¹⁶⁴ John L. Allen, "Pope's Passion for Motu Proprio Captures a Grand Irony, and a Deep Truth" *Crux*, February 16, 2022, <https://cruxnow.com/news-analysis/2022/02/popes-passion-for-motu-proprio-captures-a-grand-irony->

the synodal process, an ongoing process in many countries, where all Catholics, clergy, religious and laity are called to express themselves.¹⁶⁵ On the other hand and as it has been mentioned, Pope Francis approved a new mechanism to investigate and remove bishops or religious superiors in cases of grave negligence or abuse of power, giving competences to the relevant dicastery. The pope already had the power to depose a bishop but this new mechanism may send a stronger signal regarding the dependency of bishops with respect to the bishop of Rome.¹⁶⁶

Much of synodality was one of the key underlying principles of *Praedicate Evangelium*. It thus remains to be seen how this concept will be incorporated in the life of the church. In this regard, the Synod on Synodality formally concluded in October 2024. The final document ambitiously calls for a process of assessment of the concrete relationship between the Roman curia and local episcopates, greater participation of lay people in decision-making processes and suggesting these themes be put on the agenda of forthcoming *ad limina* visits. It also calls for the revival of particular councils as a tool for sound decentralization.¹⁶⁷

Finally, not since the times of *Humanae Vitae* have bishops, worldwide, contested so much and so openly a papal document as in the case of the recent declaration *Fiducia Supplicans*, on the extra-liturgical blessings for same-sex couples.¹⁶⁸ The Dicastery for the Doctrine of the Faith clarified in January 2024 that documents of the dicastery “may require more or less time for their application depending on local contexts and the discernment of each diocesan Bishop,” and that “each local Bishop, by virtue of his own ministry, always has the power of discernment *in loco*.”¹⁶⁹ The question is: this deference to local bishops in the application of a universal norm is proof of synodality and decentralization or evidence of a somewhat chaotic style of legislating?

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and-a-deep-truth; Andrea Gagliarducci, “Are Pope Francis’ Changes to Canon Law True Decentralization?,” Catholic News Agency, February 16, 2022, <https://www.catholicnewsagency.com/news/250403/are-pope-francis-changes-to-canon-law-true-decentralization>.

¹⁶⁵ The Synod, Synod 2021–2024, accessed October 29, 2024, <http://www.synod.va>.

¹⁶⁶ Francis, *As a Loving Mother*, article 1.

¹⁶⁷ Synod of Bishops (XVI Ordinary General Assembly), *Final Document of the Synod on Synodality (2024)* (October 26, 2024), <https://press.vatican.va/content/salastampa/en/info/2024/12/30/241230a.html>.

¹⁶⁸ Jayd Hendricks, “*Fiducia Supplicans* and the Authority of Bishops,” *What We Need Now* (blog), January 9, 2024, <https://whatweneednow.substack.com/p/fiducia-supplicans-and-the-authority>.

¹⁶⁹ Dicastery for the Doctrine of the Faith, Press release concerning the reception of *Fiducia supplicans*, January 4, 2024, <https://press.vatican.va/content/salastampa/en/info/2024/01/04/240104a.html>.

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