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DECENTRALISATION IN THE ROMAN CURIA

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Zusammenfassung: Dezentralisierung und Subsidiarität sind Prinzipien, die Papst Franziskus immer wieder für Reformen in der katholischen Kirche einmahnt. Eine dieser Reformen war jene der Römischen Kurie, die der Papst durch das Gesetz „*Praedicate Evangelium*“ 2022 zu Ende führte. Der Autor prüft an konkreten Stellen dieses Gesetzes, inwieweit die genannten Prinzipien umgesetzt wurden. Dabei kommt er zu dem Ergebnis, dass dies, trotz bemerkenswerter Verbesserungen, in eher geringem Ausmaß geschah. Den Grund hierfür erblickt er darin, dass die beiden Prinzipien in Wirklichkeit einem anderen untergeordnet wurden, nämlich dem der Mit-Verantwortung.

Summary: Decentralisation and subsidiarity are principles that Pope Francis repeatedly urges when it comes to reforms in the Catholic Church. One of these reforms was that of the Roman Curia, which the Pope completed in 2022 with the Apostolic Constitution ‘*Praedicate Evangelium*’. The author examines specific passages of this law to determine the extent to which the principles in question have been implemented. Despite remarkable improvements, he concludes that this occurred to a rather limited extent. He sees the reason for this in the fact that the two principles were actually subordinated to another, namely in terms of co-responsibility.

1 Introduction

The Catholic Church is often perceived as being too centralised. Great expectations regarding changes in church leadership, therefore, relate to decentralisation. Indeed, Pope Francis bases his reforms on principles such as subsidiarity and decentralisation. Already in his first Apostolic Exhortation, *Evangelii gaudium* from 2013, he emphasised "the need to promote a sound 'decentralisation'"¹. In his Christmas greetings of 2016, he mentioned the principle of subsidiarity as the eighth guiding principle for the reform of the Roman Curia.² In the meantime, the reform of the curia was implemented in 2022 through the Apostolic Constitution, *Praedicate Evangelium*.³ This replaces the previous curia law, *Pastor Bonus* of 1988. Hence, it makes sense to examine how the principles of decentralisation and subsidiarity have been reflected in it.

¹ *Francis*, Apostolic Exhortation: *Evangelii Gaudium* (24 November 2013), in: AAS 105 (2013) 1019-1137, Art. 16: "It is not advisable for the Pope to take the place of local Bishops in the discernment of every issue which arises in their territory. In this sense, I am conscious of the need to promote a sound 'decentralization'."

² Cf. *Francis*, Address: Presentation of the Christmas Greetings to the Roman Curia (22 December 2016), at: https://www.vatican.va/content/francesco/en/speeches/2016/december/documents/papa-francesco_20161222_curia-romana.html:

"8. Subsidiarity: This involves the reordering of areas of competence specific to the various Dicasteries, transferring them if necessary from one Dicastery to another, in order to achieve autonomy, coordination and subsidiarity in areas of competence and effective interaction in service.

Here too, respect must be shown for the principles of subsidiarity and clear organization with regard to relations with the Secretariat of State and, within the latter, among its various areas of competence, so that carrying out its proper duties it will be of direct and immediate assistance to the Pope. This will also improve coordination between the various sectors of the Dicasteries and Offices of the Curia themselves. The Secretariat of State will be able to carry out its important function precisely in achieving unity, interdependence and coordination between its sections and different sectors."

³ *Francis*, Apostolic Constitution: *Praedicate Evangelium* (19 March 2022), in: OR 162,74 (2022) I-XII.

2 Realisation in Praedicate Evangelium

In the definitive text of *Praedicate Evangelium*, the term "decentralisation" appears only once, namely in No. 2 of the "Principles and Criteria for the Service of the Roman Curia". Here, however, it only refers to the teaching office of the pastors, not to the legal area, which would be of particular interest. The restriction to the magisterium is surprising, especially since the issuing of juridic acts is a significant task of several dicasteries.

In the normative section of *Praedicate Evangelium* there are several articles that, from the perspective of subsidiarity and decentralisation, are relevant. In this paper the most important of them will be addressed.

2.1 Subsidiarity

A basic idea of the principle of subsidiarity is that the higher authority intervenes in the affairs of the lower authority only when this is necessary and useful. This is most clearly expressed in Art. 107 § 2 PraedEv, which concerns the Dicastery for Bishops intervening in the exercise of the bishop's pastoral ministry:⁴

"In cases where the correct exercise of the episcopal function of governance calls for a special intervention, and the Metropolitan or the Episcopal Conferences are not able to resolve the problem, it falls to the Dicastery, if necessary in accord with other competent Dicasteries, to decide upon fraternal or apostolic visitations and, proceeding in like manner, to evaluate their outcome and to propose to the Roman Pontiff the measures deemed appropriate."

In this text, special intervention is subject to the necessity criterion ("if necessary"). Furthermore, the lower authorities, namely the metropolitan and the bishops' conference, are given priority for such intervention, because only if they are unable to solve the problem, may the dicastery intervene. There is also a gradation with regard to the means to be chosen: the fraternal visitation is mentioned before the apostolic visitation. However, the decision-making authority lies one level higher, that is, in the hands of the Pope. The dicastery can only make suggestions to him. The predecessor provision of Art. 79 PastBon⁵ remained more general, did not focus on the case of a special intervention, and did not mention the necessity criterion, the primacy of lower authorities, nor the fraternal visitation.⁶

Two further articles are to be mentioned with regard to subsidiarity. They only assign competence to curial institutions if the matter to be dealt with exceeds the competencies of the diocesan bishops or their groupings. Art. 21 no. 3 PraedEv⁷ stipulates this for every curial

⁴ Cf. *Viana, Antonio*, Die Leitungsgewalt der Römischen Kurie gemäß der Apostolischen Konstitution Praedicate Evangelium, in: NomoK@non, 20.03.2023, 13.

⁵ *John Paul II.*, Apostolic Constitution: Pastor Bonus (28 June 1988), in: AAS 80 (1988) 841-934.

⁶ However, the principle of subsidiarity was expressed in No. 11 of the introduction of Pastor Bonus. Here, respect for the legitimate habits and customs of the peoples and the powers of the heads of the particular churches was first emphasised. This was followed by the Pope's (not the Curia's!) right to intervene, which was linked to the conditions that serious reasons existed and that unity in faith, charity and discipline were at stake.

⁷ Art. 21 no. 3 PraedEv: "Each curial institution, depending on its proper area of competence: [...] examines those matters that exceed the competence of individual diocesan or eparchial Bishops or episcopal bodies (Conferences or hierarchical structures of the Eastern Churches)."

institution and Art. 90 § 2 PraedEv⁸ specifies it for the Dicastery for Divine Worship. Both provisions are an expression of the principle of subsidiarity,⁹ but were already anticipated, albeit less clearly, in Art. 13 and 63 PastBon.

2.2 Decentralisation

Decentralisation means the transfer of authority from higher to lower levels. At first glance, this cannot be discovered in *Praedicate Evangelium*.¹⁰ On closer inspection, however, certain changes can be identified. One of these concerns the appointment of bishops. The inclusion of members of the people of God is now enshrined in Art. 105 § 1 PraedEv:

"The Dicastery deals with all matters concerning the appointment of diocesan and titular Bishops, Apostolic Administrators and, in general, the provision of the particular Churches. It does so by considering the proposals presented by the particular Churches, the Episcopal Conferences and the Pontifical Representations, and after having consulted the executive officers of the respective Episcopal Conference and the Metropolitan. In appropriate ways, it also engages in this process the members of the people of God of the dioceses in question."

Pursuant to Art. 105 § 2, the Dicastery for Bishops, in agreement with the Bishops' Conferences and their regional and continental groupings, shall establish the criteria for the selection of candidates for the episcopate:

"The Dicastery, in consultation with the Episcopal Conferences and their regional and continental groupings, determines the criteria for the selection of candidates. These criteria must take into account differing cultural needs and are to be periodically evaluated."

A decentralising effect also exists in those cases where a previously unrestrictedly formulated competence, which authorised a curial authority to act independently, is converted into a mere supporting competence. The issuing of legal acts, thus, remains at the level of the particular church, whose legislation may not be uniformised by the Curia. Examples are Art. 96¹¹, 115 § 1¹², 159 § 2¹³ and 160¹⁴ PraedEv.

⁸ Art. 90 § 2 PraedEv: "It examines and grants requests for indulgences and dispensations concerning matters that exceed the competencies of diocesan bishops."

⁹ *Viana*, *Leitungsgewalt* (note 4), 13.

¹⁰ E.g. *Neumann, Felix*, *Sparsamer und mit mehr Frauen? Ein zweiter Blick auf die Kurienreform* (23 March 2022), at: <https://www.katholisch.de/artikel/33612-sparsamer-und-mit-mehr-frauen-ein-zweiter-blick-auf-die-kurienreform>.

¹¹ Art. 96 PraedEv: "The Dicastery assists Bishops in carrying out their proper office as moderators, promoters and guardians of the entire liturgical life of the particular Church entrusted to their care, by offering guidelines and suggestions for promoting a correct liturgical formation, in order to prevent and eliminate possible abuses."

¹² Art. 115 § 1 PraedEv: "The Dicastery offers assistance to diocesan Bishops and Episcopal Conferences in their respective activities of governance with regard to the life, discipline, rights and obligations of clerics, and it cooperates with them concerning the permanent formation of clerics. It ensures, furthermore, that diocesan Bishops or Episcopal Conferences provide for the sustenance and social welfare of the clergy in accordance with the law."

¹³ Art. 159 § 2 PraedEv: "It supports diocesan/eparchial Bishops, Episcopal Conferences and the hierarchical structures of the Eastern Churches which, in order to promote the Catholic identity of schools and institutes of higher education, can issue norms defining their criteria in a particular cultural context. Together with them, it ensures that the integrity of the Catholic faith is safeguarded in doctrinal teaching."

¹⁴ Art. 160 § 1 PraedEv: "The Section for Education supports diocesan/eparchial Bishops, Episcopal Conferences and the hierarchical structures of the Eastern Churches in establishing the norms according to which Catholic schools of all kinds and levels must be erected, in which provision should also be made for educational pastoral care as part of evangelisation."

2.3 Cooperation

In numerous places, *Praedicate Evangelium* calls for cooperation or collaboration with the particular churches and their groupings.¹⁵ No. 3 of the "Principles and Criteria" explains what cooperation with the bishops can consist of: counsel, support, promotion, encouragement, assistance.¹⁶ Art. 3 mentions cooperation in connection with the service rendered to the Pope and the bishops. With regard to the most important matters, this concept is generally stipulated in Art. 36 § 1¹⁷ for all curial institutions:

"In more serious matters, curial institutions must cooperate with the particular Churches, the Episcopal Conferences, their regional and continental groupings and the hierarchical structures of the Eastern Churches."

When dealing with cooperation, Art. 40 § 2 *PraedEv* should also be mentioned. It concerns the report that the bishops must send to the Curia before an *ad limina* visit.

"The report should be concise, clear and characterised by precision and concreteness in describing the real condition of the particular Church. It must also contain an evaluation of the support received from curial institutions and articulate expectations concerning the work to be accomplished in cooperation with the Curia."

It is noteworthy that the report includes feedback and, thus, a certain assessment of how the Curia fulfils its obligation. To some extent, this could represent an instrument with which the diocesan bishops can urge the Roman Curia to implement subsidiarity.

2.4 Co-responsibility

Even if other articles from *Praedicate Evangelium* were analysed, the overall impression would not change: Although there are changes that aim towards subsidiarity and decentralisation, they are rather minor. This can be explained by the fact that the two principles are only seen as part of another principle, namely co-responsibility. This term appears four times in the Constitution,¹⁸ thereof twice in the aforementioned No. 2, which is titled "Co-responsibility in Communion".¹⁹ The true principle and criterion for the service of the Roman Curia, thus, appears to be co-responsibility, to which decentralisation is subordinate.²⁰ Subsidiarity and decentralisation are only relevant to the extent that they are in line with co-responsibility in *communio*.

This is also expressed in statements by church leaders who were involved in the creation of *Praedicate Evangelium*. As the coordinator of the Council of Cardinals, Rodríguez Maradiaga, observes, "subsidiarity" has always been understood as co-responsibility within the Communion, that is a principle that should help the bishops, in the sense of a sound "decentralisation", to

¹⁵ Cf. *Kouveglo, Emile*, Primato ed episcopato nella Costituzione Apostolica *praedicate Evangelium*, in: Giammarresi, Francesco, La costituzione apostolica «*Praedicate Evangelium*». Struttura, contenuti e novità, Città del Vaticano 2022, 49-63, 59.

¹⁶ Cf. *Ibid.*, 61.

¹⁷ The preceding provision of Art. 26 *PastBon* did not speak of cooperation, but of relations and the seeking of advice. Cf. *Kouveglo*, Primato (note 15), 59.

¹⁸ Twice in Principle No. 2 ("Corresponsabilità nella *communio*") and in Art. 3 and 132.

¹⁹ For the sake of completeness, it should be mentioned that the concept of just autonomy ("giusta autonomia") appears once, in Art. 62 in relation to the new particular churches.

²⁰ Cf. *Puig, Fernando*, Aspetti tecnico-giuridici delle relazioni tra dicasteri romani e istanze ecclesiali locali, in: Bianchi, Letizia / Cattaneo, Arturo / Eisenring, Gabriela (Hg.), Parola – Sacramento – Carisma. Scritti in onore di Libero Gerosa in occasione del suo 70° compleanno, Siena 2019, 383-401, 388.

solve the issues that are close to their hearts, because they know the social and ecclesial realities best.²¹

The Secretary of the Council of Cardinals, Mellino, mentioned both decentralisation and subsidiarity. While affirming the sound decentralisation in the Church, he pointed out its limits as well:

“A 'sound decentralisation' in the life of the Church can certainly be invoked and applied, when it is licit and possible, but not merely in the name of a subsidiary relationship between two extrinsic entities, but in the name of that communal immanence in which the rule of reciprocal service and donation prevails between the subjects.”²²

This is what is meant by the expression "co-responsibility in *communio*" used in the Apostolic Constitution, in which the principle of subsidiarity is taken up, understood, and applied in accordance with the mystery of *communio*, which is proper to the Church.²³

In these words, a certain modification of the two principles in relation to the Church can be observed. Del Pozzo, therefore, very aptly uses the term "decentralising co-responsibility"²⁴, because co-responsibility is the main issue and decentralisation only the attribute. Decentralisation is, thus, largely limited to the participation of local authorities in the central leadership.²⁵

3 Conclusion

Overall, the concern for decentralisation and subsidiarity in the reform of the Curia under Pope Francis was neither new nor did it lead to extraordinary results. There was no paradigm shift, but some major and minor changes. *Praedicate Evangelium* is, therefore, just another step on a longer path towards the enhancement of the particular churches, which should be followed by further steps.

²¹ Rodríguez Maradiaga, Óscar Andrés, *Praedicate Evangelium*. Una nueva curia para un tiempo nuevo, Madrid 2022, 50.

²² Mellino, Marco, Intervento: Conferenza Stampa di presentazione della Costituzione Apostolica "Praedicate Evangelium" sulla Curia Romana e il suo servizio alla Chiesa nel mondo (21.03.2022), at: <https://press.vatican.va/content/salastampa/it/bollettino/pubblico/2022/03/21/0192/00417.html#mellino>.

²³ Ibid.

²⁴ Cf. Del Pozzo, Massimo, Una lettura 'strutturale' di "Praedicate Evangelium", at: <https://statoechiese.it/contributi/una-lettura-strutturale-di-praedicate-evangelium>, 2022, 47-94, 72: "corresponsabilità decentralizzante".

²⁵ Cf. Ibid., 75.