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Human Development**

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The Role of Laity in the Dicastery for Promoting Integral Human Development

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Summary: The study examines the Dicastery's structure and functioning in the light of the purposes that pertain to it, already on the basis of the Statute, later confirmed and perfected by the Constitution reforming the Roman Curia. The important role the laity can assume in it - with regard to interpreting the signs of the times as well as to the implementation of the social magisterium of the Church - seems to find specific reasons in their vocation to the sanctification of the temporal order, newly perceived though, on one hand and in the material and professional criterion of attributing dicasterial competences on the other hand.

Riassunto: Lo studio esamina la struttura ed il funzionamento del Dicastero alla luce delle finalità che ad esso competono, già in base allo Statuto, confermato poi e perfezionato dalla Costituzione di riforma della Curia Romana. L'importante ruolo che i laici vi possono assumere, nell'interpretazione dei segni dei tempi, e nell'attuazione del magistero sociale della Chiesa, sembra trovare specifiche ragioni nella loro vocazione alla santificazione dell'ordine temporale (sia pure intendendo questo in un senso nuovo), oltretutto nel criterio materiale e professionale dell'attribuzione delle competenze dicasteriali.

1 Introduction

In 2016 a new Dicastery, on the happy initiative of Pope Francis¹, inserted itself into the history of the Church, and of humanity, in order to serve integral human development, and began its mission just before the beginning of the pandemic. In times of Covid, this body experimented with intense work, putting to the full test the statute that – given *ad experimentum* less than four years earlier – is also confirmed and perfected by the recent Reform of the Roman Curia². The new Dicastery is indeed part of the eternal story of Peter's charitable substitution, fulfilling a historical task of the Church, and yet it would be better described as a "new Dicastery", not so much for the function it carries out but for the configuration of its own competences and of its structure.

In fact, it summarises and surpasses the functions of four previous Pontifical Councils ("for Justice and Peace"; "Cor Unum"; "for the Pastoral Care for Migrants and Itinerant People"; "for the Pastoral Assistance to Health Care Workers"), not for reasons of pure and simple curial

¹ Francis, Apostolic Letter in the form of a motu proprio "*Humanam progressionem*" (17.08.2016), in: AAS 108 (2016) 968.

² Francis, Apostolic Constitution "*Praedicate Evangelium*" (19.03.2022), in: OR 162,74 (31.03.2022) 1-12 (in the following: P.E.), Artt. 163-174.

reorganisation³, or for reasons – albeit deeper – of reform⁴, but for an ecclesiological vision that reflects the true core of the Christian faith; and that is, for that inseparable connection that is configured between word, sacrament, and charity, better expressed in the triad "leiturgia – kerygma/martyrium – diaconia", already highlighted so well by the teaching of Pope Benedict XVI⁵.

The intimate and mutual co-belonging of the munera of teaching, testimony, and charity, which expresses the divine mandate to the Church, requires that the new Dicastery have a unitary statute, in order to be able to combine magisterial skills and jurisdictional skills, and to proceed, together, to spread the social doctrine of the Church (also through its authentic interpretation) and implement its principles, with social justice interventions (more often promoted but also sometimes directly implemented)⁶.

In carrying out such a vast task, which almost coincides with the action of the Church tout court⁷, the Dicastery receives additional competences, compared to those inherited from the aforementioned Pontifical Councils; in fact, it supports the particular churches and episcopal structures (conferences and their groupings) in the field of integral human promotion (art. 163 P.E.); supports the particular churches in "material and spiritual" assistance (art. 165 § 4 P.E.); collaborates with the Episcopal Conferences, their groupings and the Eastern hierarchical structures in the processes of implementing the social magisterium of the Church and in the protection and development of the environment (art. 164 P.E.); is competent towards *Caritas Internationalis* and the International Catholic Commission for Migration, according to their respective statutes, as well as towards international charitable associations and the funds

3 Reference is made to the technical reasons, i.e. the most proximate, that led Pope Francis to reform, notoriously summarized in the Roman Curia's requests for simplification, rationality, efficiency. For all of them, please refer to the observations of *Arrieta, Juan Ignacio*, Presupposti organizzativi della riforma della Curia romana, in: *Ius Ecclesiae* 27 (2015) 37-60, and *Idem.*, I criteri di riforma della Curia Romana alla luce dell'esperienza giuridica, in: *Ephemerides Iuris Canonici* 58 (2018) 5-22. For overall observations on the reform of the Curia, please refer to *Semeraro, Marcello*, La riforma di Papa Francesco, in: *Il Regno – Attualità e Documenti* 14 (2016) 433-441.

4 That is, by assuming, in the text, the term "reform" in its most radical and profound meaning, with regard to the ecclesiological core of the same, as he emphasizes *Melloni, Alberto*, Senatus communionis. Per una riforma della Curia Romana, in: *Concilium* 49,5 (2013) 53-73, 58. The Author points out that it is subject to true "reform" only as regards the "form", that is, the essence, or identity, of the ecclesiastical institution, otherwise, there is only a revision of an organizational chart. With regard to the Magisterium, one can think of the many appeals to conscientious conversion as an internal human condition, necessary for the success of every external reform, of structures and processes. On all see *Francis*, Apostolic Exhortation "*Evangelii Gaudium*" (24.11.2013), in: *AAS* 105 (2013) 1019-1137, n. 10 del Preambolo; P.E., Il Principi, n. 6.

Moreover, the inspiring ecclesiology of P.E. seems to correspond to the profound reasons that led to the creation of the new Dicastery under consideration. See what is below in the text, and in notes 5 and 6.

5 See *Benedict XVI*, Apostolic Constitution "*Deus Caritas Est*" (25.12. 2005), in: *AAS* 98 (2006) 217-252; *Idem.*, Apostolic Constitution, "*Caritas in Veritate*" (29.06.2009), in: *AAS* 101 (2009) 641-709; *Idem.*, Apostolic Letter in the form of a Motu Proprio "*Intima Ecclesiae Natura*" (11.11.2012), in: *AAS* 104 (2012) 996-1004. For doctrine see *Errazuriz, Carlos José*, La dimensione giuridica del servizio della carità (*diakonia*) nella Chiesa, in: *Miñambres, Jesús* (ed.), *Diritto Canonico e servizio della carità*, Milano 2008, 163-192, 163 ss.; and *Miñambres, Jesús*, Organizzazione gerarchica della Chiesa e servizio della carità, in: *Idem.* (ed.), *Diritto Canonico e servizio della carità*, Milano, 2008, 243-264.

6 On this point, it is permissible to recall the observations already made in *Saraceni, Emma Graziella*, Il Dicastero per il Servizio dello Sviluppo Umano Integrale nel contesto della riforma della Curia Romana, in: *Miñambres, Jesús / Eje, Benedict N. / Puig, Fernando* (ed.), *Studi sul diritto del governo e dell'organizzazione della Chiesa*. In onore di Mons. Juan Ignacio Arrieta, Venezia 2021, 563-579; *Idem.*, Osservazioni sul Dicastero per il Servizio dello Sviluppo Umano Integrale alla luce della recente Costituzione di Riforma della Curia Romana (*Praedicate Evangelium*), in: *Nomok@non* (2023), at: <https://doi.org/10.5282/nomokanon/222>, 1-13.

7 He notes a perhaps excessive breadth of purpose in the project establishing this new Dicastery *Viana, Antonio*, La potestà della curia romana secondo la costituzione apostolica "Praedicate evangelium", in: *Ephemerides Iuris Canonici* 62 (2022) 535-563, partic. 551. This new curial body, in fact, expresses the Church's concern in the areas of justice, peace, and the protection of creation and human rights, health, migration, and works of charity in general.

established for the same purposes, for the erection and supervision of themselves (according to their respective statutes).

Finally, it supports the Secretariat of State by collaborating with it in those matters within its competence (art. 172 P.E.) even to the point of acting in agreement with it in the most delicate international situations (in particular in case of conflicts between the states, possible or actual [art. 165 n.1 P.E.], and in the cases that concern migrants and asylum seekers [art. 170]).

The implementation of justice and charity, which is the aim and concern of the Dicastery's, follows directly from the social magisterium of the Church, which the Dicastery deepens and disseminates and which, after the reform of the Roman Curia, with a true prophetic role, updates by interpreting, in the light of the Gospel, "the needs and concerns of the human race of its time and of the future"⁸.

The future, as a horizon of possible integral human development, centred on the category of relationships⁹, constitutes the elective field of action of the Dicastery, called to make every effort to recognise and implement, in the name of the Church, the seeds of Providence.

2 The Structure and Function of the Dicastery

In carrying out its service, the Dicastery is internally divided into three sections, as shown in the organisational chart presented in the letter from the superiors, following the promulgation of the new Apostolic Constitution on the Roman Curia, *Praedicate Evangelium*¹⁰.

For the purpose of an improvement of the organisation adopted on an experimental basis for the first four years of activity¹¹, the three Sections operate in close synergy according to a circular action scheme, which provides for sharing and the return of information and study results, on often very transversal issues. In other words: each section corresponds to a task that carries out a phase of an imaginary overall administrative procedure: an initial phase (investigation), a central phase (elaboration and evaluation), a final phase (implementation).

The first section, "Listening and Dialogue", carries out an investigative function, collecting data directly from the local churches and the episcopate. This expression of the service that the Dicastery offers to the particular churches and to the episcopal structures (as established by P.E. art.: 163 § 3; 164; 165 § 4; 166 § 1; 167; 169; 170; 171) seems capable of readily being integrated with that open and participatory listening, which constitutes a clear example of synodality.

⁸ P.E., art. 163 § 2, provides that the Dicastery "deepens and disseminates the social doctrine of the Church on integral human development and recognizes and interprets, in the light of the Gospel, the needs and concerns of the human race, of its own time and of the future".

⁹ This, moreover, follows directly from the centrality of the human person, to whom all progress should be ordered, according to the social magisterium of the Church, which will be better explained later. As Pope Francis taught: "The concept of the person, born and matured in Christianity, helps to pursue a fully human development. Because person always means relationship, not individualism, it affirms inclusion and not exclusion, unique and inviolable dignity not exploitation, freedom and not coercion", *Francis*, Address to the Conference for the 50th Anniversary of the Encyclical *Populorum Progressio* (04.04.2017), at: https://www.vatican.va/content/francesco/en/speeches/2017/april/documents/papa-francesco_20170404_convegno-populorum-progressio.html.

¹⁰ Letter from the Superiors presenting the new organizational chart of the Dicastery, Card. *Michael Czerny* S.J. (Prefect), Sr *Alessandra Smerilli* F.M.A (Secretary), P. *Fabio Baggio* C.S. (Undersecretary), Vatican City, 14.09.2022.

¹¹ As emerges from the document "The Mission", which illustrates the methods of action through the internal articulation of the sections of the Dicastery. "The Mission" (30.09.2020), at: www.humandevlopment.va.

In this first phase, it is very much desired, but also technically possible, that a significant contribution from all the People of God, and therefore also from the lay component, be manifested through the structures already existing at the parish and diocesan level. It would also be possible for this participation to take place with new methods or new consultative bodies, whose creation could be left to the prudence of the diocesan ordinary. Analogously, even if for another context, the *Episcopalis Communio* Constitution invites the ordinaries to arrange any further form of consultation deemed effective; this represents an authentic canonical spirit: pragmatic and anti-formalist. We are thinking of the *Episcopalis Communio* Constitution which, for another context, with an authentic canonical spirit: pragmatic and anti-formalist, invites the Ordinaries to arrange any further form of consultation deemed effective¹². In any case, this way realises a communication from the base to the top, for the representation of needs and problems that have emerged locally.

The second phase concerns the transmission of this information to the second section, "Research and Reflection", which deals with developing adequate responses to the real needs, as represented and received by it. It was noted, inside the Dicastery, how this *modus procedendi* allowed the preparation of very contextualised solutions, according to criteria of opportunity and appropriateness which represent, through peaceful recognition, the criterion of efficient administrative action inspired by good governance practices. Experience has, in fact, suggested this procedure, which avoids abstract and "top-down" solutions, which are most often inadequate.

The various subsections into which this second Section is divided (which are, in particular: health; environment; economy; security and migration) are often called upon to refer to each other due to the interdisciplinary nature of the themes and problems, which, just as frequently, are subjected to study by experts, including the Dicastery's external staff. In this case, the path of external consultancy to be carried out with the conferral of variously shaped tasks, constitutes a further possibility for the participation of the people of God and of the laity in particular, in the Dicastery's action. And indeed, if we wanted to go further, we could hypothesise a further method of listening, free and informal, which allows everyone to contribute, according to "science, competence and prestige" (but, first of all, according to conscience) to the common good, in accordance with can. 212 § 3 CIC¹³. This "fluid action" of baptismal co-responsibility, although not bound to a precise reality of a particular church, would, nevertheless, be based on the same fundamental duty/right of the faithful that animates their participation in the structures of the local Church. Similarly, the Dicastery has already implemented a form of openness to listening and shared action, with the digital platform "Laudato si'", aimed at the formation of a network committed to environmental protection¹⁴. This also constitutes an

¹² In fact, there is nothing to prevent us from reasoning by analogy here, all the more so considering that synodal action should constitute a modality applicable to all levels of the constitutional organs of the Church, and, therefore, also and even more so, to the Roman Curia. *Francesco*, Apostolic Constitution "*Episcopalis Communio*" (15.08.2018), in: AAS 110 (2018) 1359-1378, partic. n. 6.

¹³ According to the norm of canon 212 § 3, in fact: "In a manner proportionate to the knowledge, competence and prestige they enjoy, they have the right, and indeed sometimes even the duty, to manifest to the sacred Pastors their thoughts on what concerns the good of the Church; and to make it known to the other faithful, without prejudice to the integrity of faith and morals and respect for Pastors, also keeping in mind the common good and the dignity of persons."

¹⁴ See: Laudato Si' Action, at: <https://laudatosi'actionplatform.org>.

excellent example of the use of information technology for the missionary purposes of the Church¹⁵.

The results of the studies, frequently implemented by best practices, already grasped by the first section in listening to local realities, and then reworked by the second section, are delivered to the third section, "Communication and Restitution", responsible for transmitting the results to the local churches of the analysis carried out in the form of proposals suited to the needs initially received. This final action, restorative or a return to the base, so to speak, can be accompanied by concrete support, through the promotion of social solidarity networks or through more direct charitable actions, in both cases, placed under the direction of the Dicastery.

Furthermore, the local churches are also called to announce and implement the social doctrine of the Church with greater vigour, promoting practices of service and meetings in order to deal with every situation of injustice and marginalisation¹⁶.

The synchronised work of the three sections (which, finally, are supported by a General Secretariat, an Administration and Services Office, and an Evaluation and Planning Office) is modelled according to the principle of intradicasterial synodality, which began its test phase in 2023, the year usually indicated by the staff of the Dicastery as "year zero", which immediately followed the reform of the Roman Curia, and which, therefore, is responsible for initiating new practices of understanding and common work.

Furthermore, the Dicastery implements the principle of variety of the ecclesial body very well, and indeed reflects the actual reality of the People of God since it presents, in numerical terms, a notable preponderance of the lay component compared to the clerical one (the latter is, in fact, around 10% of the total, while 90% is made up of lay people). The female presence is also noteworthy in offices and with roles that are anything but negligible or subordinate (consider the Office of Secretary, currently held by Sister Alessandra Smerilli; but also the direction of some sections is entrusted to lay women).

3 On the Participation of Lay People: Ecclesiological and Canonical Considerations

That the Dicastery for Promoting Integral Human Development constitutes a privileged place to experience the success of the principle of baptismal co-responsibility is an almost sensible observation. Many considerations contribute to this assumption. The most obvious comes from the nature of the service exercised by the Dicastery itself, all aimed at promoting integral human progress and, therefore, implementing, in history, the aims of justice, peace, charity, and spiritual growth that flow into civil societies.

The Christian vision of authentic, collective, and personal human development, taught by the social Magisterium of the Church, does not differ significantly from the idea of sustainable development shared today by many western governments and represented, briefly, by the

¹⁵ This is also recommended in the synthesis report "A Synodal Church in Mission", see: *General Secretariat of the Synod of the Bishops*, Synthesis Report "A Synodal Church in Mission" of the First Session of the XVI. Ordinary General Assembly of the Synod of Bishops (28.10.2023), at: <https://www.synod.va/content/dam/synod/assembly/synthesis/english/2023.10.28-ENG-Synthesis-Report.pdf>, item no. 17 "Missionaries in the Digital Environment", partic. letter m.

¹⁶ Ibid., here in partic. point no. 4 letter n.

seventeen objectives of the UN 2030 agenda¹⁷. This is not surprising, except if we consider the history of the Western idea of progress, as the evolution of knowledge capable of social justice, that is, aimed at equalising functions, social peace, and inclusion in public life¹⁸.

The same philosopher who was the first to think about progress in modern terms – Francis Bacon – imagined a convergence between technology and the truth about man, so that the evolution of collective living conditions would have to be based on the spiritual evolution of being human (usefulness is not opposed to truth)¹⁹. Without prejudice towards the necessary distinctions, which can essentially be traced back to the creaturely condition of the human person and to his supernatural dignity, from its transcendent foundation²⁰, the Church has always promoted, most recently with the social Magisterium, a sense of human responsibility, horizontal and intergenerational²¹, similar to that which animates the objectives of sustainable development.

17 Until the end of 2020, and beyond, the 17 goals of integral human development appeared in the infographic in the "resources – documents" section of the Dicastery's website, which referred to the note presented by the Holy See to the UN General Assembly on 5 October 2016. There, we can read a model of development that is largely convergent with that proposed by certain civil societies, but also profoundly characterized by the specificity of the Church's moral and spiritual mission, as illustrated by the then Prefect, Card. P. K. A. Turkson. *Dicastery for Promoting Integral Human Development*, Note of the Holy See regarding the 2030 Agenda for sustainable development, Città del Vaticano 2017. Pope Francis, on various occasions, has specified the meaning of authentic progress, according to the ecclesiastical Magisterium already expressed in: *Francis*, Encyclical Letter "Laudato si'" (24.05.2015), in: AAS 107 (2015), 847-945, n. 229; *Idem.*, Encyclical Letter "Fratelli tutti" (03.10.2020) 969-1074. This demonstrates, implicitly and above all, how the best efforts of humanity must be directed towards progress, with all due respect to de-constructivist thinking ("in the name of progress, too much regression has been made"), the Pontiff recently reaffirmed during his apostolic journey to Portugal, on the occasion of the XXXVII World Youth Day Meeting with young university students. *Francis*, Address of the Holy Father, "Universidade Católica Portuguesa" (03.08.2023); but already L.S. no. 19 and 46). Secondly, the Pope almost proposed to resemanticise the word "progress", with reference to the care of one's neighbour and of the common home, to the centrality of relationships (against the craving for possession), to the ethics of values and responsibility (as opposed to exploitation and the "logic of waste", also understood as marginalization), see: *Francis*, Address to the participants in the meeting promoted by the association science and life, Clementine Hall (30.05.2015).

Moreover, all this is in line with what is expressed in L.S. no. 191 and 210; F.T. no. 29, 30 and 179. Lately, the President of the Pontifical Academy for Life has recalled Pope Francis' two great encyclicals (Laudato si' and Fratelli tutti) which form "a diptych" from which to draw the strength of a new vision: that of a planetary and concrete humanism. *Paglia, Vincenzo*, Study seminar "From Laudato si' to Fratelli tutti: there is no social justice without climate justice" (26.06.2024), in: OR 164,143 (25.06.2024).

18 Cfr. *Rossi, Paolo*, *Progresso*, in: Enc. Scienze Soc. Treccani VII, Roma 1997, 76-88; *Russel, Bertrand*, *Storia della filosofia occidentale*, Trebaseleghe (PD) 2007, part. 524-528.

19 Among the many, *Arecco, Davide*, *Virtute e canoscenza. Storia della scienza e della tecnica moderne*, Padova 2017, 73 (with a precise translation of Bacon's original passages); on the more profoundly philosophical side, *Rossi, Paolo*, *Sul carattere non utilitaristico della filosofia di F. Bacone*, in: *Rivista critica di storia della filosofia* 12 (1957) 22-41.

20 As underlined by the aforementioned note of the Holy See to the General Assembly of the United Nations (in particular, where it is specified that the Church proposes a complex notion of human nature and personal dignity, in which the principles of the moral law, inscribed by the Creator in the hearts of men, provide the pillars of sustainable human development - Part I, General principles n.6). Here is also reaffirmed the transcendent nature of human existence (Part II: The 2030 Sustainable Development Program", no. 18, letter a) and the spiritual and bodily unity of the person (loc. ult. cit., letter b), as premises of his "dignity" (cf. Programme of the UN Agenda, § 4 of the Preamble and § 4, 8 and 50). The transcendent source of human life and of the dignity of creatures justify the clarification introduced in the first article that P.E. dedicates to the discipline of the Dicastery in question, in attributing to it a *munus docendi* in matters of progress and discernment of the signs of the times. With an aside, in fact, absent from the corresponding provision of the Statute, *Praedicate Evangelium*, establishes that "the Dicastery for Promoting Integral Human Development has the task of promoting the human person and his God-given dignity, [...]" (Art. 163 § 1); "It deepens and disseminates the Church's social doctrine on integral human development and recognizes and interprets in the light of the Gospel the needs and concerns of the human race of its own time and of the future" (P.E., art. 163 § 2).

21 The first thought goes to the text of the Encyclical Letter "*Populorum Progressio*", where it is affirmed: "The development of peoples must be integral, which means aimed at the advancement of every man and of the whole man", n.14, and then continues: "But every man is a member of society: he belongs to the whole of humanity. It is not only this or that man, but all men are called to this plenary development. Civilizations are born, grow and die. But just as the waves of high tide each penetrate a little deeper into the beach, so humanity advances on the path of history. Heirs of past generations and beneficiaries of the work of our contemporaries, we have obligations to all, and we cannot ignore those who will come after us to enlarge the circle of the human family. Universal solidarity, which is a fact and a benefit for us, is also a duty" (*Paul VI*, Encyclical Letter "*Populorum Progressio*" (26.03.1967), in: AAS 59 (1967) 257-299, n.17). A clear expression of the common responsibility for social transformations, now

The division between a Church ad intra and a Church ad extra, involving the theoretical bipartition of vocations, namely lay for the sanctification of the temporal and clerical for the spiritual order, which was artificial already after Vatican II, reveals all its limits in a context of increased interdependence and global consciousness. What is more: they are the same orders, of the "temporal" and the "spiritual", which today ask for their reconfiguration, as has been the case in another context²². Certainly, the missionary impetus of Pope Francis suggests abandoning the divisive schematisms between the two priesthoods: ministerial and common, in order to imagine new forms and methods of synergy. In being faithful to the principle of the essential difference that exists between the two states, clerical and lay²³, and equally faithful to the hierarchical principle, without which there is no communion but a "caricature" of it²⁴ (the hierarchy acting as a guiding principle, guaranteeing its unity and authenticity), today, it is necessary to prepare solutions capable of realising the variety of charisms and ministries within the single mission. In light of the context of the Roman Curia, further arguments for the role of the laity are brought forward by the consideration of the general criteria established by the reform for the selection of Curia personnel, consisting in the ability to read the signs of the times, in the light of the Gospel and the Magisterium of the Church, and in the professional competence for those functions that the curial bodies are called upon to carry out (material criterion of the nature of the tasks)²⁵. And we can add that, since the preclusive provision of the conferral of offices involving the exercise of governing power on lay people (n. 7 of the Constitution "Pastor

extended to "all men of good will", is also found in: *Idem.*, Apostolic Letter "Octogesima Adveniens" (14.05.1971), in: AAS 63 (1971) 401-441. The current papal magisterium is expressed, as mentioned above, in *Fratelli tutti* and *Laudato si*. The theme of "development" appears in L.S. no fewer than 81 times, and under the name of "progress", another 22, for a total of 103 references. In F.T. the total references to the theme appear in the text 54 times.

22 She recalls how the division of the spheres, spiritual and temporal, from external to the Church (since derived from the other: regnum and sacerdotium) then penetrated within the ecclesial structure, contributing to determining the division between the dimension ad intra and ad extra of the single mission, *Zuanazzi, Ilaria*, Tra spirituale e temporale: la laicità nel diritto canonico e nei diritti laici, in: *Law and Religions* 2 (2017) 497-516, partic. 510. With reference to the relations between the Church and secular realities, the author suggests a rereading of the temporal and spiritual dialectic, which goes beyond the one - perpetrated for a long time - of the material separation of areas of competence (cf. *ibid.*, 512), and proposes a rethinking of lay ministry, beyond the antithetical logic of statuses (lay vs. ordained - which does not belong to the genuine unity of the People of God, which nevertheless knows the institutional and charismatic difference of ministries). Cf. *Idem.*, La corresponsabilità dei fedeli laici nel governo ecclesiale, in *Il governo nel servizio della comunione ecclesiale*, Milano 2017, 101-148. The agreeable emphasis on the unitary conception to which the image of the People of God alludes, as an undifferentiated society that does not present opposition of status, does not necessarily lead us to share the assumption that the theological-juridical category of *communio* accentuates, in itself, the diversity among priesthoods. In fact, it is sufficient to consider how the People of God is a visible and historical aspect of the *communio*, given the breadth and complexity of the semantic options that the *communio* brings with it. On this point, *Saraceni, Guido*, Riflessioni preliminari a una costituzione giuridica della chiesa, in quanto comunione, in: *Il diritto ecclesiastico* 1 (1991) 65-79.

23 As is well known, the Dogmatic Constitution *Lumen Gentium* affirms the "essential" and "not only of degree" difference between the two priesthoods, ministerial and common (LG. n.10).

24 According to the effective and dating affirmation of the authoritative *Von Balthasar, Hans Urs*, Cattolicesimo e comunione dei santi, in: *Communio* (1988) 4 et seq. On the constitutional implications of the formula "hierachica *communio*" and the relations between communion and hierarchy, lately, *Castro Trapote, Jorge*, La Iglesia "es" *communio fidelium* y "tiene" *communio hierarchica*: fundamentación y consecuencias desde un enfoque constitucional canónico, in: *Stato, Chiesa e pluralismo confessionale*, *Rivista telematica* 17 (2023), at: <https://www.statoe.chiese.it>, 1-38. On hierarchical communion, a reference to *Ghirlanda, Gianfranco*, "Hierarchica *communio*" cannot be omitted. Significance of the formula in "Lumen gentium", Rome 1980.

25 The criterion of professionalism, and of the ability to discern the signs of the times appears, as a general criterion for the attribution of curial offices, in P.E., II, n.7; the other criterion of the nature of the functions to be carried out, in P.E., II, art.1 and - as regards the composition of the Dicasteries - P.E. art.15 (see below, in more detail). With specific reference to the laity, the Constitution cited above sanctions their "indispensable participation" in cooperation with the *bonum Ecclesiae*, based also on knowledge of temporal realities and - once again - on the discernment of the times (P.E., II, n. 10).

Bonus") is not reproduced and, therefore, is repealed, it is now also possible that the lay people have important roles, to the point of assuming the leadership of a Dicastery (P.E., II, 5)²⁶.

This last consideration involves fundamental issues, well known in canon law, on the origin of the power of government (whether it derives from the sacrament of orders or from the *missio canonica*). The debate, still open²⁷, can be left aside here, awaiting the many developments that the future of synodality promises to reserve and, above all, for the greater usefulness that a direct approach to the institutes and canonical techniques can offer here.

First of all, we can consider the recent valorisation of the *norma missionis*²⁸ consequent to the magisterium and to the reforms; therefore, we can start from the consideration of the *missio canonica*, as the *juridica determinatio* of that part of the power of government which becomes exercisable thanks to it. So we will find the vicarious power as a canonical technique of attribution of ecclesiastical offices, and the other method of assignment of public functions²⁹: the delegation. Since the Reformation clearly reiterated the derivative origin of the power of the bodies and offices of the Roman Curia (of which the Pontiff, no differently than in the force of the P.B. "utitur"³⁰), it is precisely the vicarious power that first of all, can be referred to, in order to configure the exercise of foreign appointment functions, in a subordinate position with respect to the main or capital office³¹. The main office, which remains the holder of proper and

26 PE, II, n. 5 states that "Every curial institution fulfils its mission by virtue of the power received from the Roman Pontiff in whose name it acts with vicarious power in the exercise of its primatial munus. For this reason, any member of the faithful can preside over a dicastery or an organism, given the particular competence, power of governance and function of the latter."

27 In the vastness of the contributions, for an overview see *D'Auria, Andrea*, I laici nel munus regendi, in: I laici nella ministerialità della Chiesa – Quaderni della Mendola, edited by the Italian Group of Professors of Canon Law, Milan 2000, 135-160. On the subject, also *Montan, Agostino*, Ministeria, munera officia. I laici titolari di uffici e di ministeri (cann. 228, 230, 274): precisazioni terminologiche, in: *Ibid.*, 99-134; partic. 100-103. Recently, the juridical path of the transmission of the potestas regiminis, through the *missio canonica*, has been enhanced by Ghirlanda, Gianfranco, who with regard to the role of the laity in the Roman Curia expresses himself in: Intervento alla Conferenza Stampa di presentazione della Costituzione Apostolica "Praedicate Evangelium" sulla Curia Romana e il suo servizio alla Chiesa e al mondo, Bollettino Sala Stampa della Santa Sede, n. 0192, lunedì 21 marzo 2022, partic. 19-20; *Idem.*, La novità del ruolo dei laici, in: OR 162,65 (21.03.2022) 1-3. Of a different opinion *Viana*, La potestà della curia romana (note 7), 543-544, nota 18. The author, while agreeing on the importance of the change, believes that the question of the transmission of the power of government to the laity still deserves to be examined and discussed from the doctrinal point of view, and that it has not been definitively resolved by the legislative choices made with the P.E..

28 *Gherri, Paolo*, Identità ecclesiale e norma missionis, in: *Apollinaris* 91 (2018), 92-132; *Idem.*, Diritto canonico e pastorale: la norma missionis, Città del Vaticano 2020; *Arroba Conde, Manuel Jesus*, Missione ecclesiale e pastorale giudiziale, in: *Apollinaris* 91 (2018) 405-426; *Idem.*, Manuale di diritto canonico, Città del Vaticano 2014; *Idem. / Riordino, Michele*, Introducción al derecho canónico, Murcia 2020.

29 Sul tema, *Viana, Antonio*, Potestas vicaria, in: DGDC VI, a cura di Otaduy, Javier - Viana, Antonio – Sedano, Joaquín, Pamplona 2020, 336-341; on the subject of the participation of the laity in the governance of the Roman Curia, in the force of Pastor Bonus, but with regard to the underlying questions of general theory *Idem.*, El problema de la participación de los laicos en la potestad de régimen. Dos vías de solución, in: *Ius Canonicum* 54 (2014) 603-638.

30 The verb "utitur" appears in the decree *Christus Dominus*, of the Second Vatican Ecumenical Council. C.D. Capo I, I, n.9 ("In exercenda suprema, plena et immediata potestate in universam Ecclesiam, Romanus Pontifex utitur Romanae Curiae Dicasteriis"). The instrumental character of the Roman Curia is reaffirmed by P.B., n.1, in line with the previous Constitutions: R.E.U., *Sapienti Consilio ed Immensa Aeterni Dei*. He emphasizes this continuity as a diakonia, recalling how Paul VI had already defined it as a "most worthy instrument", and John Paul II had added "in the hands of the Pontiff", *Valdrini, Patrick*, La Curia Romana nell'esercizio dell'autorità suprema della Chiesa, in: *Giammaresi, Francesco* (ed.), La Costituzione Apostolica *Praedicate Evangelium*. Struttura, contenuti e novità, Città del Vaticano (2022), 43-48.

31 The principle of P.E. II no. 5, referred to above in the text, (each member of the faithful may preside over a dicastery or an organism of the curia, according to what is established by law regarding the competence and powers of each entity) is well suited to the nature of the vicarious power of governance in the Church, to be exercised through auxiliary or collegial offices, just as in the case of the Roman curia, second *Viana*, La potestà della curia romana (note 7), 545. "Collaborative" (and not substitutive) vicariousness would constitute the typical form of participation of the offices of the Roman Curia in the government of the Pontiff, maintaining marked characteristics of subordination, according to *Labandeira, Edoardo*, Trattato di diritto amministrativo canonico, Milano 1994, 106-115. On the subject of the participation of the laity in the papal primacy, through the bodies of the Curia, *Ambros*,

ordinary power, retains management and control over the vicarious office, which are expressed in the appointment and revocation of the holder of the vicarious office, in the granting of authorisations and approvals, in the revision of documents, in their revocation, and in the special mandate.

While awaiting the promulgation of the very appropriate new General Regulations of the Roman Curia, which specifies the regulatory framework defined by the reform of the Curia³², and allows the functioning of the offices to be better defined, through procedural or substantial rules, one can certainly imagine, in principle, the use of vicarious power to reason the original qualification of the laity for the divine mandate. In fact, the Constitution of the Reform of the Curia openly states that the derivative origin of the power exercised allows the hypothesis of lay participation to be configured even at the level of Presidency of a Dicastery³³.

It may be added that, desiring a more streamlined contribution of the lay people and free from the theoretical problems implied by the vicarious power, which postulates participation – even though minor – in the power of the Capital Office, reference can be made to the institution of delegation³⁴. Notoriously this institution doesn't involve the attribution of the power proper to an office, and so represents an instrument for the transmission of functions and *munera* free from any ideological prejudice. The delegation, general or special, in favour of the laity, can allow a realisation of the pastoral mandate that does not touch the fundamental question relating to the origin and nature of the *potestas sacra*.

It should also be noted that the magisterial power, granted to the Dicastery in question, can very much benefit from the contribution of the laity in discerning the signs of the times, for that original priestly capacity belonging to every member of the Holy People by virtue of baptism and the free breathing of the Spirit, which Pope Francis also recalls in relation to the *sensus fidei* and the *consensus Ecclesiae*³⁵. The sacramental root of this prophetic activity residing in the Church, and not in the specific sacrament of orders, can be drawn from any baptised person, and represents a challenge for that reflection required by the current Synod of Bishops, in order to rethink the relationship between charisms and ministries³⁶.

Mathias, Die Teilhabe von Laien an der päpstlichen Primatialgewalt. Ein Blick auf die Kurienreform durch die Apostolische Konstitution Praedicate evangelium, in: NomoK@non (2022), at: <https://doi.org/10.5282/nomokanon/215>. In particular, the author illustrates how the *missio canonica* makes the laity juridically habiles (able? capable?) to exercise those ministries of which they are fundamentally and originally capable.

32 So, *Viana*, La potestà della curia romana (note 7).

33 P.E. artt. 2-6. *Del Pozzo, Massimo*, Una "lettura strutturale" di "Praedicate Evangelium", in: Stato, Chiesa e pluralismo confessionale 13 (2022), at: www.statoechiese.it, 47-94, partic. 69, configures this exercise of the potestas regiminis on the part of the laity in the offices, even at the top, of the Roman Curia as an expression of the "potestative vicariacy" of the Curia. On the subject of the participation of the laity in the exercise of the power of governance at the apex level *Pulte, Matthias*, Leitungsämtler für Laien. Das Ende der Potestas-Doktrin des 2. Vatikanischen Konzils (vatikanischen Konzils), in: NomoK@non (2022), at: <https://doi.org/10.5282/nomokanon/220>.

34 Cfr. *Zuanazzi, Ilaria*, La responsabilità giuridica dell'ufficio di governo nell'ordinamento canonico, in: Il governo nel servizio della comunione ecclesiale – Quaderni della Mendola 25 (2017) 101-148, partic. 142 and 143.

35 E.G. (cf. note 1), n. 119 e 120, "We are all missionary disciples". But also *Episcopalis Communio* (cf. note 12), n.5 regarding the Synod as a privileged place for listening to the community). The supernatural meaning of faith is also related to the rethinking of the relationship between charisms and ministries, in the light of baptismal co-responsibility, *Commissione Teologica Internazionale*, Il *sensus fidei* nella vita della Chiesa, Bologna 2014. On the subject also: *General Secretariat of the Synod of the Bishops*, Instrumentum Laboris for the First Session of the XVI. Ordinary General Assembly of the Synod of Bishops, at: https://www.synod.va/content/dam/synod/common/phases/universal-stage/il/ENG_INSTRUMENTUM-LABORIS.pdf. Looking at the teaching of Vatican II on this point see LG nn. 10, 12 and 35.

36 "There are different charisms, but only one is the Spirit; there are different ministries, but the Lord is one; there are different activities, but there is only one God, who works all things in everyone. To each one is given a special manifestation of the Spirit for

To conclude, by imagining the possible new forms of participation of the laity in the activity of the Dicasteries and bodies of the Curia, some considerations of the doctrine may come to mind regarding the responsibility of the laity in carrying out the *munera Ecclesiae*. In particular, bearing in mind the distinction proposed by authoritative doctrine³⁷ between personal statutes and functional statutes, where the former configure duties and rights belonging to the person permanently due to his canonical condition (baptised, ordained, religious), while the latter configure duties and rights belonging to the ministry that is carried out (using the term ministry in a broad sense, as a synonym of every service), the contribution of the laity could be configured on this double register.

Therefore, of a first, more generic personal responsibility, whose general features were found in the Code of Canon Law, we can add a ministerial responsibility, variously specified by the sources of special law based on the task received³⁸. The imagined form of competition between the two levels of responsibility would make it possible to articulate the collaboration of the laity in the most varied and useful forms. Nor would it be surprising if canon law resorted to a complex figure in representing the will expressed by the office or public body in the final administrative provision, imagining, for this reason, a fusion between a material nucleus of judgment and a formal guise of choice, as a modality of possible practices of co-decision and mutual understanding. Nor would it cause a stir if this right, to which the clear distinction between public and private is unknown, in terms of civil societies, skilfully mixed private and public elements in new forms of co-responsibility (there are no theoretical obstacles preventing the Curia from using private law contracts in the implementation of public mandates). The word, therefore, to canon law, and to the history that the Dicastery in its service of Man, will be able to come true.

the common good" (1 Cor 12:4-7). Significant are the reflections expressed in: Synod of Bishops, XVI Ass. Gen. Ordin., cit., for example see Relatio finalis, Europe, point 3.5, Co-responsibility of all, in the diversity of charisms and ministries, no. 72 and 73; n. 93 et alii. For the doctrine, see *Incitti, Giacomo*, Lo spirito santo, i suoi doni e la struttura fondamentale del popolo di Dio, in: Miñambres, Jesus / Ejeh, Benedict N. / Puig, Fernando (ed.), Studi sul diritto del governo e dell'organizzazione della Chiesa. In onore di Mons. Juan Ignacio Arrieta, Venezia 2021, 181-202.

³⁷ *Valdrini, Patrick*, Comunità, persone, governo. Lezioni sui libri I e II del CIC 1983, Roma 2013, 175-176.

³⁸ *Zuanazzi*, La responsabilità (note 34), 547 ss.; *Montini, Gian Paolo*, Il diritto disciplinare canonico, in: Quaderni di diritto ecclesiale 31 (2018) 264-278; *Bianchi, Paolo*, Diritto disciplinare e amministrazione della giustizia canonica, in: Quaderni di diritto ecclesiale 31 (2018) 279-319; *Rivella, Mauro* Il diritto disciplinare della Curia Romana, in: Quaderni di diritto ecclesiale 31 (2018) 320-328.