

The Roman Curia at and after Vatican II: Legal-Rational or Theological Reform?

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Abstract

Surely technical issues advance the need to rethink the structures of the Catholic Church's central government in Rome. But the real macro issue is the role of Vatican II and its ecclesiology for the reform of church structures. Francis's pontificate seems to be, on many levels, a return to the intent of Vatican II. The challenge is to choose the inspiring criterion that should inform the reform. In the first post-Vatican II period the criterion had been mostly a Weberian "legal-rational" rearrangement of the dicasteries and their procedures, leaving the ecclesiology of Vatican II as an ex-post-justification of the new architecture.

Keywords

church reform, ecclesiology, Pope Francis, Roman Curia, Second Vatican Council

The Vatican is a state government and a church government, a cluster of churches, a monastery, a bureaucracy, a bank, a tourist site, a museum, a post office, a fire department, and even a jail. Looking at all these many agencies together, we still have only bits and pieces of its complex and very long history. The Roman Curia is indeed more criticized than understood. There are good studies on its structure in a particular century or during a single pontificate, but there is still no comprehensive examination of its development as a historical-theological constituency in the Catholic Church, or as a juridical institution, a communion, or a culture.

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Our ignorance about the big picture in the long sequence of facts about the Roman Curia and about many factors in this history is just one of the causes of the anti-Curia sentiment—part of the *antirömische Affekt* Hans Urs von Balthasar talked about—that has always been strong in Catholicism (especially in the city of Rome, paradoxically one of the most secular in the Western world).¹ This sentiment cannot be reduced to a simplistic, populist dismissal of the need for some kind of church government. Nor is this sentiment peculiar to theologians. The history of literature is full of anti-Curia *topoi*. The Roman Curia remains, however, an interesting object of study: the development of social sciences in the 20th century owes something to a Roman Curia that is often characterized through stereotypes.²

There are theological reasons for criticizing the very existence of the Curia, given the questionable foundations for its existence and power. Because we lack a plausible “theology of the Curia,”³ it is no wonder that the anti-Curia literature is one of the most resilient literary genres in the Church. The Curia has survived every reform of the central government of the Catholic Church: the Gregorian reform of the eleventh century; the reshaping at the beginning of the Tridentine era; the loss of the Papal States in 1870; and finally the reforms during the “brief 20th century,”⁴ from Pope Pius X’s *Sapienti consilio* (1908) to Pope Paul VI’s *Regimini ecclesiae universae* (1967) and Pope John Paul II’s *Pastor bonus* (1988).

The first 50 years after Vatican II are a significant period of time for assessing the reception of the council,⁵ which includes the way the Church itself as an institution has received the council. The Curia is a primary way to understand the relationship between theology and church in recent times. Now that a new reform of the Curia is under way in the Church of Pope Francis, it is time to address the history of the Roman Curia in order to make an informed judgment that is not completely overshadowed by the scandals of the last decade. Even if it is true methodologically that the history of the Curia does not completely overlap with the history of pontificates, nevertheless, in these last 50 years three different pontificates have had a distinctive impact on the structure of that institution. But what still has to be investigated is the impact of the

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1. See Hans Urs Von Balthasar, *Der antirömische Affekt* (Freiburg i. Breisgau: Herder, 1974).
 2. According to the most recent biography of Max Weber, the founder of modern political science, he came up with the idea that led to his *Die protestantische Ethik und der Geist des Kapitalismus* (1904–1905) while he was living in Rome. See Dirk Kaesler, *Max Weber: Preuße, Denker, Muttersohn* (Munich: Beck, 2014).
 3. It is interesting that Pope Francis, in his unforgiving speech to the Roman Curia of December 22, 2014, tried to frame the Roman Curia as “a small-scale model of the Church”: http://w2.vatican.va/content/francesco/en/speeches/2014/december/documents/papa-francesco_20141222_curia-romana.html. (This and all URLs referenced herein were accessed April 27, 2015.)
 4. “Brief” due to the “long 19th century.” See Enrico Galavotti, “La curia romana nel secolo breve: Brevi appunti per una riflessione,” *Concilium* 50.1 (2014) 141–47.
 5. See Raymond Bulman and Frederick Parella, eds., *From Trent to Vatican II: Historical and Theological Investigations* (New York: Oxford University, 2006); and Massimo Faggioli, *Vatican II: The Battle for Meaning* (New York: Paulist, 2012).

ecclesiological shift of Vatican II on the Roman Curia. My first step in this investigation is an analysis of the pontificates of Paul VI, John Paul II, and Benedict XVI, with an open window on the recent developments in the Church of Pope Francis.

“Senate of the Pope,” “Central Board of Bishops,” or Bishops’ Synod? Paul VI Curbs Vatican II

The context in which the Second Vatican Council discussed the papacy and the Roman Curia is formed by a complex of issues surrounding the problem of church government in the late 20th century, after the “long 19th century,” the shock of nationalisms, the two world wars, and the Cold War. John O’Malley has properly identified the relationship between the center and periphery of the Church as one of the key underlying issues of Vatican II, in a church that had become a global church.⁶

After the Church had tackled the problem of nepotism with Innocent XII’s bull *Romanum decet Pontificem* of 1692, Pius X put order into the overlapping responsibilities of various curial departments with the reform of 1908, which “had applied, at least to some extent, the principle of separation of powers.”⁷ On the one hand, the reform of 1908, coordinated by the Secretariat of State and the Congregation for Extraordinary Ecclesiastical Affairs, acknowledged the end of the Papal States and the consequences of that epochal change for the government of the Church. On the other hand, Pius X’s reform was the apogee of Roman centralization and practices of government, effectively extending to every faithful Catholic the right to have recourse to the Roman Curia in order to request a pardon or obtain a waiver.⁸

Either despite or because of the reform of 1908, the Roman Curia remained a major problem for the bishops up to the middle of the 20th century; this was due mainly to the distance created between the incipient globalization of the Catholic Church and the Vatican’s substantially immutable government. The *animus* of diocesan bishops against the curial bureaucracy was manifest and pervasive. The Curia had increased its direct influence over the power of the pope and over the bishops in their dioceses.⁹ From a juridical and theological point of view, the institutions of the Roman Curia (especially congregations and tribunals) created key points of discussion for the bishops at Vatican II: the relationship between bishops and the Curia for the government

6. See John W. O’Malley, *What Happened at Vatican II* (Cambridge, MA: Belknap of Harvard University, 2008) 299–312.

7. Carlo Fantappiè, *Storia del diritto canonico e delle istituzioni della Chiesa* (Bologna: Il Mulino, 2011) 267–68. See also Niccolò Del Re, *La Curia romana: Lineamenti storico-giuridici* (1948; Vatican City: Vatican, 1998).

8. See François Jankowiak, *La Curie Romaine de Pie IX à Pie X: Le gouvernement central de l’Église et la fin des États pontificaux (1846–1914)* (Rome: École Française de Rome, 2007) 539, 570.

9. See Wolfgang Reinhard, “Introduction: Power Elites, State Servants, Ruling Classes, and the Growth of State Power,” in *Power Elites and State Building*, ed. Wolfgang Reinhard (New York: Oxford University, 1996) 1–18, at 17–18.

of dioceses, the episcopate and papal primacy, and the very functions of the dicasteries in the Vatican.

The election of John XXIII was, in a way, an act of reform of the Roman Curia: one of the unspoken agreements at the 1958 conclave was a restoration of some normalcy in the functioning of the Curia that had become paralyzed under Pius XII, who, after the death of Cardinal Maglione in 1944, never appointed a new secretary of state until the end of his pontificate in 1958. John XXIII's quick appointment of a new secretary of state and the creation of new cardinals beyond the existing limit of 70 were acts responding to the abnormality of the Curia under Pius XII.¹⁰ But the most powerful act of John XXIII for the reform of the Curia was the calling of a new council. On the one hand, he gave the Roman Curia a prominent role in the preparation of the council: the dicasteries supplied personnel for the preparatory commissions; and the cardinals, who were heads of the dicasteries, served as presidents of those commissions. On the other hand, John XXIII's creation of the Secretariat for Christian Unity led by Cardinal Augustin Bea on June 5, 1960, and the greatly diminished role of the Holy Office (if compared with the life of the Roman Curia under Pius XI and Pius XII) were clear if indirect signals of John XXIII's intention to reassess the role of the Curia in the life of the Church. The decision to ask all the bishops for their *vota* for the council was implicitly a judgment on the past practices of the Holy Office (the *suprema congregatio*) and a significant redefinition of the purview of this dicastery.

During the antepreparatory (1959–1960) and preparatory (1960–1962) periods of Vatican II, many bishops requested an internationalization of the Curia and spoke against the Church's centralization. The most pressing issue was the relationship between residential bishops and the congregations and other offices of the Roman Curia.¹¹ In the same section of the proposals sent by the Council Fathers for the preparation of the council's agenda, many ordinaries requested more power for the residential bishops vis-à-vis the Roman Curia, the apostolic nuncios, and other Vatican diplomats. This request was aiming at debureaucratizing the work of bishops by freeing them from Vatican bureaucracy. Most important was the request for a "stabilization" of the five-year, renewable "faculties" granted by the Consistorial Congregation of the Curia to the bishops, and for allowing them more authority in local liturgical and penitential matters.¹²

Few Council Fathers raised the issue of a more rational Curia system, let alone proposed a comprehensive reform. One who did was the general of the Jesuits, Jean-Baptiste Janssens; he proposed more coordination between the congregations. The Consistorial Congregation, which was the one most concerned by these requests from residential bishops, proposed the creation of a "cabinet system" made up of all the

10. On John XXIII and the Roman Curia, see Enrico Galavotti, "Sulle riforme della Curia Romana nel novecento," *Cristianesimo nella storia* 35 (2014) 849–90.

11. See *Acta et Documenta Concilio Oecumenico Apparando* 1/2, app. 1, *De rationibus inter S. Sedem et Episcopos determinandis* (Vatican City: Vatican, 1960–1961) 422–63.

12. See *ibid.*, app. 1, *De maiore potestate Episcopis concedenda* 428–63.

heads of the curial dicasteries and chaired by the secretary of state.¹³ But until the opening of Vatican II, no document addressed directly the issue of the Curia.¹⁴ The schema on the pastoral ministry of the bishops talked about the issue only marginally, proposing an internationalization of the Curia through recruiting non-Italian members for various dicasteries.

The issue of the Curia, which remained under the surface in the preparation of the council, emerged with the arrival in Rome of the Council Fathers from all the continents. In the preparation of the council the Curia aimed to preserve the status quo. The initial push of the Fathers to have a council open to debate was unsettling not only for the preset agenda of the council but also for those who had tried to shape the agenda. From the very second day of Vatican II, with the postponement of the election of the conciliar commissions, it became clear that the power of the Curia was on the agenda.

No schema debated in the first session (1962) addressed the issue of the Curia, which came to the table of the coordinating commission at the beginning of the first intersession in January 1963. At that meeting Cardinal Julius Döpfner of Munich raised the need to restore to bishops faculties that the Curia had appropriated; the coordinating commission agreed.¹⁵ During the intersession of 1962–1963 the Curia remained a subject of discussion leading to the draft of the schema on the pastoral ministry of bishops, which was debated in November 1963. In the previous weeks the great ecclesiological debate of Vatican II had taken place. Even more important for the issue of the Curia was the speech of Paul VI to the Roman Curia on September 21, 1963. The newly elected pope talked about the reform of the institution, with a promise made to curial officials that it would be a shared process and not a reprisal against the ecclesiastical bureaucracy that had promoted/expelled him to Milan just nine years before.¹⁶ Paul VI planned a reform of the Roman Curia that would not antagonize its members during the unfolding of a still youthful Vatican II.

Some leaders of the council did not share Montini's cautious approach. On November 8, 1963, Cardinal Giacomo Lercaro of Bologna proposed the creation of a "representative board of bishops" around the pope, something that would bypass the

13. See Romeo Astorri, "La Segreteria di Stato nelle riforme di Paolo VI e Giovanni Paolo II," in *Mélanges de l'École Française de Rome: Italie et Méditerranée modernes et contemporaines*, 110.2 (1998) 501–18, esp. 503.

14. See Antonino Indelicato, *Difendere la dottrina o annunciare l'Evangelo: Il dibattito nella Commissione centrale preparatoria del Vaticano II* (Genova: Marietti, 1992) 145–54.

15. See *Acta Synodalia Sacrosancti Concilii Oecumenici Vaticani II* 5/1 (Vatican City: Vatican Polyglot, 1962–1978) 170–73. During the same first intersession, on March 18, 1963, John XXIII appointed the patriarchs of Eastern Catholic Churches as "adjunct members" of the Congregation for the Oriental Churches.

16. For the text of the speech see *Insegnamenti di Paolo VI*, 16 vols. (Vatican City: Vatican, 1965–1979) 1 (1963):142–51; and *Acta Apostolicae Sedis* 55 (1963) 793–800. For an analysis of the speech, see Alberto Melloni, "The Beginning of the Second Period," in *History of Vatican II*, 5 vols., ed. Giuseppe Alberigo and Joseph Komonchak (Maryknoll, NY: Orbis, 2000) 3:13–16.

role of the Curia between the pope and the world episcopate.¹⁷ Even more sensational was Cardinal Josef Frings's speech that proposed a reform of the Curia, especially the Holy Office, and the reduction of the number of bishops in Rome.¹⁸ The speeches of Cardinal Laurean Rugambwa (Tanzania), Archbishop Ermenegildo Florit (of Florence), and Patriarch Maximos IV Saigh (of the Melkite Greek Catholic Church) were also more radical than the promises made by Paul VI.¹⁹ Maximos IV, in particular, proposed the creation of a large board of bishops to advise the pope—which he called the “sacred college of the universal Church”—and of a smaller *synodus endemousa* overseeing and directing the work of the Roman Curia.

The proposals for reform made in conciliar speeches never became practical plans, except for the idea of a *Consilium episcoporum centrale* in Rome above the Curia.²⁰ The pope never lost control of the issue, and the idea of such a “central board” was buried on September 15, 1965, when the pope published the *motu proprio Apostolica sollicitudo* that created the bishops' synod. Moreover, Paul VI failed to account for Cardinal Döpfner's proposal for a reform of the college of cardinals in the shape of a *Senatus Romani Pontificis*, a collegial body to assist the pope that would set aside the historical role played by the Roman Curia. The pope chose rather to create a *Synodus Episcoporum*, a purely consultative body subject to the Roman Curia.

But from a theological standpoint, the ground had shifted significantly. In the debate of November 1963 and in the *motu proprio Pastorale munus* (November 30, 1963), the new guiding principle was to restore to bishops the powers of office that Rome had appropriated in the previous centuries. That principle entailed other changes brought by Vatican II, such as the episcopal conferences and their role in the liturgical reform, which had a deep impact on the perception of the theological legitimacy of the Roman Curia in the eyes of the rest of the Church. Yves Congar noted with his typical verve the meaning of *Pastorale munus*: “In the end, a list was read this morning of the faculties that the Pope grants to bishops: ‘*concedimus*’ [we grant], ‘*impertimur*’ [we impart]. Whereas, in reality, all he is doing is to give back—and not graciously!—a part of what had been stolen from them over the centuries!!!”²¹

17. The text of Cardinal Lercaro's intervention is in *Acta Synodalia* 2/4, 618–21.

18. Frings's theologian was Joseph Ratzinger. On Frings's orientation to collegiality and the Roman Curia at Vatican II, see Joseph Ratzinger, *Gesammelte Schriften*, ed. Gerhard Ludwig Müller, vol. 7, *Zur Lehre des Zweiten Vatikanischen Konzils: Formulierung–Vermittlung–Deutung* (Freiburg i. Breisgau: Herder, 2008–2012) 605–7. For the text of Frings's speech, see *Acta Synodalia* 2/4, 616.

19. The cited speeches are found in *Acta Synodalia* 2/4: Rugambwa 621–23; Florit 559–64; Maximos IV Saigh 516–19.

20. See Massimo Faggioli, *Il vescovo e il concilio: Modello episcopale e aggiornamento al Vaticano II* (Bologna: Il Mulino, 2005) 389–438; and Antonino Indelicato, *Il Sinodo dei Vescovi: La collegialità sospesa 1965–1985* (Bologna: Il Mulino, 2008) 33–63.

21. Yves Congar, *My Journal of the Council*, trans. Mary John Ronayne and Mary Cecily Boulding (Collegeville, MN: Liturgical, 2012) 465, brackets original.

Between 1963 and 1965 the reform of the Curia took the shape of internationalization—a wish formulated by Vatican II, received by the pope, and passed on by him to a small group of advisors. The reform of the Curia was postponed to postconciliar times. While it included a new role for the national bishops' conferences and an age limit for the retirement of bishops, other key issues, such as procedures for the appointment of bishops and the role of the Vatican diplomatic service, were never debated at the council or in postconciliar synods.

The Reform of 1967: The Secretariat of State as the Pivot of the Curia

The most important reform of the post-Vatican II period is undoubtedly that introduced by Paul VI with the apostolic constitution *Regimini ecclesiae universae* published August 15, 1967. This document marked the apex of a series of reforms that preceded and followed it. In fall 1963, a few months after his election, Paul VI had already appointed a cardinals' commission to study the reform of the Roman Curia; this led to the publication of *Regimini Ecclesiae Universae*.²² This constitution, borne from the debates of Vatican II, is part of the complex (and still largely unwritten) history of the early postconciliar period.²³ For example, to understand the failed attempt

22. See Francois-Charles Ugine, "La Constitution 'Regimini Ecclesiae Universae,'" in *Paul VI et la modernité dans l'Église* (Rome: École Française de Rome, 1984) 603–13, esp. 605–6.

23. Between May 1964 and April 1965, the Secretariat for Non-Christians and the Secretariat for Non-Believers were created. The former implemented Vatican II's *Nostra aetate*, the Declaration on the Relation of the Church to Non-Christian Religions, and latter implemented *Gaudium et spes*, the Pastoral Constitution on the Church in the Modern World. On September 15, 1965, Paul VI's *motu proprio Apostolica sollicitudo* instituted the bishops' synod. Vatican II's *Christus Dominus*, the Decree concerning the Pastoral Office of Bishops in the Church, was promulgated on October 28, 1965. On December 7, 1965, Paul VI's *motu proprio Integrae servandae* announced the reform of the Holy Office and change of its name. The *motu proprio Finis concilio* of January 3, 1966, announced new postconciliar commissions (on bishops, religious, missions, Christian education, and the lay apostolate) and a central commission (chaired by Cardinals Eugène Tisserant and Amleto Giovanni Cicognani) charged with transmitting to the pope their recommendations. These commissions disappeared without a formal act of dissolution, and their agenda was absorbed by Paul VI's restructuring of the Roman Curia in 1967. The *motu proprio Ecclesiae Sanctae* of August 6, 1966 promulgated norms for applying the decrees of Vatican II, including norms about the power of diocesan bishops, episcopal appointments, and national bishops' conferences. On January 6, 1967, the *motu proprio Catholicam Christi Ecclesiam* created the Commission *Iustitia et Pax* and the Pontifical Council for the Laity. The *motu proprio Pro comperto sane* of August 6, 1967, expanded the participation of cardinals not residing in Rome in the dicasteries of the Roman Curia and opened the way for ordinaries of dioceses, archbishops and bishops, to be appointed to the dicasteries of the Roman Curia. See René Laurentin, "Paul VI et l'après-concile," in *Paul VI et la modernité dans l'Église, Actes du colloque de Rome (2–4 juin 1983)*, Collection de l'École Française de Rome 72 (Rome, 1984) 569–601, esp. 584–85.

to counter the supremacy of the Roman Curia in church government at and after Vatican II, it is important to consider the creation and fate of the *Consilium ad exsequendam* for implementing the liturgical reform following the promulgation of the Constitution on the Sacred Liturgy (December 4, 1963). The *Consilium* was eliminated in May 1969, when liturgical reform was given back to the Congregation for Divine Worship.²⁴

Beyond question, the most significant postconciliar reform of the Roman Curia was the reform of 1967 under Paul VI. Only three popes introduced major reforms of the Curia: Sixtus V after the Council of Trent in 1588, Pius X after Vatican I and the loss of the Papal States in 1870, and Paul VI after Vatican II.²⁵ Montini, the son of an Italian politician, had worked between 1937 and 1954 as *sostituto* of the secretary of state, and from November 1952 as pro-secretary of state for extraordinary affairs, before serving as archbishop of Milan. He knew the apparatus of the central government of the Catholic Church as few others did.²⁶

Elected pope with a clear mandate to continue the council that was renewing the Church, Paul VI chose to keep the Curia system in place without radical changes. Initially the pope had in mind a step-by-step reform, one dicastery at a time, initiated by his *motu proprio Integrae servandae* (December 7, 1965) on the reform of the Holy Office. But this method was abandoned in favor of a comprehensive overhaul of the Roman Curia, just as had happened under Sixtus V and Pius X.²⁷ *Regimini ecclesiae universae* inaugurated a new system in the Roman Curia that changed but did not transform the structure created by Sixtus V after the Council of Trent in 1588 and updated by Pius X in 1908. The post-Vatican II Roman Curia would become more international, but the career system would not change dramatically.

New institutions were created, notably the Pontifical Secretariat for the Promotion of Christian Unity (in 1960), the Secretariat for Non-Christians, the Secretariat for Non-Believers, the Council for the Laity, and the Commission *Iustitia et Pax*. Other dicasteries changed names.²⁸ The personnel of the Roman Curia, besides becoming more international, would have a term limit of five years and an automatic cessation of office on the death of the pope.²⁹ More coordination would be part of the new Curia,

24. See Annibale Bugnini, *La riforma liturgica (1948–1975)* (Rome: CLV, 1983); translated as *The Reform of the Liturgy* (Collegeville, MN: Liturgical, 1990). Less eventful was the life of the new Pontifical Council for Social Communications, created on April 2, 1964, with the *motu proprio Fructibus multis*.

25. See Francois-Charles Uginet, “La Constitution ‘Regimini Ecclesiae Universae’” 603.

26. See Jörg Ernesti, *Paul VI: Der Vergessene Papst* (Freiburg i. Breisgau: Herder, 2012) 37–45; Fulvio De Giorgi, *Mons. Montini: Chiesa cattolica e scontri di civiltà nella prima metà del Novecento* (Bologna: Il Mulino, 2012).

27. See Joël-Benoît d’Onorio, *Le pape et le gouvernement de l’église* (Paris: Tardy, 1992) 300–301.

28. For a complete list, see Niccolò Del Re, *La Curia Romana: Lineamenti storico-giuridici*, 4th ed. (1941; Vatican City: Vatican, 1998).

29. Paul VI, Apostolic Constitution *Regimini ecclesiae universae* (August 15, 1967) introduction: “Huc accedit, ut Congregationum Praepositi et Membra, sive Cardinales sive

thanks to mixed meetings between different congregations and meetings of all the heads of the dicasteries with the pope. *Regimini ecclesiae universae* reset the Curia with several kinds of bodies: nine congregations,³⁰ three secretariats,³¹ the Council for the Laity, the Commission *Iustitia et Pax*, three tribunals,³² and six offices.³³

But the real change came with the Secretariat of State attaining elevated prominence in the Curia: Paul VI abolished medieval and early modern bodies such as the Dataria and the Apostolic Chancery and put the cardinal secretary of state in charge of the Council for the Public Affairs of the Church. Thus the secretary of state was in charge of the first two dicasteries listed in *Regimini ecclesiae universae*, changing an order that had been in place since Pius X's 1908 reform.³⁴ Its secretary, unlike the heads of all the other dicasteries, was not appointed for a five-year term, but *ad nutum* of the pope. The secretary of state was now in charge not only of papal diplomacy and the entire diplomatic corps; he also oversaw all appointments to the Curia, rather like the head of a "super-Congregation."³⁵ The strengthening of the role of the secretary of state was a corollary of stronger papal power: "The Secretary of State became almost a prime minister, but at the same time also the head of cabinet in a presidential republic."³⁶ Paul VI shaped the Roman Curia vertically, placing the Secretariat of State at the pinnacle of curial authority, paralleling the pope's own leadership in directing the reception of Vatican II.³⁷

Episcopi, et Consultores in posterum nonnisi ad quinquennium assumentur, licet eiusmodi munus iis possit Summi Pontificis iudicio prorogari. Eadem de causa expedire visum est ut Cardinales qui Dicasteriis Romanae Curiae praeficiuntur, a munere suo discedant, cum Summus Pontifex morte corripitur." ("The presidents and members of the curial congregations, both Cardinals and Bishops, as well as other officials for the future will be appointed for only five years; but their term may be extended at the discretion of the Supreme Pontiff. For the same reasons it seemed good to establish that the cardinals in charge of the dicasteries of the Roman Curia resign automatically on the death of the Supreme Pontiff"). (Unless otherwise indicated, all translations are mine.)

30. Congregations for the Doctrine of the Faith, for the Oriental Churches, for the Bishops, for the Discipline of Sacraments, for the Rites, for the Clergy, for Religious and Secular Institutes, for Catholic Education, and for the Evangelization of Peoples (*Propaganda Fide*).
31. Secretariat for Christian Unity, Secretariat for Non-Christians, and Secretariat for Non-Believers.
32. Segnatura, Rota Romana, and Apostolic Penitentiary.
33. Chancery, Apostolic Chamber, Prefecture for the Economic Affairs of the Holy See, Administration of the Patrimony of the Apostolic See, Prefecture of the Apostolic Palace.
34. See Astorri, "La Segreteria di Stato nelle riforme di Paolo VI e Giovanni Paolo II."
35. About the Secretariat of State under John Paul II, see Thomas J. Reese, *Inside the Vatican: The Politics and Organization of the Catholic Church* (Cambridge, MA: Harvard University, 1996) 175–89.
36. Andrea Riccardi, *Il potere del papa da Pio XII a Giovanni Paolo II* (Rome: Laterza, 1993) 292.
37. See Andrea Riccardi, "L'evoluzione della Segreteria di Stato dopo il 1870," in *Les Secretaires d'Etat du Saint-Siege, XIX–XX siècles*, Melanges de l'École Française de Rome 116/1 (2004) 33–44.

In developing this new Secretariat of State, Paul VI counted on a very powerful *sostituto* of the Secretariat in the person of Archbishop Giovanni Benelli, an authoritarian Italian prelate in charge of the daily work of the Vatican together with a non-Italian secretary of state, Cardinal Jean-Marie Villot (appointed in May 1969, the first non-Italian secretary of state since the Spanish Cardinal Rafael Merry Del Val held that office from 1903 to 1914).

From a constitutional standpoint, on the one hand, there was a clear parallel between the new Curia of Paul VI and the French constitution: not only for the quasi-presidential system set up around the pope and the secretary of state, but also for the introduction of the *Segnatura Apostolica*, a new administrative level of litigation within the Roman Curia (as in the French system). On the other hand, there was a kind of bicameral system, with the College of Cardinals on one side and the bishops' synod on the other side, both supposed to counterbalance the executive power of the Roman Curia.³⁸ The reform fits Max Weber's description of modern political power as "legal-rational."³⁹ Through *Regimini ecclesiae universae* and in other ways, Paul VI rationalized, centralized, and made more uniform the institutions and procedures of the Roman Curia.⁴⁰ He also tried to involve the diocesan bishops around the world, but his reform left some questions unanswered, especially in terms of the relationship between the Curia, primacy, and episcopal collegiality, and the delimitation of competencies of different dicasteries.⁴¹

From the historian's perspective, there was a specificity to Paul VI's reform compared with those of Sixtus V and Pius X. Paul did not talk about the need to clean up the Roman Curia, which, as Archbishop Montini, he had left fewer than ten years before his election to the papacy. According to the new pope, the Curia only needed an update to face new conditions and tasks after Vatican II.⁴² Politically speaking, Paul VI's reform took place at the beginning of a very tumultuous post-Vatican II period, presenting itself as a middle-of-the-road reform against both the iconoclasts in favor of a radical dismantling of the Curia and those who wished to preserve a 400-year-old machine created by Sixtus V. Culturally speaking, it was a reform that envisioned a rationalization of procedures without taking into account the questions raised by Vatican II about the theology of the church in general and the practice of collegiality in particular.

38. For this analysis see Joël-Benoît d'Onorio, "Paul VI et le gouvernement centrale de l'église (1968–1978)," in *Paul VI et la modernité dans l'église* (Rome: École Française de Rome, 1984) 615–45.

39. On which see Max Weber, "The Three Types of Legitimate Rule," trans. Hans Gerth, *Berkeley Publications in Society and Institutions* 4.1 (1958) 1–11.

40. See Hervé-Marie Legrand, "Du gouvernement de l'Église depuis Vatican II," *Lumière et vie* 288 (October–December 2010) 47–56.

41. See Julio Manzanares, "La reforma de la Curia Romana por Pablo VI," in *Paul VI et les réformes institutionnelles dans l'Église* (Brescia: Istituto Paolo VI—Studium, 1987) 49–69.

42. See Francois-Charles Uginet, "La constitution 'Regimini ecclesiae universae,'" in *Paul VI et la modernité dans l'Église* (Rome: École Française de Rome, 1984) 603–13.

The relationship of the reform of 1967 with Vatican II is complex but not unequivocal. In many ways the 1967 reform was still a pre-Vatican II reform of the Roman Curia: paradoxically it realized the dream of Pius XII (under whom the young Montini served in the Roman Curia) of a more centralized system. The post-Christendom / post-Constantinian push of Vatican II for a church free from secular political power was embodied in the 1967 reform as a papal primacy that had a stronger political power than the Curia itself, and above which *Regimini ecclesiae universae* functionally elevated papal primacy and the secretary of state.⁴³

The reform of 1967 was completed by the Secretariat of State's publication on February 22, 1968, of the *Regolamento generale della Curia romana*. *Regimini ecclesiae universae* in 1967 had started a reform that continued through the entire pontificate of Paul VI. Between 1969 and 1975 there was the separation and then the reunification of the Congregation for the Rites, the congregation dealing with liturgical issues and the canonization processes. In 1974 Paul VI appointed a commission for the continuation and updating of the 1967 reform.⁴⁴

But there are other (usually underappreciated) dimensions in the development of the post-Vatican II reform. On the one hand, the 1967 reform was part of a larger effort by Paul VI to "constitutionalize" the Catholic Church, especially through a failed attempt to draft and approve a "Constitutional Law for the Church" (*Lex ecclesiae fundamentalis*). This attempt led to many of those drafted texts being recycled in the Code of Canon Law of 1983.⁴⁵ But Paul VI's reform must be seen in the wider picture of a church that was beginning to deal with a new institution. The bishops' synod—created without consulting the bishops about either the new synod or the reform of the Curia—provided input for the reform of the Code of Canon Law.⁴⁶

In the meantime, Paul VI, inspired by the Second Vatican Council, continued to reform the Curia. The *motu proprio Sollicitudo omnium ecclesiarum* (June 24, 1969)

43. See René Laurentin, "Paul VI et l'après-concile," in *Paul VI et la modernité dans l'Église* 569–601, esp. 570–75.

44. Members of the commission were Cardinal Luigi Traglia (replaced by Cardinal Ferdinando Antonelli in 1977), Archbishop Giovanni Benelli of the Secretariat of State, Monsignor Aurelio Sabattani of the Apostolic Segnatura, and Monsignor Willy Onclin, a prominent canon lawyer from the Catholic University of Leuven, appointed in November 1965 as vice secretary of the pontifical commission for the revision of the Code of Canon Law. On the history of the commissions for the reform of the Curia between 1967 and 1983, see Winfried Schulz, "Il Codice di Diritto Canonico e la riforma della Curia Romana," in *Scritti in memoria di Pietro Gismondi*, vol. II/2 (Milan: Giuffrè, 1991) 247–65.

45. See Fantappiè, *Storia del diritto canonico* 302; Daniel Cenalmor Palanca, *La ley fundamental de la Iglesia: Historia y análisis de un proyecto legislativo* (Pamplona: University of Navarre, 1991).

46. The 1967 synod approved the *principia* for reforming the Code of Canon Law (promulgated in 1983), and the synod of 1974 approved the *principia* for the Code of the Oriental Catholic Churches (promulgated in 1990): see Fantappiè, *Storia del diritto canonico* 302–3. At the 1969 synod and later, many bishops expressed their wish for deeper reforms, especially regarding episcopal collegiality.

addressed the role of papal diplomats, whose function had a double nature, “religious-ecclesial and diplomatic.”⁴⁷ On November 21, 1970, the *motu proprio Ingravescentem aetatem* decided that all curial appointments were to end when the holder turned 80 years of age and, even more importantly, that cardinals who turned 80 would not participate in papal conclaves. This accelerated the turnover in the Roman Curia and lowered the average age of Curia personnel by ten years between 1969 and 1979. In 1971 the pope founded the Pontifical Council *Cor Unum* for human promotion, and on October 22, 1974, two commissions for religious relations with Judaism and Islam (both attached to the Pontifical Council for Christian Unity, but distinct). The apostolic constitution *Romano pontifici eligendo* (October 1, 1975) determined that the conclave of cardinals was going to remain the electoral college for papal elections (thus bringing to an end the debate on an electoral vote for the presidents of national bishops’ conferences) and introduced in the relationship between the papal primacy and the Roman Curia a system similar to the “spoils system” or a “patronage system”—in which the winner of the conclave gives curial jobs to his supporters.⁴⁸ On December 10, 1976, Paul VI elevated the Pontifical Council for the Laity (1967), giving it not only a place in the Roman Curia but also a clerical structure similar to the other Congregations.⁴⁹

During the decade between 1967 and the end of Paul VI’s pontificate (1978), the Roman Curia became more international, especially the Congregation for Religious and the former Congregation of Propaganda Fide, while the pivotal Secretariat of State and Congregation for the Sacraments remained the most Italian dicasteries. At the end of Paul VI’s pontificate, lay Catholics had become part of every curial institution, but women still comprised only 8.62 percent of the personnel, and all in low-ranking positions.⁵⁰ The reform of Paul VI meant a growth in the number of curial personnel: curial membership more than doubled, from 1,322 in 1961 to 3,146 in 1977.⁵¹ Paul VI’s reform also meant the creation of new institutions related to the ecclesiological shift of Vatican II.⁵² These were the last ones to be created until Pope Francis; from this point of view, the pontificates of John Paul II and Benedict XVI were transitional.

47. *Sollicitudo omnium ecclesiarum* par. I.2, http://www.vatican.va/holy_father/paul_vi/motu_proprio/documents/hf_p-vi_motu-proprio_19690624_sollicitudo-omnium-ecclesiarum_it.html, translation mine.

48. The major difference between the “patronage system” of papal Rome in the baroque period and the new one was that the earlier system rewarded friends and relatives as well. See Wolfgang Reinhard, *Freunde und Kreaturen: Verflechtung als Konzept zur Erforschung historischer Führungsgruppen Römische Oligarchie um 1600* (Munich: Vögel, 1979).

49. One of the first two undersecretaries of the Council for the Laity was an Australian laywoman, Rosemary Goldie, appointed in 1967.

50. See d’Onorio, “Paul VI et le gouvernement centrale” 635–40.

51. See Peter Huizing and Knut Walf, eds., *The Roman Curia and the Communion of Churches, Concilium* 127/7 (1979).

52. International Theological Commission (1969); Pontifical Commission for the Pastoral Care of Migrants (1970); Pontifical Commission “Cor Unum” (1971); Pontifical Committee for the Family (1973); Study Commission on Women in Church and Society (1973, disbanded in 1976). See d’Onorio, “Paul VI et le gouvernement centrale.”

John Paul II's *Pastor bonus* (1988): A Step Back from Paul VI's Reform

The reform planned by the constitution *Pastor bonus* of 1988 must be seen in the context of the longest pontificate in the 20th century and the most important pontificate for the postconciliar period. The last pope who was a Council Father at Vatican II, John Paul II, was also the last pope to reform the Curia with a direct appeal to Vatican II, albeit under the umbrella of a “Vatican II nominalism.” By this term is meant a certain easiness in branding as “Vatican II” new phenomena in the Church (such as the new Catholic movements) and theological convictions of the last pope who had been a member of the council. The style of John Paul II was very different from a “conciliar” style—consider, for example, the absence of episcopal collegiality in his style of governing the Church, especially in how he treated the synod of bishops and the national episcopal conferences. On the other hand, John Paul extended trajectories already initiated by John XXIII and Paul VI, such as a more pastoral understanding of the Petrine ministry and papal trips.

Clearly John Paul II lacked interest in reforming structures of the Church's central government, which in his 27-year pontificate became more centered on the person of the pope and the papal apartment and its far-from-transparent entourage:

With John Paul II we have an expansion of the “extraordinary government” of the Church by the pope. . . . Thanks to the charismatic figure of the pope, acts of “extraordinary government” of the pope became in a way the central aspect of church government during his pontificate.⁵³

Ecclesiological preferences also affected how the Curia functioned: “A strengthening of the legislative and administrative powers of the Curia vis-à-vis the local churches and bishops' conferences and . . . a tighter connection between magisterium and canonical norms.”⁵⁴

If the beginning of Pope Francis's pontificate in March 2013 was marked by the impression of a general chaos in the Curia after the “VatiLeaks scandal,” the beginning of John Paul II's pontificate in 1978 revealed worries over the financial administration of the Holy See in the wake of a major political-financial scandal involving important Italian Catholic politicians.⁵⁵

The 1983 Code of Canon Law gave scant attention to the Roman Curia itself (only canons 360 and 361), while generally resetting the role of law in the Church of Vatican

53. Andrea Riccardi, *Governo carismatico: 25 anni di pontificato* (Milan: Mondatori, 2003) 203.

54. Fantappiè, *Storia del diritto canonico* 314.

55. For the letter of John Paul II to Secretary of State Cardinal Agostino Casaroli of November 1982, see Galavotti, “Sulle riforme della Curia Romana nel novecento.” In summer 1981 John Paul created a commission of 15 cardinals with the task of studying the economic and organizational issues of the Holy See. The commission worked mostly at solving the scandal of the Istituto Opere di Religione (Vatican Bank). But it did not prevent other scandals from surfacing during the pontificate of Benedict XVI.

II. The new Code was for John Paul II an authentic act of conciliar reception;⁵⁶ it initiated a fresh centralization of the Church on Rome.⁵⁷

The 1988 *Pastor bonus* reform of the Curia arrived years after the former Holy Office had been rejuvenated through the appointment of Cardinal Ratzinger as prefect (where he stayed for 24 years), and after the criticisms against the first draft of *Pastor bonus* for the position given to the CDF:

A major criticism of the 1985 *schema* was the subordination of the Secretariat for the Promotion of Christian Unity to the Congregation on the Doctrine of the Faith [CDF]. The public outcry was notable. However, *Pastor bonus* (art. 137) provides what appears to be even more stringent control by the [CDF] over the Council for the Unity of Christians than the 1985 *schema*.⁵⁸

The 1988 reform simplified the structure of the dicasteries, reducing their number (nine congregations, twelve councils, three offices) and creating a system at least formally of equals. The structure of the Curia, however, did not change fundamentally: most changes consisted in transferring responsibilities from one dicastery to another, while more powers were given to the CDF; the bishops' visits *ad limina* every five years augmented centralization;⁵⁹ and bishops' conferences had a much more limited role than during Paul VI's pontificate.⁶⁰ Moreover, the rationalization and clarification of the dicasteries' tasks stepped back from the reform of 1967.⁶¹

John Paul II's key ideas for his Curia consisted of a pivotal role for the CDF and a new ecclesiological language applied to the reforms. The *Pastor bonus* reform came from a commission created by Paul VI in 1974, but the reform embodied something different from what he had in mind.⁶² The guiding principles stated in *Pastor bonus* were, allegedly, an idea of the Church as a communion, the pastoral nature of

56. See Fantappiè, *Storia del diritto canonico* 306.

57. See Legrand, "Du gouvernement de l'Église depuis Vatican II."

58. James Provost, "*Pastor Bonus*: Reflections on the Reorganization of the Roman Curia," *Jurist* 48 (1988) 499–535, at 522. For the college of cardinals' 1985 review of the draft of *Pastor bonus*, see Astorri, "La Segreteria di Stato nelle riforme di Paolo VI e Giovanni Paolo II" 514.

59. See the *Direttorio per la visita "ad limina"*, published June 29, 1988, by the Congregation for Bishops and the creation of an "Ufficio di coordinamento delle visite ad limina" within the same dicastery, http://www.clerus.org/pls/clerus/rn_clerus_r_select_abstract?id=10707&lingua=3&layout=1&vers=1 (ET, <http://www.cin.org/vatcong/adlimin.html>); and Provost, "*Pastor Bonus*: Reflections on the Reorganization of the Roman Curia" 519.

60. See Heribert Schmitz, "Tendenzen nachkonziliarer Gesetzgebung: Sichtung und Wertung," *Archiv für katholisches Kirchenrecht* 146 (1977) 381–419.

61. See Provost, "*Pastor Bonus*: Reflections on the Reorganization of the Roman Curia" 499–535.

62. For the history of the commission, see Joël-Benoît d'Onorio, *Le pape et le gouvernement de l'église* (Paris: Tardy, 1992) 287–309; Francis Arinze and Pope John Paul II, *La Curia romana: Aspetti ecclesiologici, pastorali, istituzionali; Per una lettura della "Pastor bonus"* (Vatican City: Vatican, 1989).

episcopal ministry, episcopal collegiality between the bishops and the pope, and the vicarial nature of the Roman Curia in relation to the pope.⁶³

In D'Onorio's view, "the Roman Curia was also desacralized, since the word 'sacred' has been abolished for all papal institutions."⁶⁴ But commission member Cardinal Sebastiano Baggio found that *Pastor bonus* was "a return to the 1967 reform rather than a [new] reform."⁶⁵ John Paul II's constitution for the reform of the Roman Curia was part of a comprehensive effort that had been codified five years earlier: *Pastor bonus* was "an essential part of the new Code of Canon Law of 1983,"⁶⁶ and, like the Code, was an act of reinterpretation of Vatican II. The chapter on the Curia in *Christus Dominus*, the Decree Concerning the Pastoral Office of Bishops, spoke about the Curia's functioning for the good of the churches. But "*Pastor bonus* sees the curia as serving directly only the Roman Pontiff; it is indirectly through his office that the curia is at the service of others in the Church."⁶⁷ The drafting commission for *Pastor bonus* made the decision not to juridically tie the Roman Curia to the college of bishops; thus with *Pastor bonus* "the Curia stays closely connected to the papal primacy."⁶⁸

The new centrality of the papal office also meant a step back from the role given the Secretariat of State by Paul VI,⁶⁹ and provided the CDF of John Paul II the centrality that the Secretariat of State had during Paul VI's pontificate⁷⁰—with the effect also of tampering once again with the separation of dicastery tasks determined by Paul VI.⁷¹ The new powers conferred by the pope on the secretary of state in 1984 did not mean a new prominent role for Cardinal Casaroli as John Paul II's "prime minister," but only the decision to outsource the government of Vatican State—something in which the pope was not interested.⁷²

63. See Jean Beyer, "Le linee fondamentali della Costituzione Apostolica '*Pastor Bonus*,'" in *La Curia Romana nella Cost. Ap. "Pastor Bonus"*, Pier Antonio Bonnet and Carlo Gullo, eds. (Vatican City: Vatican, 1990) 17–43.

64. See Joël-Benoît d'Onorio, "Curia," in *The Papacy: An Encyclopedia*, 3 vols., Philippe Levillain, ed. (New York and London: Routledge, 2002) 1:444–74, at 473.

65. D'Onorio, *Le pape et le gouvernement de l'église* 304.

66. Fantappiè, *Storia del diritto canonico* 308.

67. Provost, "*Pastor Bonus*: Reflections on the Reorganization of the Roman Curia" 510.

68. Gian Piero Milano, "Riforma della Curia e collegialità episcopale dal Vaticano II alla *Pastor Bonus*," in *Scritti in memoria di Pietro Gismondi*, vol. 2/1 (Milan: Giuffrè, 1990) 673–752, at 725.

69. See Astorri, "La Segreteria di Stato nelle riforme di Paolo VI e Giovanni Paolo II" 516.

70. See Giuseppe Ruggieri, "La politica dottrinale della curia romana nel postconcilio," *Cristianesimo nella storia* 2 (2000) 103–31.

71. See Schulz, "Il Codice di Diritto Canonico e la riforma della Curia Romana" 259–61.

72. See John Paul II, "Le sollecitudini crescenti," April 6, 1984, http://www.vatican.va/holy_father/john_paul_ii/apost_letters/1984/documents/hf_jp-ii_apl_19840409_sollecitudini-crescenti_it.html. See Roberto Morozzo della Rocca, *Tra Est e Ovest: Agostino Casaroli diplomatico vaticano* (Cinisello Balsamo: San Paolo, 2014) 313.

All this discussion of *Pastor bonus* must be read in the context of John Paul II and Cardinal Ratzinger's ecclesiology of the universal church, which was translated at the institutional level into a recentralization of the Church.⁷³ The charismatic government of John Paul II also meant dismissing some rules in order to maintain the preeminence of the pivotal figure of the pope. This culture of church government was another step back from Paul VI's reform, which had legislated that curial positions be only temporary. Under John Paul II the five-year term limit was seen more as exception than the rule. Paul VI tended to respect that limit, but in some cases he renewed appointments only once for another five years, for a maximum of ten years.⁷⁴ Under John Paul II and Benedict XVI, cardinal prefects served, on average, longer terms as prefects of their congregations: up to 16 years (Cardinal Zenon Grocholewski). (A case completely *sui generis* is the tenure of Cardinal Ratzinger at the CDF—24 years.⁷⁵)

In sum, the frequent celebrations of bishops' synods in Rome (six ordinary synods, the extraordinary synod of 1985, and eight special continental or national assemblies) and the new series of "extraordinary consistories" of cardinals (1979, 1982, 1985, 1991, 1994, and 2001)⁷⁶ never really challenged the supremacy of a Roman Curia that the pope seemed uninterested in controlling.⁷⁷

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73. This recentralization was effected by, among other factors, the following Vatican documents: *Communio in notio*, the letter from the CDF to the Catholic bishops, "On Some Aspects of the Church Understood as Communion" (May 28, 1992); the Instruction on Diocesan Synods, from the Congregation for the Bishops and the Congregation for the Evangelization of the Peoples (1997); the instruction On Certain Questions Regarding the Collaboration of the Non-Ordained Faithful in the Sacred Ministry of Priest, signed by eight different dicasteries of the Roman Curia (August 15, 1997); and John Paul II's *motu proprio Apostolos suos*, On the Theological and Juridical Nature of Episcopal Conferences (May 21, 1998).
74. Only the following cardinal prefects were renewed for a second five-year term: Agostino Casaroli, Secretary of State (1969–1979); Franjo Seper, Congregation for the Doctrine of the Faith (1969–1981); Agnelo Rossi, Congregation for the Evangelization of Peoples (1970–1984); John Wright, Congregation for the Clergy (1969–1979); and Gabriel-Marie Garrone, Congregation for Catholic Education (1968–1980).
75. Following is a list of cardinal prefects of dicasteries and their years in office: Bernardin Gantin, Congregation for Bishops (1984–1998); Joseph Ratzinger, Congregation for the Doctrine of the Faith (1981–2005); Iozef Tomko, Congregation for the Evangelization of Peoples (1985–2001); Cardinal Dario Castrillon Hoyos, Congregation for the Clergy (1996–2006); Eduardo Martinez Somalo, Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (1992–2004); Zenon Grocholewski, Congregation for Catholic Education (1999–2015).
76. See Kurt Martens, "Curia Romana semper reformanda: Le développement de la Curie Romaine avec quelques réflexions pour une réforme éventuelle," *Studia canonica* 41 (2007) 91–116, esp. 107.
77. John Paul II's apostolic constitution *Universi Dominici gregis* (February 22, 1996), "On the Vacancy of the Apostolic See and the Election of the Roman Pontiff," confirms Paul VI's *Romano pontifici eligendo* (1975) in the decision that a *vacatio sedis* triggers "a complete deactivation of the Roman Curia" except for the chamberlain, the penitentiary, the vicar for the diocese of Rome, and the vicar for the Vatican: Alberto Melloni, *Il Conclave: Storia di un'istituzione* (Bologna: Il Mulino, 2001) 156.

The “Pope Theologian” Benedict XVI and the “Adiaphoron” of the Curia

The resignation of Pope Benedict was announced on February 11, 2013, and became effective February 28 of that year. But that resignation kept happening for a long time after it became effective, since the “pope emeritus” still lives in the Vatican. The official papers concerning Benedict’s pontificate and held in the Vatican archives will not be accessible to scholars for many decades.

But there is little doubt that one of the typical features of the “pope theologian” was a lack of interest in the Curia: in Galavotti’s words, “Ratzinger continued [John Paul II’s] estrangement of the pope from the Curia.”⁷⁸ In this sense, Ratzinger was a typical post-Vatican II Catholic academic theologian who saw in the Curia an object lacking theological substance, an *adiaphoron*. That does not mean that his pontificate did not impact the Curia. On the contrary, some decisions deepened the crisis of the Curia through a clear recentering on Rome of decision-making processes already initiated under John Paul II. The first example was Benedict’s decision to renounce the title of “Patriarch of the West.” Apart from its ecumenical implications, this renunciation also affected the way the pope conceived the role of the Roman Curia. Paradoxically with that decision Benedict solved the issue raised by Heribert Schmitz a few years after Vatican II, when he proposed separating the Roman Curia into a curia for the pope as pastor of the universal Church, and a curia for the government of the Latin Church as Patriarch of the West.⁷⁹

Under Benedict XVI some of the distinctions attempted in previous reforms of the Curia vanished. In February 2006 four pontifical councils were merged into two councils, *Iustitia et Pax* (which absorbed the Pontifical Council for the Pastoral Care of Migrants) and the Pontifical Council for Culture (the Pontifical Council for Interreligious Dialogue closed but was then restored in May 2007). Theologically clear in his intention, Benedict decided to create the Pontifical Council for the Promotion of the New Evangelization in September 2010, but the Council remained largely invisible during his pontificate. Benedict was even clearer regarding the new structure given to the Pontifical Commission *Ecclesia Dei* (created in 1988 for dialogue with the schismatic Society of St. Pius X): on June 2, 2009, Benedict linked *Ecclesia Dei* to the CDF by making the latter’s prefect the president of *Ecclesia Dei*—this after the *motu proprio Summorum pontificum* (July 7, 2007) had expanded *Ecclesia Dei*’s responsibilities for implementing the liberalization of the preconiliar Latin Mass. In other cases Benedict reordered some responsibilities of the curial dicasteries—noteworthy was the decision to remove the responsibility for seminaries from the Congregation for Catholic Education and give it to the Congregation for the Clergy.⁸⁰

78. Galavotti, “Sulle riforme della Curia Romana nel novecento” 887.

79. See Heribert Schmitz, “Kuriereform,” in *Nachkonziliare Dokumentation*, vol. 10 (Trier: Paulinus, 1968) 57, quoted in Schulz, “Il Codice di Diritto Canonico e la riforma della Curia Romana” 261.

80. See Lorenzo Lorusso, “Le modifiche di Benedetto XVI alla Costituzione Apostolica ‘Pastor Bonus’: un ponte verso ulteriori riforme,” *Iura orientalia* 10 (2014) 67–83.

Overall, Benedict XVI did not reform the Curia, nor did he create a commission for the study of the 1988 reform. The “pope theologian” transferred to himself the preeminence given by John Paul II to the CDF, which he led for almost 24 years, and maintained the supremacy of the CDF (together with the Congregation for Catholic Education) for matters of doctrinal relevance. The synodal praxis, reduced to the celebration of the bishops’ synods in Rome, did not change John Paul II’s policy; the power of the Roman Curia over the bishops and the national bishops’ conferences grew—as can be seen from the case of the new English translation of the Roman Missal.⁸¹ Papal primacy under Benedict XVI followed and even expanded the features of the “charismatic papacy” of John Paul II—this time not thanks to the prophetic charisma of a Polish pope, but thanks to those who theologically followed Benedict XVI, the most influential doctrinal policy-maker in the post-Vatican II Church.

In this sense, the appointments made by Benedict to the Curia are interesting not only for the profiles of the appointees, but also for the institutional culture of the German pope vis-à-vis the tradition of the Roman Curia. The most important decision that illuminates Benedict’s intentions regarding the Curia was his appointment as secretary of state Cardinal Bertone, an Italian, who had served as secretary of the CDF under Cardinal Ratzinger (before Bertone became archbishop of Genoa), who had no diplomatic experience and was perceived by the Roman Curia as an outsider. Bertone was appointed in order to have somebody *above* the Roman Curia and not part of it (strikingly close to Pope Benedict’s self-perception in his relationship with the despised church bureaucracy). Functionally speaking, given the personal relationship between Ratzinger and Bertone and the lack of qualifications of the appointee, that appointment resembled much more the cardinal–nephew relationship to Renaissance popes (before Innocent XII prohibited the practice in 1692). The consequences of the Bertone appointment and of the more general neglect of the Curia by Pope Benedict are among the features of a pontificate that presumed that the Curia need not rule nor be reformed.

Pope Francis’s Interpretation of the Mandate to Reform the Curia

The role of the Roman Curia in the successes and failures of a given pontificate is difficult to assess. But there is no doubt that in the transition from Benedict XVI to Francis the perception of the Curia was significantly different than in previous conclaves. The fact that very few people expected a new Italian or curial pope from the conclave of 2013 is symptomatic of the crisis of the Curia as an institution. It is also no coincidence

81. Noteworthy is the story of the transfer of authority on the English translation of the Missal from the International Committee for English in the Liturgy (ICEL) to the new committee *Vox Clara*. In 1998, after the English-speaking bishops conferences had approved the 17-year-long work of ICEL, the Congregation for Divine Worship rejected it and tasked *Vox Clara* with producing another translation of the Missal, one that would faithfully reflect the official Latin version. The result was a “Latinized” English version that, in 2011, was imposed on English-speaking Catholics.

that exactly four weeks after his election, on April 13, 2013, Pope Francis announced the creation of a “council of cardinals,” an advisory panel on church governance made up of eight cardinals (the “C-8”) coming from all inhabited continents and with a significant reduction of the Italian and curial presence. The only Italian was the council’s secretary, Bishop Marcello Semeraro, diocesan ordinary of Albano Laziale, until the inclusion in the “C-9” of Secretary of State Cardinal Pietro Parolin in July 2014.

The “C-9” meets a few days every two or three months. The centralization of authority on the person of the pope is far from over. Perpetuating a “Schmittian” Catholicism in a perpetual state of exception,⁸² Francis’s C-9 is governed by the pope, who used his own discretion to choose its members. Their geographical origins—at least one member for each “continent” (difficult as the geographical idea of a “continent” is for Catholic ecclesiology)—represents an update of Vatican II’s push for an internationalization of the Curia.⁸³

The C-9 is not the only institution that Pope Francis has placed *above* the Roman Curia when following the conclave’s mandate to reform the Curia. His decision in October 2013 to celebrate an extraordinary synod in October 2014 and an ordinary synod in 2015 (both on the topic of the family), signaled a change in the hierarchy of institutions of church government: pope, curia, episcopate. In the April 1, 2014, message to Cardinal Lorenzo Baldisseri, secretary general of the synod, Francis spoke about the synod in terms of a collegiality that is both “affective” and “effective”—with a significant shift in the use of these two adjectives referring to collegiality when compared with previous decades.⁸⁴ Within the Roman Curia itself seismic shifts have occurred. During the preparation and celebration of the extraordinary synod of 2014 and in preparation for the ordinary synod of 2015, the CDF’s role was significantly different from its role in the previous two pontificates—not unlike the diminished role of the Holy Office during Vatican II.

There are also issues on which Pope Francis seems to act beyond or without an explicit “mandate” from the conclave,⁸⁵ especially pertaining to the Roman Curia. Francis has affirmed in interviews that the conclave tasked him to regain control of the Curia after the scandals became public in 2012 and led to the unprecedented trial and conviction of Benedict XVI’s personal steward. Clearly among Francis’s efforts to reform the Curia are the C-9, the new institutions and new personnel for the Holy See’s financial activities,⁸⁶ a stricter control by the pope personally in egregious cases of

82. On Catholicism and Carl Schmitt’s concept of “state of exception,” see Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University Of Chicago, 2015) and especially Agamben, *Il mistero del male: Benedetto XVI e la fine dei tempi* (Roma-Bari: Laterza, 2013).

83. See Galavotti, “Sulle riforme della Curia Romana nel novecento.”

84. Francis’s letter to Baldisseri, <http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2014/04/08/0251/00559.htm>.

85. See Massimo Faggioli, *Pope Francis: Tradition in Transition* (New York: Paulist, 2015).

86. See Francis’s *motu proprio Fidelis dispensator et prudens* (February 24, 2014), https://w2.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20140224_fidelis-dispensator-et-prudens.html.

financial mismanagement by some bishops,⁸⁷ and a new commission for the prevention of sexual abuse in the Church.⁸⁸ In June 2015 the Vatican announced the creation of a new tribunal to deal with bishops who fail in their duty to protect children, and a new Secretariat for Communications to oversee all nine communications offices of the Vatican. The role of the C-9 seems crucial in Francis's decisions on the new dicasteries of the Roman Curia.

For all the freshness Pope Francis has brought, there is one custom in which he will have to follow his post-Vatican II predecessors: reform of the Roman Curia. The announcements following the meetings of the C-9 in 2014 hinted at a comprehensive reform and not a simple update of John Paul II's *Pastor bonus*. Francis placed the conclave's mandate within a more generous ecclesiology that reconsiders the institutional relationship between Rome and the peripheries. In the apostolic exhortation *Evangelii gaudium* (November 24, 2013) Francis affirmed the need to rebalance the center and periphery:

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." But this desire has not been fully realized, since a juridical status of episcopal conferences which would see them as subjects of specific attributions, including genuine doctrinal authority, has not yet been sufficiently elaborated. Excessive centralization, rather than proving helpful, complicates the Church's life and her missionary outreach.⁸⁹

Yet the first two years of Francis's pontificate have revealed a centralized response to some local problems, together with a renewed focus on the papacy as the engine of the institutional life of the Church.

The pontificate of Francis recalls the pope who convoked Vatican II, John XXIII, in terms of his distance from the curial world before becoming cardinal and his difficult relations with the Vatican before and after becoming a cardinal.⁹⁰ John XXIII's move to reform the Curia was the decision to call Vatican II. Similarly Francis's decision to celebrate two bishops' synods in one year has clearly bypassed the role of the Roman Curia in the life of the global Church.

Vatican II at 50—Curia Reform at a Crossroads

Unquestionably, technical issues persist behind reviewing the central governmental structures of the Catholic Church in Rome, such as the position of the Secretariat of

87. Between July and October 2013, the resignations of Bishops Anton Stres, Marjan Turnšek, and Franz-Peter Tebartz-van Elst were related to financial mismanagement. A papal rescript published on November 5, 2014, legislated that Roman Curia bishops retire automatically at 75, and that the pope can request bishops to retire even before the age limit of 75.

88. The commission was created on March 22, 2014, and expanded on December 17, 2014, with new members.

89. Pope Francis, apostolic exhortation *Evangelii gaudium* (November 24, 2013) no. 32.

90. See the ten volumes of the diaries of Angelo Giuseppe Roncalli, Pope John XXIII, in the series *Edizione nazionale dei diari di Angelo Giuseppe Roncalli—Giovanni XXIII*, ed. Alberto Melloni (Bologna: Fondazione per le scienze religiose Giovanni XXIII, 2003–2008).

State and its relationship to the pope; the Curia as a cabinet government; the appointment of lay members; the decentralization of decision making. But the larger issue here is the role of Vatican II and its ecclesiology for the reform of church structures. Francis's pontificate seems to be, on many levels, a return to the intent of Vatican II. In this sense, the celebration of the 50th anniversary of the council has turned out to be an actualization more than a mere "memorialization." But Francis's poignant question, *Where were we?*, presents a particular challenge when it comes to the reform of the Roman Curia, namely, to identify the criterion that should inspire the reform. In the first post-Vatican II period, the criterion had been mostly a Weberian "legal-rational" rearrangement of the dicasteries and their procedures, leaving the ecclesiology of Vatican II as an *ex post facto* justification of the new architecture.

Now, regarding reform of the Roman Curia, whose conceptual basis is largely non-theological, consideration must be given to the role of theology and particularly of ecclesiology. Does theology matter for the reform of the Curia? Is a perfunctory "constitutionalization" of ecclesiastical institution the way to make the Roman Curia less impermeable to the theology that should inform everything the Church does?

In an age of epidemic delegitimization of institutions, especially those of government, it is a particularly challenging task for the Church to put forward a reform of its central government that starts from theology and not from mere historical tradition. Largely forgotten theological traditions regarding the institutions of the Church can and must be recovered for a renewal of the Roman Curia. At Vatican II theologians played a crucial role together with the bishops in updating theological method, and Vatican II successfully effected the *ressourcement*—the recovery of the sources of the theological tradition.

Bringing *ressourcement* to the Roman Curia is a challenge rife with problems. On the one hand, in the post-Vatican II period, ecclesiologists and the magisterium have been estranged for a long time. That situation might change and could lead to a much-needed new theological legitimacy of institutions for church government. On the other hand, the Roman Curia is an institution whose structure has always been based more in a social-political understanding of the role of the pope than in a theological and ecclesiological understanding of it. Many reforms of an ecumenical council take generations to become effectively incorporated into the life of the Church; this is true also for Vatican II, and it might also be true for the connection between Vatican II's ecclesiological turn and a still largely unaccomplished reform of the Church as an institution, both locally and at the Vatican.

Advancing proposals for *ressourcement* in the reform of the Roman Curia will require another essay altogether. But such proposals must begin from an honest acknowledgment that the Catholic Church has never been so centralized as it has been in the post-Vatican II period, and that it is time for a decentralization based on collegiality. Episcopal collegiality was not invented at Vatican II; it was rediscovered as a long-neglected tradition.⁹¹ Moreover, today's more globalized Catholicism calls for a

91. See Giuseppe Alberigo, *Lo sviluppo della dottrina sui poteri nella chiesa universale: Momenti essenziali tra il XVI e il XIX secolo* (Rome: Herder, 1964).

rejuvenation of the role of the mid-level ecclesiastical institution (that in the last two centuries took the form of national bishops' conferences)⁹² and a return to the early modern consistorial system in an updated form, where the Roman Curia is subject to the oversight of representatives of the local churches. Also the career system in the Curia can be resourced: the case for short-term tenures of curial officials should be the Council of Trent's restoration of episcopal obligation of residence, important in a church in which the mutual isolation of Rome and the local churches means a limited capability of taking reality into account when it comes to the pastorality of doctrine.⁹³ *Salus animarum* could be the ultimate theological source for the *ressourcement* of the Roman Curia.

Author biography

Massimo Faggioli received his PhD from the University of Turin and is currently associate professor of theology at the University of Thomas, St. Paul, MN. Specializing in church history, history of ecclesiastical institutions, Vatican II, and new Catholic movements, he has recently published *Pope Francis: Tradition in Transition* (2015); *John XXIII: The Medicine of Mercy* (2014); *Sorting Out Catholicism: A Brief History of the New Ecclesial Movements* (2014); *Vatican II: The Battle for Meaning* (2012); and *True Reform: Liturgy and Ecclesiology in Sacrosanctum Concilium* (2012). In progress is a monograph entitled "A History of the Roman Curia."

92. See Pope Francis, apostolic exhortation *Evangelii Gaudium* (November 24, 2013) par. 32.

93. See Council of Trent, session 6, June 13, 1547: *De residentia episcoporum et aliorum inferiorum*; session 23, July 15, 1563: *De reformatione* chap. 1. Interestingly, Pope Francis in his speech to the Congregation for Bishops (February 27, 2014) mentioned Trent's decree on the episcopal obligation of residence: <http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2014/02/27/0143/00313.htm>.