

THE BISHOP OF ROME AS THE SUPREME LEGISLATOR IN THE CHURCH. A THEOLOGICAL AND LEGAL ANALYSIS OF POPE FRANCIS' LEGISLATION

Rev. Prof. Dr. habil. Tomasz Rozkrut

The Pontifical University of John Paul II in Cracow, Poland
e-mail: tomasz.rozkrut@upjp2.edu.pl; <https://orcid.org/0000-0002-6189-5552>

Abstract. The pontificate of Pope Francis can be characterised by a series of legislative decisions. Many of his decisions relate to the specific exercise of the Church legislative power, which in the case of the Bishop of Rome is the highest legislative authority in the Church. Although well-known and characterised in the literature, the legislative power of the Bishop of Rome is worthy of a new synthetic approach in the context of Pope Francis' legislative decisions, also by citing his specific utterances on this matter. The specific and unique mission of the Bishop of Rome in relation to the whole Church is linked to making various decisions, including those of legislative nature, which are indispensable or useful for the defence and promotion of the unity of faith and communion of the Church. Pope Francis' reforms, in particular those of a universal character, should also revive the legislative activity of particular legislators, especially diocesan bishops. These reforms should also contribute to the study of the ecclesiastical law, including, but not limited to, its proper application. The nature of the ecclesiastical law, in particular the law promulgated by the Bishop of Rome, is not only purely juridical but also sanctifying and saving.

Keywords: Bishop of Rome; legislative decisions; legislative power; Pope Francis; the Vicar of Christ.

INTRODUCTION

Pontiff of Pope Francis can be characterized by a number of legislative decisions. This results in his numerous decisions being related to specific exercising of the Church legislative power which in case of the Bishop of Rome constitutes the highest legislative authority in the Church. The 1983 Code of Canon Law describes it as “supreme, full, immediate, and universal ordinary power in the Church.”¹ That dynamic exercising of legislative power by Pope Francis is, without doubt, connected with a great effort that he

¹ *Codex Iuris Canonici auctoritate Ioannis Pauli PP. II promulgatus* (25.01.1983), AAS 75 (1983), pars II, pp. 1-317 [hereinafter: CCL], Can. 332 § 1.

makes concerning the multidimensional reform of the present Church. The reform does not only relate to the functioning of the Church institutions but also wants to serve the entire ecclesial community and is supposed to contribute to not only correct but also improve functioning of that community, especially in bearing witness to the Gospel.

By example, it will be well to chronologically bring the reform on adjudicating the nullity of marriage (2015),² harmonisation of the Latin and Eastern Codes (2016),³ reform of the penal law (2021),⁴ reform of the Roman Curia (2022),⁵ or amending functioning of the institution of the Synod of Bishops in 2018.⁶ It will be well to perceive the indicated elements of the Church reform, although fragmentary, jointly with a clear will of giving the present Church a new dynamic in preaching Gospel through specific documents of the Bishop of Rome. Furthermore, without any doubts, it is connected with personal courage of Pope Francis, especially in giving a new direction for the present Church, specifically through its synodal dimension. This, one can say, has been strongly emphasized on a universal scale in recent years.

Although well-known and characterized in literature, the presented issue relating to the legislative power of the Bishop of Rome is worth a fresh synthetic approach in the context of legislative decisions of Pope Francis, also through citation of his specific utterances made in this matter. As Pope Francis indicted in his speech on the occasion of Christmas delivered during traditional Christmas wishes on December 21, 2019, at present we do not live *in the era of changes but in the change of era*. Thus, observing the pace of changes in the modern society, including the Church community, we will probably be witnesses of intensive legislative actions, including actions of the Bishop of Rome. They, without any doubt, will remain a point of reference for the Church particular legislators [Aumenta and Interlandi 2023, 11].

² See https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html [accessed: 01.05.2024].

³ See https://www.vatican.va/content/francesco/la/apost_letters/documents/papa-francesco-lettera-ap_20160531_de-concordia-inter-codices.html [accessed: 01.05.2024].

⁴ See https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20210523_pascite-gregem-dei.html [accessed: 01.05.2024].

⁵ See https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-paedicare-evangelium.html [accessed: 01.05.2024].

⁶ See https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20180915_episcopalis-communio.html [accessed: 01.05.2024].

1. THEOLOGICAL FOUNDATIONS AND SPECIFICITY OF AUTHORITY OF THE BISHOP OF ROME

Observing the person and in particular the office of the Bishop of Rome one must state that we deal with a specific and extraordinary office and mission in the history of the Church and the world. This, anyway, has been and is emphasized a number of times in various utterances, not only of doctrinal nature. This unique character presented in general terms specifically results from the fact that we face institution that originates from God's law that is additionally enriched by personality of each pope. Prerogatives and functions of that office have also been established by God. Through centuries, they have been and still are defined accurately by the law of the Church, specifically by amending it, e.g. these referring to the method of election of the Bishop of Rome [Arrieta 2023, 253].

The unique character and specificity of this office is unquestionably connected with the privilege of primacy of the Bishop of Rome, namely, with clearly specified and very essential theological foundation thought specifically by the Magisterium of the First Vatican Council and gradually developed by Magisterium of the Second Vatican Council [Rozkrut 2021, 3-20].

Synthetically collecting the above indicated grand teaching of the Church the Latin and Eastern Codes, in particular Can. 331 CCL and corresponding Can. 43 from the Eastern Churches Canons Code of 1990⁷: "The bishop of the Roman Church, in whom continues the office given by the Lord uniquely to Peter, the first of the Apostles, and to be transmitted to his successors, is the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth. By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely."

Sort of on the margin, it is worth to mention that the structure of canons relating to the Bishop of Rome is identical in both the Latin and Eastern Code. Hence, it is also worth to invoke a remark from codification works of the Eastern Code Committee that there must be taken special care that, while maintaining only editorial modifications, in this very important subject matter there is not any dissimilarity between the two codes. It is the more that Latin canons have already been approved by the highest legislator, to this instance by John Paul II, by promulgation of the post-Councillor Code of Canon Law. Hence, it is incorrect to disbelieve that they do not also correspond to the Eastern theological tradition⁸.

⁷ *Codex Canonum Ecclesiarum Orientalium auctoritate Ioannis Pauli PP. II promulgatus* (18.10.1990), AAS 82 (1990), pp. 1033-363.

⁸ "Nuntia" 22 (1986), p. 39.

The above cited canon norm is to a great extent based upon Can. 218 of the pio-benedictine codification of 1917.⁹ And that, in turn, was based upon Magisterium of the First Vatican Council [Del Pozzo 2020, 140]. Generally, it must also be underlined that the first part of the existing canon norm is theological. It describes the Bishop of Rome. Successively, the second part indicates consequences concerning his authority [Mosconi 2000, 6]. In comparison, Can. 218 § 1-2 of the Code of 1917 additionally pointed out that the Bishop of Rome also possesses the primacy of honour, his authority is truly episcopal and independent from any human authority. Naturally, the indicated elements of the pio-benedictine codification are still in force as they are founded in the God's establishment. It is also profitable to point out the previous Can. 218 § 1 that clearly constituted that the full and supreme authority of the Bishop of Rome relates to issues concerning faith, morality as well as discipline and management of the Church. Thus, we have also synthetically determined the subject matter of authority of the Bishop of Rome that has been developed and discussed in researches on the theological and legal doctrine of the Church through centuries. Through his office and privileges of primacy, the successor of Saint Peter is at the same time the Head of the College of Bishops and the Bishop of Rome. This means that we face a three-fold dimension of law of the same reality. In other words, in the person of Peter (and his successors) we see the head of Twelve that remains the foundation of unity and leadership of their successors. This means, it is actually connected with management of the College of Bishops. Rome that is a capital city of pope, as bishop, is at the same time the centre of communion of the Church [Arrieta 2023, 251].

When it comes to exercising the supreme power in the Church, Latin Can. 337 § 3 (as well as its Eastern counterpart – Can. 45 § 2) expresses it as follows: “It is for the Roman Pontiff, according to the needs of the Church, to select and promote the ways by which the college of bishops is to exercise its function collegially regarding the universal Church.”

Furthermore, apart from this three-fold dimension that is determined theologically, legally and canonically, the Bishop of Rome, through entirely different dimension that relates to purely earthly perspective, is also the head of the Vatican City State and, within the area of his power that is of political and earthly character, possesses full legislative, executional and judicial powers related to everyday functioning of Città del Vaticano, as the one who possesses the highest authority in that state [ibid., 252].

⁹ *Codex Iuris Canonici auctoritate Pii X Pontificis Maximiiussu digestus. Benedicti Papae XV auctoritate promulgatus* (27.05.1917), AAS 9 (1917), pars II, pp. 1-593.

Immediately after he was elected on March 13, 2013, Pope Francis in his first public speech clearly indicated that the conclave elected a new Bishop of Rome and added that it is the Church existing in Rome that leads all other Churches.¹⁰ In other words, an essential element of being pope is to exercise the office of the Bishop of Rome which is very strongly highlighted in the Tradition and Magisterium of the Church [Del Pozzo 2020, 145].

The power possessed by the Bishop of Rome is defined by the above quoted Can. 331. The indicated regular power of ruling is connected with the entrustment of the office of the Bishop of Rome and constitutes his own power in accordance with the norm of Can. 131 § 1-2 CCL.

Generally speaking, the power indicated hereinabove relates to issues concerning faith, customs, holy sacraments, discipline, and management of the Church. This means everything understood as community of the Church [Arrieta 2023, 256].

Concluding, it is worth to highlight that when it comes to its origin the authority of the Bishop of Rome comes directly from God [ibid.]. As when it comes to the Bishop of Rome we deal with an office given by the law of God. Thus, the received power comes directly from Christ [Mosconi 2000, 18]. Due to that, this fundamental truth relating to the office of the Bishop of Rome makes it impossible to compare it with another office existing in the structures of state [Cito 2000, 32].

Similarly to every other office of diocesan bishop, the office of the Bishop of Rome is connected with exercising the power assigned to each of them. This means that in accordance with Can. 375 § 1 pope, being a bishop, is a teacher of doctrine, priest of the holy cult and executor of the ruling service. In other words, according to Can. 375 § 2 his mission includes tasks relating to teaching, sanctifying and ruling [Grocholewski 1990, 581]. Therefore, in accordance with the differentiation made by Can. 135 § 1 the mentioned ruling authority includes the legislative, executive and judicial powers. Whereas, the particular mission of the Bishop of Rome, in comparison with other bishops, is not limited to a specific territory or group of people but extends over the entire Church and all faithful [ibid.].

¹⁰ „You know that it was the duty of the Conclave to give Rome a Bishop. [...] The diocesan community of Rome now has its Bishop. [...] And now, we take up this journey: Bishop and People. This journey of the Church of Rome which presides in charity over all the Churches. A journey of fraternity, of love, of trust among us”, https://www.vatican.va/content/francesco/en/speeches/2013/march/documents/papa-francesco_20130313_benedizione-urbi-et-orbi.html [accessed: 01.05.2024].

2. LEGISLATIVE POWER OF THE BISHOP OF ROME

According to Can. 135 § 1 CCL, the ruling authority of the Church comprises of legislative, executive and judicial powers, wherein “Legislative power must be exercised in the manner prescribed by law; that which a legislator below the supreme authority possesses in the Church cannot be validly delegated unless the law explicitly provides otherwise. A lower legislator cannot validly issue a law contrary to higher law.”

The topic concerning a possible delegation of authority of the Bishop of Rome can be clearly read in Article 18(1-2) of the Apostolic Constitution of Pope Francis “*Episcopalis communio*” on *passing a final document to the Bishop of Rome*: “Once the approval of the members has been obtained, the Final Document of the Assembly is presented to the Roman Pontiff, who decides on its publication. If it is expressly approved by the Roman Pontiff, the Final Document participates in the ordinary Magisterium of the Successor of Peter. If the Roman Pontiff has granted deliberative power to the Synod Assembly, according to the norm of canon 343 of the Code of Canon Law, the Final Document participates in the ordinary Magisterium of the Successor of Peter once it has been ratified and promulgated by him. In this case, the Final Document is published with the signature of the Roman Pontiff together with that of the members.”¹¹ Unquestionably, practical application of that norm is going to be interesting.

The previously mentioned Can. 331 CCL, namely, the first canon on the Bishop of Rome present in the existing Latin Code states that “By virtue of his office he possesses supreme, full, immediate, and universal ordinary power in the Church, which he is always able to exercise freely.” Thus, legislative power of the Bishop of Rome is presented as *plenitudo potestatis* through which every pope is called to exercise it based on the given mission [Cito 2000, 35]. At the same time, essential resolutions of the law of God, especially these relating to the mission of Saint Peter and his successors in the Church have been included in this synthetic expression [Eràzuriz 2009].

Trying to practically understand the above regulation, one must bear in mind that precise adjectives indicate that the authority is:

- 1) *ordinary*, that means that the authority of the Bishop of Rome is by law related to office in the Church that is characterized by its primacy. Therefore, that authority does not relate to a natural person but the held office that the pope obtains “The Roman Pontiff obtains full and supreme power in the Church by his acceptance of legitimate election together

¹¹ See https://www.vatican.va/content/francesco/en/apost_constitutions/documents/papa-francesco_costituzione-ap_20180915_episcopalis-communio.html [accessed: 01.05.2024].

with episcopal consecration” (Can. 332 § 1 CCL). He loses that authority, e.g. as a result of resignation from the office of the Bishop of Rome which was very clearly stated by Benedict XVI in his last speech as the Bishop of Rome: “I am no longer the Supreme Pontiff of the Catholic Church, or I will be until 8:00 this evening and then no longer. I am simply a pilgrim beginning the last leg of his pilgrimage on this earth;”¹²

- 2) *highest*, that means that the Bishop of Rome has freedom in exercising his power. This means that he is independent from the remaining bishops who are members of the college and due to that “The First See is judged by no one” (Can. 1404 CCL) as well as there is no appeal from the sentence given by pope (Can. 1629, 1° CCL). This has been normalized in Can. 333 § 3 as follows: “No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.” The term highest authority means that there is no entity on Earth before which pope as well as the College of Bishops, which head is the Bishop of Rome, is responsible. This is clearly determined in Can. 336: “The college of bishops, whose head is the Supreme Pontiff and whose members are bishops by virtue of sacramental consecration and hierarchical communion with the head and members of the college and in which the apostolic body continues, together with its head and never without this head, is also the subject of supreme and full power over the universal Church;”
- 3) *full*, that means that the power is not solely executive or controlling as it does not miss any essential element both in relation to the unity of faith and power in the Church. It means that it has a legislative, executive dimension, which mean an administrative and judicial dimension. From the theological point of view, the fullness of the analysed power should be understood solely as power entrusted to the Church by God. Hence, it can also be said that this power is at the same time power which is sufficient and necessary to lead the entire Church. In its para. 94 the “*Ut unum sint*” encyclical describes it as follows: “With the power and the authority without which such an office would be illusory, the Bishop of Rome must ensure the communion of all the Churches. For this reason, he is the first servant of unity. This primacy is exercised on various levels, including vigilance over the handing down of the Word, the celebration of the Liturgy and the Sacraments, the Church’s mission, discipline and the Christian life. It is the responsibility of the Successor of Peter to recall the requirements of the common good of the Church, should anyone be tempted to overlook it in the pursuit of personal interests. He has the duty to admonish, to caution and to declare at times that this

¹² See https://www.vatican.va/content/benedict-xvi/en/speeches/2013/february/documents/hf_ben-xvi_spe_20130228_fedeli-albano.html [accessed: 01.05.2024].

or that opinion being circulated is irreconcilable with the unity of faith. When circumstances require it, he speaks in the name of all the Pastors in communion with him. He can also – under very specific conditions clearly laid down by the First Vatican Council – declare *ex cathedra* that a certain doctrine belongs to the deposit of faith. By thus bearing witness to the truth, he serves unity;”

- 4) *direct*, that means that the power of primacy can be exercised by pope in a direct manner over all faithful and all particular Churches, without involvement of other people or institutions, although direct character of the authority of pope in regards to the latter is understood as confirmation and guarantor of their own, ordinary and direct power of diocesan bishops;
- 5) *universal*, that means that the area of operation of the authority of pope extends over the entire *communio Ecclesiae et Ecclesiarum*, as he himself is the head of the College of Bishops and thus also the *caput totius Ecclesiae* [Corecco and Gerosa 1995, 230].

3. LIMITATION OF LEGISLATIVE POWER OF THE BISHOP OF ROME

Legislative power of the Bishop of Rome has also its limits that is constraints. In practice, it means that it is not absolute, though the nature of primacy causes that here – on Earth – the Bishop of Rome is not responsible before any authority for his decisions made within a mandate given to him [Cito 2000, 38]. J. Hervada states it directly: *the power of pope is unlimited*. For that reason, it is to be exercised within specified borders that can relate both to the validity and justice of the made decisions [Hervada 1989, 273]. Recognition of the above limitations does not produce any obstacle in exercising the office of the Bishop of Rome nor constitutes a limitation to the authority of pope. However, this should be perceived as paying respect to the plan of God on the one hand and responsible exercising of that office on the other hand [Del Pozzo 2020, 165].

In respect to the primacy of the Bishop of Rome, we can read in the declaration of the Congregation for the Doctrine of Faith of 1998 that the highest power of Primacy causes that there is no instance before which the Bishop of Rome would be responsible for exercising his office: “Since the power of the primacy is supreme, there is no other authority to which the Roman Pontiff must juridically answer for his exercise of the gift he has received: *prima sedes a nemine iudicatur*.”¹³ Naturally, it also does not apply to his

¹³ See https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19981031_primato-successore-pietro_en.html [accessed: 01.05.2024].

legislative power that – similarly to the remaining aspects of the exercised power – does not present itself as supremacy of absolute nature and that could be exercised bilaterally, but the manner in which it is exercised is supposed to serve the received mission [Cito 2000, 38].

It can be clearly read in the “*Ut unum sint*” encyclical, para. 92: “As the heir to the mission of Peter in the Church, which has been made fruitful by the blood of the Princes of the Apostles, the Bishop of Rome exercises a ministry originating in the manifold mercy of God. This mercy converts hearts and pours forth the power of grace where the disciple experiences the bitter taste of his personal weakness and helplessness. The authority proper to this ministry is completely at the service of God’s merciful plan and it must always be seen in this perspective. Its power is explained from this perspective.”

The presented truth is explained in the following way by the already quoted Congregation for the Doctrine of Faith, para. 7: “The exercise of the Petrine ministry must be understood – so that it «may lose nothing of its authenticity and transparency» – on the basis of the Gospel, that is, on its essential place in the saving mystery of Christ and the building-up of the Church. The primacy differs in its essence and in its exercise from the offices of governance found in human societies: it is not an office of co-ordination or management, nor can it be reduced to a *primacy of honour*, or be conceived as a political monarchy. The Roman Pontiff – like all the faithful – is subject to the Word of God, to the Catholic faith, and is the guarantor of the Church’s obedience; in this sense he is *servus servorum Dei*. He does not make arbitrary decisions, but is spokesman for the will of the Lord, who speaks to man in the Scriptures lived and interpreted by Tradition; in other words, the *episcopo* of the primacy has limits set by divine law and by the Church’s divine, inviolable constitution found in Revelation. The Successor of Peter is the rock which guarantees a rigorous fidelity to the Word of God against arbitrariness and conformism: hence the martyrological nature of his primacy.”¹⁴

In the first place, from among the mentioned limitation one must list these of objective character that result from the nature of the authority of Church itself. Whereas, the remaining result from the God’s foundation of the Church [Arrieta 2023, 256]. Naturally, in no event the Bishop of Rome can transgress the law of God with his decisions, both the natural and revealed law. This rule can be clearly found in canonical material law on marriage that, e.g. states that “It is only for the supreme authority of the Church to declare authentically when divine law prohibits or nullifies

¹⁴ See https://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_19981031_primato-successore-pietro_en.html [accessed: 01.05.2024].

marriage” (Can. 1075 § 1 CCL), and: “A dispensation is never given from the impediment of consanguinity in the direct line or in the second degree of the collateral line” (Can. 1078 § 3 CCL).

J. Hervada very strictly indicates that borders that determine validity of decisions made by the Bishop of Rome are the natural law, positive law of God, and the nature and purpose of the Church [Hervada 1989, 273]. At the same time, he indicates that among limitations resulting from the law of God one must specifically indicate existence of episcopate and fundamental rights of the faithful [ibid.]. Hence, Can. 333 § 2 CCL states that: “In fulfilling the office of supreme pastor of the Church, the Roman Pontiff is always joined in communion with the other bishops and with the universal Church. He nevertheless has the right, according to the needs of the Church, to determine the manner, whether personal or collegial, of exercising this office.”

Hence, in the introduction to reform of the law on proceedings of 2015 Pope Francis very clearly stated that: “Through the centuries, the Church, having attained a clearer awareness of the words of Christ, came to and set forth a deeper understanding of the doctrine of the indissolubility of the sacred bond of marriage, developed a system of nullities of matrimonial consent, and put together a judicial process more fitting to the matter so that ecclesiastical discipline might conform more and more to the truth of the faith she was professing. All these things were done following the supreme law of the salvation of souls insofar as the Church, as Blessed Paul VI wisely taught, is the divine plan of the Trinity, and therefore all her institutions, constantly subject to improvement, work, each according to its respective duty and mission, toward the goal of transmitting divine grace and constantly promoting the good of the Christian faithful as the Church’s essential end. It is with this awareness that we decided to undertake a reform of the processes regarding the nullity of marriage, and we accordingly assembled a Committee for this purpose comprised of men renowned for their knowledge of the law, their pastoral prudence, and their practical experience. This Committee, under the guidance of the Dean of the Roman Rota, drew up a plan for reform with due regard for the need to protect the principle of the indissolubility of the marital bond. Working quickly, this Committee devised within a short period of time a framework for the new procedural law that, after careful examination with the help of other experts, is now presented in this *motu proprio*. Therefore, the zeal for the salvation of souls that, today like yesterday, always remains the supreme end of the Church’s institutions, rules, and law, compels the Bishop of Rome to promulgate this reform to all bishops who share in his ecclesial duty of safeguarding the unity of the faith and teaching regarding marriage, the source and center of the Christian family. The desire for this reform is fed by the great number

of Christian faithful who, as they seek to assuage their consciences, are often kept back from the juridical structures of the Church because of physical or moral distance. Thus charity and mercy demand that the Church, like a good mother, be near her children who feel themselves estranged from her. All of this also reflects the wishes of the majority of our brother bishops gathered at the recent extraordinary synod who were asking for a more streamlined and readily accessible judicial process. Agreeing wholeheartedly with their wishes, we have decided to publish these provisions that favor not the nullity of marriages, but the speed of processes as well as the simplicity due them, lest the clouds of doubt overshadow the hearts of the faithful awaiting a decision regarding their state because of a delayed sentence,” and: „We have done this following in the footsteps of our predecessors who wished cases of nullity to be handled in a judicial rather than an administrative way, not because the nature of the matter demands it, but rather due to the unparalleled need to safeguard the truth of the sacred bond: something ensured by the judicial order.”¹⁵

Reading and analysing words of Pope Francis already from a certain perspective and perceiving them in the context of the performed synthetic analysis on the legislative power of the Bishop of Rome, it can be seen how much they are founded on the primacy and importance for proper functioning of community of the entire Church.

CONCLUSION

The legislative power of the Bishop of Rome presents itself through its attributes that are a sole characteristic of that unique power as *plenitudo potestatis* the foundation of which is the received mission by which every pope is called to execute it in accordance with the wording of Can. 331 of CCL as “the head of the college of bishops, the Vicar of Christ, and the pastor of the universal Church on earth.”

The specific and unique mission of the Bishop of Rome in regards to the entire Church is related to making various decisions, also these of legislative nature that are indispensable or useful for defending and promoting unity of faith and community of the Church.

Theological and legal analysis performed in a synthetic form was also reinforced with specific statements of Pope Francis as well as his predecessors that – while respecting fundamental assumptions provided in the analysis – were enriched with his personality and dynamic character of exercising the office of the Bishop of Rome. Hence, in the Apostolic Constitution

¹⁵ See https://www.vatican.va/content/francesco/en/motu_proprio/documents/papa-francesco-motu-proprio_20150815_mitis-iudex-dominus-iesus.html [accessed: 01.05.2024].

“Praedicate Evangelium” Pope Francis wrote: “The reform of the Roman Curia is to be viewed in the context of the Church’s missionary nature. The desire for reform was urgently felt in the sixteenth century, leading to the Apostolic Constitution *Immensa Aeterni Dei* of Sixtus V (1588), and in the twentieth century, leading to the Apostolic Constitution *Sapienti Consilio* of Pius X (1908). Following the Second Vatican Council, Paul VI, with explicit reference to the desire expressed by the Council Fathers, called for and carried out a reform of the Curia with the Apostolic Constitution *Regimini Ecclesiae Universae* (1967). Subsequently, in 1988, John Paul II promulgated the Apostolic Constitution *Pastor Bonus*, with the aim of further promoting communion within the Church’s overall structures. In continuity with these two recent reforms, and with appreciation for the long-standing, generous and competent service to the Roman Pontiff and the universal Church provided by so many members of the Curia, this new Apostolic Constitution seeks to attune its present-day activity more effectively to the path of evangelization that the Church, especially in our time, has taken.”¹⁶

Pope Francis’ reforms and in particular these of universal character should also revive legislative activity of particular legislators, in particular diocesan bishops. The indicated reforms should also contribute to studying the law of the Church, also in respect to its proper application but not only that. As the nature of the law of the Church, in particular the law promulgated by the Bishop of Rome has not only a purely juridical but also sanctifying and saving character [Errázuriz 2022, 68].

REFERENCES

- Arrieta, Juan I. 2023. *Diritto dell'organizzazione ecclesiastica*. Roma: Edusc.
- Aumenta, Sergio F. and Roberto Interlandi. 2023. *La Curia Romana secondo Praedicate Evangelium*. Roma: Edusc.
- Cito, Davide. 2000. “Il Papa supremo Legislatore.” *Quaderni di diritto ecclesiale* 13:32-45.
- Corecco, Eugenio and Libero Gerosa. 1995. *Il diritto della Chiesa*. Milano: Jaca Book.
- Del Pozzo, Massimo. 2020. *La dimensione costituzionale del governo ecclesiastico*. Roma: Edusc.
- Errázuriz, Carlos J. 2009. *Corso fondamentale sul diritto nella Chiesa. Introduzione. I soggetti ecclesiali di diritto*. Milano: Giuffrè Editore.
- Errázuriz, Carlos J. 2022. *Chiesa e diritto. Saggi sui fondamenti del diritto nella Chiesa*. Roma: Edusc.
- Grocholewski, Zenon. 1990. “Canoni riguardandi il Papa e il Concilio ecumenico nel nuovo Codice di diritto canonico.” *Apollinaris* 63:571-610.
- Hervada, Javier. 1989. *Diritto costituzionale canonico*. Milano: Giuffrè.

¹⁶ See https://www.vatican.va/content/francesco/en/apost_constitutions/documents/20220319-costituzione-ap-praedicate-evangelium.html [accessed: 01.05.2024].

Mosconi, Marino. 2000. "La potestà ordinaria, suprema, pienna, immediata e universale del Romano Pontefice e il principio della *necessitas Ecclesiae*." *Quaderni di diritto ecclesiale* 13:6-31.

Rozkrut, Tomasz. 2021. "Prymat biskupa Rzymskiego w magisterium Soboru Watykańskiego I i Kodeksach Prawa Kanonicznego w XX stuleciu." *Prawo Kanoniczne* 64, no. 2:3-20.