



CODE OF CANON LAW

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SECTION I.

THE SUPREME AUTHORITY OF THE CHURCH (Cann. 330 - 367)

CHAPTER I.

THE ROMAN PONTIFF AND THE COLLEGE OF BISHOPS

Can. 330 Just as by the Lord's decision Saint Peter and the other Apostles constitute one college, so in a like manner the Roman Pontiff, the successor of Peter, and the bishops, the successors of the Apostles, are united among themselves.

Art. 1.

THE ROMAN PONTIFF

Can. 331 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.

Can. 332 §1. The Roman Pontiff obtains full and supreme power in the Church by his acceptance of legitimate election together with episcopal consecration. Therefore, a person elected to the supreme pontificate who is marked with episcopal character obtains this power from the moment of acceptance. If the person elected lacks episcopal character, however, he is to be ordained a bishop immediately.

§2. If it happens that the Roman Pontiff resigns his office, it is required for validity that the resignation is made freely and properly manifested but not that it is accepted by anyone.

Can. 333 §1. By virtue of his office, the Roman Pontiff not only possesses power over the universal Church but also obtains the primacy of ordinary power over all particular churches and groups of them. Moreover, this primacy strengthens and protects the proper, ordinary, and immediate power which bishops possess in the particular churches entrusted to their care.

§2. 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.

§3. No appeal or recourse is permitted against a sentence or decree of the Roman Pontiff.

Can. 334 Bishops assist the Roman Pontiff in exercising his office. They are able to render him cooperative assistance in various ways, among which is the synod of bishops. The cardinals also assist him, as do other persons and various institutes according to the needs of the times. In his name and by his authority, all these persons and institutes fulfill the function entrusted to them for the good of all the churches, according to the norms defined by law.

Can. 335 When the Roman See is vacant or entirely impeded, nothing is to be altered in the governance of the universal Church; the special laws issued for these circumstances, however, are to be observed.

Art. 2.

THE COLLEGE OF BISHOPS

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.

Can. 337 §1. The college of bishops exercises power over the universal Church in a solemn manner in an ecumenical council.

§2. It exercises the same power through the united action of the bishops dispersed in the world, which the Roman Pontiff has publicly declared or freely accepted as such so that it becomes a true collegial act.

§3. 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.

Can. 338 §1. It is for the Roman Pontiff alone to convoke an ecumenical council, preside over it personally or through others, transfer, suspend, or dissolve a council, and to approve its decrees.

§2. It is for the Roman Pontiff to determine the matters to be treated in a council and establish the order to be observed in a council. To the questions proposed by the Roman Pontiff, the council fathers can add others which are to be approved by the Roman Pontiff.

Can. 339 §1. All the bishops and only the bishops who are members of the college of bishops have the right and duty to take part in an ecumenical council with a deliberative vote.

§2. Moreover, some others who are not bishops can be called to an ecumenical council by the supreme authority of the Church, to whom it belongs to determine their roles in the council.

Can. 340 If the Apostolic See becomes vacant during the celebration of a council, the council is interrupted by the law itself until the new Supreme Pontiff orders it to be continued or dissolves it.

Can. 341 §1. The decrees of an ecumenical council do not have obligatory force unless they have been approved by the Roman Pontiff together with the council fathers, confirmed by him, and promulgated at his order.

§2. To have obligatory force, decrees which the college of bishops issues when it places a truly collegial action in another way initiated or freely accepted by the Roman Pontiff need the same confirmation and promulgation.

CHAPTER II.

THE SYNOD OF BISHOPS

Can. 342 The synod of bishops is a group of bishops who have been chosen from different regions of the world and meet together at fixed times to foster closer unity between the Roman Pontiff and bishops, to assist the Roman Pontiff with their counsel in the preservation and growth of faith and morals and in the observance and strengthening of ecclesiastical discipline, and to consider questions pertaining to the activity of the Church in the world.

Can. 343 It is for the synod of bishops to discuss the questions for consideration and express its wishes but not to resolve them or issue decrees about them unless in certain cases the Roman Pontiff has endowed it with deliberative power, in which case he ratifies the decisions of the synod.

Can. 344 The synod of bishops is directly subject to the authority of the Roman Pontiff who:

1/ convokes a synod as often as it seems opportune to him and designates the place where its sessions are to be held;

2/ radios the election of members who must be elected according to the norm of special law and designates and appoints other members;

3/ determines at an appropriate time before the celebration of a synod the contents of the questions to be treated, according to the norm of special law;

4/ defines the agenda;

5/ presides at the synod personally or through others;

6/ concludes, transfers, suspends, and dissolves the synod.

Can. 345 The synod of bishops can be assembled in a general session, that is, one which treats matters that directly pertain to the good of the universal Church; such a session is either ordinary or extraordinary. It can also be assembled in a special session, namely, one which considers affairs that directly pertain to a determinate region or regions.

Can. 346 §1. A synod of bishops assembled in an ordinary general session consists of members of whom the greater part are bishops elected for each session by the conferences of bishops according to the method determined by the special law of the synod; others are designated by virtue of the same law; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same special law.

§2. A synod of bishops gathered in an extraordinary general session to treat affairs which require a speedy solution consists of members of whom the greater part are bishops designated by the special law of the synod by reason of the office which they hold; others are appointed directly by the Roman Pontiff; to these are added some members of clerical religious institutes elected according to the norm of the same law.

§3. A synod of bishops gathered in a special session consists of members especially selected from those regions for which it was called, according to the norm of the special law which governs the synod.

Can. 347 §1. When the Roman Pontiff concludes a session of the synod of bishops, the function entrusted in it to the bishops and other members ceases.

§2. If the Apostolic See becomes vacant after a synod is convoked or during its celebration, the session of the synod and the function entrusted to its members are suspended by the law itself until the new Pontiff

has decided to dissolve or continue the session.

Can. 348 §1. The synod of bishops has a permanent general secretariat presided over by a general secretary who is appointed by the Roman Pontiff and assisted by the council of the secretariat. This council consists of bishops, some of whom are elected by the synod of bishops itself according to the norm of special law while others are appointed by the Roman Pontiff. The function of all these ceases when a new general session begins.

§2. Furthermore, for each session of the synod of bishops one or more special secretaries are constituted who are appointed by the Roman Pontiff and remain in the office entrusted to them only until the session of the synod has been completed.

CHAPTER III.

THE CARDINALS OF THE HOLY ROMAN CHURCH

Can. 349 The cardinals of the Holy Roman Church constitute a special college which provides for the election of the Roman Pontiff according to the norm of special law. The cardinals assist the Roman Pontiff either collegially when they are convoked to deal with questions of major importance, or individually when they help the Roman Pontiff through the various offices they perform, especially in the daily care of the universal Church.

Can. 350 §1. The college of cardinals is divided into three orders: the episcopal order, to which belong cardinals to whom the Roman Pontiff assigns title of a suburbicarian church and Eastern patriarchs who have been brought into the college of cardinals; the presbyteral order and the diaconal order.

§2. The Roman Pontiff assigns each of the cardinals of the presbyteral or diaconal orders his own title or diaconia in Rome.

§3. Eastern patriarchs who have been made members of the college of cardinals have their own patriarchal see as a title.

§4. The cardinal dean holds as his title the Diocese of Ostia together with the other church he already has as a title.

§5. Through a choice made in consistory and approved by the Supreme Pontiff and with priority of order and promotion observed, cardinals from the presbyteral order can transfer to another title, and cardinals from the diaconal order to another diaconia and if they have been in the diaconal order for ten full years, even to the presbyteral order.

§6. A cardinal transferring through choice from the diaconal order to the presbyteral order takes precedence over all those cardinal presbyters who were brought into the cardinalate after him.

Can. 351 §1. The Roman Pontiff freely selects men to be promoted as cardinals, who have been ordained at least into the order of the presbyterate and are especially outstanding in doctrine, morals, piety, and prudence in action; those who are not yet bishops must receive episcopal consecration.

§2. Cardinals are created by a decree of the Roman Pontiff which is made public in the presence of the college of cardinals. From the moment of the announcement they are bound by the duties and possess the rights defined by law.

§3. When the Roman Pontiff has announced the selection of a person to the dignity of cardinal but reserves the name of the person in pectore, the one promoted is not bound in the meantime by any of the duties of cardinals nor does he possess any of their rights. After the Roman Pontiff has made his name public, however, he is bound by the same duties and possesses the same rights; he possesses the right of precedence, though, from the day of reservation in pectore.

Can. 352 §1. The dean presides over the college of cardinals; if he is impeded, the assistant dean takes his place.

Neither the dean nor the assistant dean possesses any power of governance over the other cardinals but is considered as first among equals.

§2. When the office of dean is vacant, the cardinals who possess title to a suburbicarian church and they alone are to elect one from their own group who is to act as dean of the college; the assistant dean, if he is present, or else the oldest among them, presides at this election. They are to submit the name of the person elected to the Roman Pontiff who is competent to approve him.

§3. The assistant dean is elected in the same manner as that described in §2, with the dean himself presiding.

The Roman Pontiff is also competent to approve the election of the assistant dean.

§4. If the dean and assistant dean do not have a domicile in Rome, they are to acquire one there.

Can. 353 §1. The cardinals especially assist the supreme pastor of the Church through collegial action in consistories in which they are gathered by order of the Roman Pontiff who presides. Consistories are either ordinary or extraordinary.

§2. For an ordinary consistory, all the cardinals, at least those present in Rome, are called together to be consulted concerning certain grave matters which occur rather frequently or to carry out certain very solemn acts.

§3. For an extraordinary consistory, which is celebrated when particular needs of the Church or the treatment of more grave affairs suggests it, all the cardinals are called together.

§4. Only the ordinary consistory in which some solemnities are celebrated can be public, that is, when prelates, representatives of civil societies, and others who have been invited to it are admitted in addition to the cardinals.

Can. 354 The cardinals who preside over dicasteries and other permanent institutes of the Roman Curia and Vatican City and who have completed the seventy-fifth year of age are asked to submit their resignation from office to the Roman Pontiff who will see to the matter after considering the circumstances.

Can. 355 §1. The cardinal dean is competent to ordain as a bishop the one elected as Roman Pontiff if he needs to be ordained; if the dean is impeded, the assistant dean has the same right, and if he is impeded, the oldest cardinal from the episcopal order.

§2. The senior cardinal deacon announces the name of the newly elected Supreme Pontiff to the people; likewise, in the place of the Roman Pontiff, he places the pallium upon metropolitans or hands it over to their proxies.

Can. 356 Cardinals are obliged to cooperate assiduously with the Roman Pontiff; therefore, cardinals who exercise any office in the curia and who are not diocesan bishops are obliged to reside in Rome. Cardinals who have the care of some diocese as the diocesan bishop are to go to Rome whenever the Roman Pontiff calls them.

Can. 357 §1. The cardinals who have been assigned title to a suburbicarian church or a church in Rome are to promote the good of these dioceses or churches by counsel and patronage after they have taken possession of them.

Nevertheless, they possess no power of governance over them nor are they to intervene in any way in those matters which pertain to the administration of their goods, their discipline, or the service of the churches.

§2. In those matters which pertain to their own person, cardinals living outside of Rome and outside their own diocese are exempt from the power of governance of the bishop of the diocese in which they are residing.

Can. 358 A cardinal to whom the Roman Pontiff entrusts the function of representing him in some solemn celebration or among some group of persons as a legatus a latere, that is, as his alter ego, as well as one to whom the Roman Pontiff entrusts the fulfillment of a certain pastoral function as his special envoy (*missus specialis*) has competence only over those things which the Roman Pontiff commits to him.

Can. 359 When the Apostolic See is vacant, the college of cardinals possesses only that power in the Church which is attributed to it in special law.

CHAPTER IV.

THE ROMAN CURIA

Can. 360 The Supreme Pontiff usually conducts the affairs of the universal Church through the Roman Curia which performs its function in his name and by his authority for the good and service of the churches. The Roman Curia consists of the Secretariat of State or the Papal Secretariat, the Council for the Public Affairs of the Church, congregations, tribunals, and other institutes; the constitution and competence of all these are defined in special law.

Can. 361 In this Code, the term Apostolic See or Holy See refers not only to the Roman Pontiff but also to the Secretariat of State, the Council for the Public Affairs of the Church, and other institutes of the Roman Curia, unless it is otherwise apparent from the nature of the matter or the context of the words.

CHAPTER V.

LEGATES OF THE ROMAN PONTIFF

Can. 362 The Roman Pontiff has the innate and independent right to appoint, send, transfer, and recall his own legates either to particular churches in various nations or regions or to states and public authorities. The norms of international law are to be observed in what pertains to the mission and recall of legates appointed to states.

Can. 363 §1. To the legates of the Roman Pontiff is entrusted the office of representing the Roman Pontiff in a stable manner to particular churches or also to the states and public authorities to which they are sent.

§2. Those who are designated as delegates or observers in a pontifical mission at international councils or at conferences and meetings also represent the Apostolic See.

Can. 364 The principal function of a pontifical legate is daily to make stronger and more effective the bonds of unity which exist between the Apostolic See and particular churches. Therefore, it pertains to the pontifical legate for his own jurisdiction:

1/ to send information to the Apostolic See concerning the conditions of particular churches and everything that touches the life of the Church and the good of souls;

2/ to assist bishops by action and counsel while leaving intact the exercise of their legitimate power;

3/ to foster close relations with the conference of bishops by offering it assistance in every way;

4/ regarding the nomination of bishops, to transmit or propose to the Apostolic See the names of candidates and to instruct the informational process concerning those to be promoted, according to the norms given by the Apostolic See;

5/ to strive to promote matters which pertain to the peace, progress, and cooperative effort of peoples;

6/ to collaborate with bishops so that suitable relations are fostered between the Catholic Church and other Churches or ecclesial communities, and even non-Christian religions;

7/ in associated action with bishops, to protect those things which pertain to the mission of the Church and the Apostolic See before the leaders of the state;

8/ in addition, to exercise the faculties and to fulfill other mandates which the Apostolic See entrusts to him.

Can. 365 §1. It is also the special function of a pontifical legate who at the same time acts as a legate to states according to the norms of international law:

1/ to promote and foster relations between the Apostolic See and the authorities of the state;

2/ to deal with questions which pertain to relations between Church and state and in a special way to deal with the drafting and implementation of concordats and other agreements of this type.

§2. In conducting the affairs mentioned in §1, a pontifical legate, as circumstances suggest, is not to neglect to seek the opinion and counsel of the bishops of the ecclesiastical jurisdiction and is to inform them of the course of affairs.

Can. 366 In view of the particular character of the function of a legate:

1/ the seat of a pontifical legation is exempt from the power of governance of the local ordinary unless it is a question of celebrating marriages;

2/ after he has notified in advance the local ordinaries insofar as possible, a pontifical legate is permitted to perform liturgical celebrations in all churches of his legation, even in pontificals.

Can. 367 The function of a pontifical legate does not cease when the Apostolic See becomes vacant unless the pontifical letter establishes otherwise; it does cease, however, when the mandate has been fulfilled, when the legate has been notified of recall, or when the Roman Pontiff accepts the legate's resignation.
