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**Administrative Justice in the Church from Vatican II to the Present:
Achievements, Difficulties, and Prospects for Development**

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It is my great honor and pleasure to participate in this celebration of the Pontifical Gregorian University Faculty of Canon Law's 150th anniversary. I was asked to address the evolution of administrative justice in the Church since the celebration of the Second Vatican Ecumenical Council to the present, including attention to the contributions made by professors of this Faculty.

We begin with a review of what the Church has achieved in providing for administrative justice (1) and also of some difficulties in this area (2). Then, as a contribution to the celebration of this anniversary, this paper pays homage to how this Faculty of Canon Law has promoted administrative justice in the Church (3). Finally, I will identify some points of jurisprudence that are giving impulse for continued development (4).

1. Achievements

The achievement in constructing a system of administrative justice in the Church has three dimensions: magisterial, legislative, and jurisprudential.

1.1 Magisterial Foundation for Administrative Justice

The Second Vatican Ecumenical Council imparted magisterial teachings concerning the juridical dimension of the Christian and of man in general.

The dogmatic constitution *Lumen gentium* (e.g., nn. 18; 27) characterizes the exercise of authority as a ministry directed toward the good and edification of the whole Church and the service of the faithful. The faithful themselves, of whatever state in life or condition, are endowed with rights in the Church. Therefore, the service carried out by those in authority would naturally include respect for the rights of Christians in general and in particular cases.

The Council addressed the themes of authority and rights in a kind of philosophical manner, above all in the pastoral constitution *Gaudium et spes* nn. 41, 73-75 and in the declaration *Dignitatis humanae* n. 6. In other words, it presented a juridical anthropology that applies to all men of our time abiding in any kind of society. Naturally, it applies equally to the faithful within the society of the Church. The Council thereby pronounced juridically pertinent principles that, when applied to the baptized, could be expressed as follows:

- the faithful have rights that are to be promoted within the life of the Church;
- authority in the Church has to be exercised correctly and within certain limits;
- in the event of an abuse of ecclesiastical power, the faithful have a right to defend themselves;
- the Church's norms should clearly distinguish functions and offices and provide effective means for the protection of rights; and
- ecclesiastical authorities themselves are to protect and promote the rights of the faithful.

1.2 *Legislative Provision for Administrative Justice*

This teaching was swiftly translated into norms, leading the Church from a minimally defined system of hierarchical recourse to the institution of a supreme administrative tribunal.

On 15 August 1967, by means of the ap. const. *Regimini Ecclesiae universae* (REU), Pope Saint Paul VI established the *Sectio altera* of the Supreme Tribunal of the Apostolic Signatura (i.e., a supreme administrative tribunal). He thereby endowed it with competence, above all, to resolve contentions arising from an act of administrative power involving a decision of a dicastery of the Roman Curia. This would be complemented, above all, by the *Normae speciales* approved by the Pope seven months later, which included twenty dense norms (artt. 104-123) regulating the procedure for «recourse against acts of the public ecclesiastical administration».

This was the first major normative achievement: the legislative provision for administrative justice in the Church in the form of judicial control over administrative activity.

As is well known, just two months after the *Sectio altera* had been established, in October 1967, the first assembly of the Synod of Bishops approved ten guiding principles for the revision of the 1917 Code. The 6th and 7th principles expressed the teachings from the Council that I listed earlier, explicitly applying them to the internal life of the Church. Even if they have not yet come to fulfillment, their very articulation constitutes an enduring aspiration for a more just governmental order for which the Church can continually strive in her law and praxis.

These 6th and 7th principles motivated legislative developments in the universal law of the revised Code. These include:

- The recognition of the right to vindicate one's rights in the Church in can. 221 §1;
- A clearer typology of singular administrative acts, especially specifying those that are coercive in character (cann. 48; 49; 1319);
- The general administrative procedure of cann. 50, 51, and 54-56—a kind of preventative administrative justice;
- And a multitiered procedure for pursuing administrative justice, subsequent to suffering a grievance, including the *remonstratio*, hierarchical recourse (cann. 1732-1739), and ultimately the introduction of a contentious-administrative cause (can. 1445 §2).

Following 1983, the Legislator has built upon this by gradually expanding the competence of the Supreme Tribunal.

This first happened by means of the ap. const. *Pastor bonus* dated 28 June 1988. Its art. 123 §2 gave the Apostolic Signatura competence to treat the recurrent party's request for a reparation of damages.

Twenty years later, Pope Benedict XVI's m.p. *Antiqua ordinatione*, dated 21 June 2008, promulgated the Signatura's new *Lex propria* (LP). These norms recognized additional means for achieving a fuller administrative justice at the highest judicial level. In particular:

- It expanded the norms on treating petitions for the suspension of execution of the dicastery's challenged act (LP artt. 95-100);
- It established norms on the execution of a definitive sentence (LP artt. 92-94), potentially strengthening the real impact of the sentence on administrative activity at all levels;
- And its art. 90 authorizes the College of Judges to specify the immediate and direct effects of the illegitimacy of the act in order to resolve the contention between the parties.

1.3 *Jurisprudential Enrichment of Administrative Justice*

Administrative justice is not really achieved in teaching and legislation alone. It has to come to realization in concrete controversies. Administrative justice is also a public good, and so the authorities and the faithful need to know how the law is to be applied and what rights and duties they really have in the society. In other words, the system comes to be further enriched by knowledge of contentious-administrative jurisprudence.

It is well documented how a collection of jurisprudence has been building since the time that Pope Saint Paul VI instituted the *Sectio altera*, and a large amount of it has been published for all to study. This is the result of a steady effort by the Apostolic Signatura itself.

Indeed, the series *L'attività della Santa Sede* demonstrates that this was among the Supreme Tribunal's initiatives in the early 1970s, especially by communicating some of its decisions to canonical journals. This was praised by the Holy Father himself in 1973. Not having its own regular publication like the *Decisiones* of the Roman Rota, it has creatively presented its jurisprudence not only through journals but also by detailed scholarly articles authored by its superiors.

The *LP* itself promotes the publication of its jurisprudence in art. 11 §4. And it is well documented that this has been a regular agenda item for the *Congresso* under prot. n. 43582/[##] VAR since 2010. Today, it regularly publishes its decisions in 5-8 different canonical journals. Even if one does not have access to all these journals, there is now a central repository of all of the decisions on the canonical resource website of this Faculty of Canon Law (https://www.iuscangreg.it/stsa_contadmin.php). This website is undeniably the source of greatest value for general knowledge of jurisprudence. It lists all the published decisions with extensive analytical data, references to commentaries and related norms, information about unpublished decisions, and the maxims of jurisprudence to be drawn from all of these decisions. There are over 550 decisions listed there, truly an abundant amount of material for scholars and practitioners alike.

I have also been personally edified by the Apostolic Signatura's encouragement in the publication of my own three volumes of its jurisprudence under the title *Ministerium Iustitiae*. Between these volumes, one can find in Latin and English 164 sentences and decrees from contentious-administrative causes, totaling more than 1,800 pages.

2. Difficulties

Looking back upon these achievements since 1967, authors criticize the system as insufficient for achieving real justice for the faithful and for improving administrative governance. Some of the main critiques include:

- the decision not to prescribe local administrative tribunals in the 1983 Code;
- uncertainties in the hierarchical recourse procedure itself;
- the practice of dicasteries obtaining a papal approval of their decisions *in forma specifica*, thus precluding contentious-administrative recourse;
- the inconsistent, unofficial, and incomplete publication of jurisprudence.

Time limitations prevent an examination of all of these. However, there is another that I should dwell upon a bit more because of its centrality—namely, the object of the contentious-administrative trial.

The particular difficulty decried by canonical doctrine is the restriction of the Apostolic Signatura's competence to making a judgment about the mere legitimacy of the act placed or approved by the dicastery.

Such a restriction was arguably not the original intention of the Supreme Legislator, who established that the *Sectio altera* was competent not merely to judge whether the law had been violated but, more broadly, to resolve the administrative controversy when there was an alleged violation of the law; n. 106 of *REU* used the expression *controversias dirimere*, and that verb *dirimere* has the sense of “to resolve” or “bring to a conclusion.” To resolve judicially a controversy between a member of the faithful and the administration would mean to specify which rights have been injured and/or which obligations burden the parties involved (*ius dicere*).

However, three years later, on 11 January 1971, two authentic interpretations established that the *Sectio altera* could only judge the legitimacy of the challenged administrative act and not the merits of the cause. That is, it could not address the quality or justness of the administrative activity but only whether the act was based on an error of law *in procedendo* or *in decernendo*. This was seen to be a restrictive interpretation, arguably withdrawing some of the competence granted by the original law.

These interpretations were not abrogated by the 1983 Code because they are not contrary to any prescript of the Code, nor did the Code integrally reorder this area of the Signatura's competence. Moreover, it would appear that art. 34 §1 *LP* confirms what the 1971 interpretations state about the object of the cause. For the Supreme Tribunal cannot by law primarily judge the merits of the original administrative controversy.

The Apostolic Signatura consistently recognizes its own incompetence by law to judge the merits of causes, especially by saying that it may not judge the fittingness of certain administrative decisions (*iudicium de opportunitate*). In this it exhibits its fidelity to the law and operates clearly as a tribunal of justice and not an administrative authority in the case. Indeed, it cannot apply its own prudential judgment by obliging administrative authorities to govern better.

At the same time, in the real circumstances of the faithful, this legislative restriction can limit the substantive public efficacy of the Supreme Tribunal's decision. The fact is that the controversy that eventually reaches the contentious-administrative stage will have been pending often for years and is over ripe for a definitive resolution. The Supreme Tribunal generally cannot judge whether rights have been injured so long as the legislation was not violated.

However, there are signs of growth, as will be discussed a little later.

3. The Promotion of Administrative Justice by this Faculty

Looking back upon these achievements and debates, we can see that this Faculty has had a constant and highly influential presence. Based on my examination of the sources available to me, we can see four dimensions to how this prestigious Faculty has promoted administrative justice in the Church since the time of the Second Vatican Council.

3.1 Academic Events

Administrative justice in the Church was given a profound and dedicated treatment at the centenary celebration of this Faculty, held in February 1977. That conference addressed four major themes, including administrative justice. For each theme, papers were delivered and participants could also submit short contributions (*communicationes*). Six *communicationes* were submitted for two of the other themes; none for the third. But for administrative justice, in addition to the six major papers given, there were 11 *communicationes* submitted. There was also an introductory address delivered by the Prefect of the Apostolic Signatura (Dino Card. Staffa), and more than 12 pages of printed open discussion.

That event held 50 years ago thus constituted a fruitful platform on which to reflect on the *Sectio altera*, which had been founded about 10 years earlier. The papers at the centenary event gave the experts of the day the opportunity to explore, above all, the problem of the object of the contentious-administrative justice that I was just discussing. That event thus continued the reflection on whether the restrictive authentic interpretations of 1971 could be sustained if the Church on earth was to live as a just society. The conference also addressed local administrative tribunals in some depth.

Additionally, at the course for the renewal of judges held from 1971 to 1981 in this Faculty, attention was regularly given to the protection of the rights of persons, the contentious-administrative process before the Signatura, clerics and administrative justice, and the procedure for the removal of pastors. Administrative justice was also addressed at the sixth *Colloquium Iuris Canonici* in 1971.

3.2 *Formation of Future Ministers of Administrative Justice*

Another way in which this Faculty has distinctively contributed to administrative justice in the Church is by deliberately deepening its students' preparation in the area of administrative justice. Beyond its second cycle lectures on Book VII of the *CIC*, the Faculty has offered optional courses, seminars, and doctoral level courses on the topic.

Even prior to 1983, there were optional courses on contentious-administrative recourse. In more recent years, there have been optional courses on hierarchical recourses in light of jurisprudence (which was so good that it became a prescribed course starting in the 2020-21 academic year). Other optional courses treated the *Lex propria* and the Apostolic Signatura's vast jurisprudence on the modification or reduction of sacred places.

The Faculty has also offered seminars on these topics as well as the transfer and removal of pastors, and the ecclesiastical office, which jurisprudence treats frequently.

Finally, the doctorate with specialization in matrimonial jurisprudence curriculum has included teaching precisely on the Apostolic Signatura and administrative justice since 2007.

It could also be noted in this context how the relatively new diploma in penal jurisprudence devotes one course to penal contentious-administrative causes.

One fruit of all this academic labor is the fact that alumni (i.e., graduates) of this Faculty have become very important ministers of administrative justice at the Apostolic Signatura while also teaching on this Faculty. It is well known how some have been entrusted with the office of Prefect (e.g., the late Zenon Card. Grocholowski; Raymond Leo Card. Burke); also, the office of Secretary (e.g., the late Velasio Card. De Paolis; Archbishop Frans Daneels, o.praem.); and the office of Promoter of Justice (e.g., Mons. Gianpaolo Montini; Mons. Paweł Malecha). Others could be included in this list, such as many who would become members and referendaries, even in recent months.

3.3 *Prolific Scholars of Administrative Justice*

Since the institution of the *Sectio altera*, two of the most prolific scholars of administrative justice in the Church have been members of this Faculty: Father Ignacio Gordon, SJ and Monsignor Gianpaolo Montini. One cannot read serious literature on this topic without frequently detecting their contribution.

Father Gordon wrote major studies on fundamental questions of administrative justice. He is perhaps most famous in this regard for his historical studies on the Apostolic Signatura, including the history of administrative justice in the Church. He profoundly explored this matter in a 128-page article in *Periodica*. He was also deeply concerned about the question of the object of the contentious-administrative process, and he promoted a broad understanding of this and even a broad interpretation of the 1971 authentic interpretations. He investigated administrative tribunals and expounded upon the *Normae speciales*, including an annotated presentation of that document in this Faculty's journal. He also prepared what appears to have been one of the first, if not the first *dispensa* on the topic subsequent to the promulgation of the 1983 Code.

Like Father Gordon, Mons. Montini was both formed by this Faculty and has constituted an outstanding part of it, making a vast contribution to the field of administrative justice in the Church. His ever-growing *curriculum vitae* lists, by my reckoning, 38 major works having a primary focus on themes of administrative justice. This count does not include other editions of works or his many other studies that often have a jurisprudential dimension. These topics addressed in these 38 major works include administrative justice in general, local administrative tribunals, the execution of the Apostolic Signatura's sentences, extraordinary remedies against its sentences, the reparation of damages, administrative silence, the challenge of penal decisions, jurisprudence on particular topics (such as the removal of pastors, the disproportionate restriction of priestly ministry, and administrative responsibility), the *LP* itself, commentaries on individual sentences, and a detailed list of all the published decisions. His investigation and expertise of this matter are practically incalculable given his long service of the Supreme Tribunal, especially as Promoter of Justice and now as one of its Fathers.

3.4 *Dissertations and Alumni Publications*

Finally, this Faculty has contributed to administrative justice by inspiring its students to explore the theme in their dissertations and publications.

I have discovered a number of published dissertations on the general problem of administrative justice, including the topics of local administrative tribunals, hierarchical recourse, and contentious-administrative recourse.

Likewise, these students have proceeded to publish articles not only based on their dissertations but also original investigations.

4. **Prospects for Development**

Where can we hope to see further improvement of administrative justice in the Church?

Positive prospects for organic growth reside especially in the jurisprudence of the Apostolic Signatura. It demonstrates the fact that administrative activity throughout the Church is subject to jurisdictional control, and it brings the laws to life. In particular, it reveals ways in which the system of administrative justice is being progressively improved by the application of the law to particular cases.

While it is clear that jurisprudence cannot change or fix the legislation, by the implementation of the *LP* and a certain degree of legitimate judicial initiative, the Apostolic Signatura has made and can continue to make decisions that effectively reach beyond the mere legitimacy of administrative activity by addressing some aspects of the merits of the administrative controversy.

This occurs in at least five ways.

4.1 *Judging Administrative Silence (cf. can. 57 §2)*

When the Supreme Tribunal receives recourses against the administrative silence of a dicastery of the Roman Curia, it is placed in a position of interpreting the substantive meaning of that silence. For the silence is a presumed negative response in regard to recourse. This leaves the tribunal in a position of considering the meaning of the negative response and what impact it may have on a legally protected substantive right of the recurrent.

For example (prot. n. 50273/15 CA), a priest was excluded from the exercise of ministry and made recourse to the Roman Curia. The dicastery gave no decision but tried to affirm the bishop's measure and to dissuade the priest from pursuing the recourse. When the priest approached the Supreme Tribunal, it stated that it had to investigate the decree of *the bishop* in order to see what the dicastery's silence about it might mean. The result was that the Apostolic Signatura judged the legitimacy of the bishop's decree in a way that the dicastery might have done had it treated the recourse, and this revealed the decree's violation of the principle of proportionality and thus its illegitimacy *in decernendo*.

In another case (prot. n. 44051/10 CA), a priest made recourse against the decree of removal from the office of pastor, but ultimately the dicastery did not give a decision. When the priest approached the Supreme Tribunal, it considered the case in terms of whether the dicastery violated the law by remaining «illegitimately silent» in not treating the recourse; and, subordinately, whether there was a violation of the law insofar as the dicastery «is presumed by its silence to have negatively decided the recourse». While it was found to be illegitimately silent, its presumed negative response was not unjust, because the priest did indeed suffer from an infirmity of the mind, which justified his removal. So the affirmative sentence

declared a violation in the law but also proceeded *ex aequitate* to consider the substantial rectitude of the priest's removal from office.

In these cases, the Supreme Tribunal displayed a certain necessary initiative in interpreting the silence of the dicastery. For it had to judge the recourse because of its competence by law, and the result was a decision that declared what was due to the parties.

4.2 *Treating Suspension Petitions*

When contentious-administrative recourse includes a request for the suspension of the challenged decree, the law attributes to the Supreme Tribunal the duty to make a liminal judgment about the merits of the recourse. According to its common jurisprudence, «a decision about suspension is made after taking into account the *fumus boni iuris* and damage that cannot be repaired» (prot. n. 45064/11 CA). It weighs the extent to which irreparable harm could result from a decision not to suspend the execution. The possible threat of irreparable harm leads the tribunal to consider whether there are certain burdensome effects unjustly affecting the recurrent.

And so recourse to the Apostolic Signatura gives it an occasion to judge—albeit temporarily—the merits of the controversy, especially in consideration of the concrete circumstances of the parties and the possible presence of injustice.

For example (prot. n. 50461/15 CA), an abbess was ordered to transfer to another religious house though there were indications that she was not being treated entirely fairly. Meanwhile, she was being threatened with dismissal for disobedience to the transfer order. The threat of dismissal was suspended by the Supreme Tribunal so that the recourse against the transfer could be examined appropriately.

In sum, it was judged liminally that the abbess's very life in the institute was being unjustly endangered.

Another case (prot. n. 24388/93 CA) centered on the reduction of a church to profane, non sordid use. The Supreme Tribunal observed that that was decreed for no clear grave cause, and the diocese was making plans to sell the church while the recourse was pending. The Prefect in *Congresso* thus decreed that «the sacred building together with its furnishings is to be kept safe until the Most Eminent and Most Excellent Judges make a judgment about the recourse». Here, it addressed the vulnerable state the church was in and would continue to be in were the decree not to be suspended while recourse was pending.

4.3 *Effects of Illegitimacy (LP art. 90)*

In any contentious-administrative cause judged by Apostolic Signatura, an affirmative sentence implies certain effects. For example, in a cause *Dimissionis*, the religious is not dismissed; in a cause *Amotionis parochi*, the pastor maintains his office.

However, other times the effects need further specification, and when this occurs the judgment extends somewhat beyond the mere illegitimacy and reaches into the concrete personal and local circumstances.

For example (prot. n. 53235/17 CA), one sentence declared the illegitimacy of a decree that mishandled a controversy about the refusal to reopen a closed church for divine worship. The affirmative sentence declared: «The immediate effect of this decision (cf. art. 90 of the *Lex propria*) is that the church is to be opened and provision is to be made for acts of divine worship to be celebrated there at least sometimes (cf. can. 1219)».

In another case (prot. n. 45485/11 CA), after a priest accused of an offense against the sixth commandment with a minor was acquitted, his archbishop unjustly prohibited him from carrying out any priestly ministry, even from celebrating Holy Mass *sine populo* at a religious house. A clear concrete effect of the prohibition was the deprivation of any financial assistance. The College of Judges declared the precept to be illegitimate and also decreed an immediate and direct effect of this: «According to art. 90 of the *Lex propria* of this Supreme Tribunal, the Archbishop is to provide decent support to the priest».

In these cases, the Supreme Tribunal's use of art. 90 not only declares the truth about the illegitimacy but also corrects an injustice in the concrete case.

Now, I have discovered only these two affirmative sentences in which art. 90 is explicitly cited. However, there are other cases in which the effects are defined, thus applying the rule without citing it.

For example (prot. n. 49405/14 CA), one affirmative sentence declared the illegitimacy of the dicastery's confirmation of a diocesan bishop's disproportionate prohibition to exercise some aspects of priestly ministry. However, some prohibitions were justly imposed, and so the dispositive part of the sentence specified that there was illegitimacy «but only with regard to the restrictions imposed pertaining to the celebration of the Eucharistic Sacrifice before the people, the administration of baptism, and assistance at marriages». In this, the Supreme Tribunal stated the effects of its sentence in terms of ministerial acts that were no longer prohibited.

This has been done in other cases as well.

4.4 *Reparation of Damages*

The question of the reparation of damages expands the object of the trial beyond a judgment of mere illegitimacy (i.e., only whether the dicastery's act violated the law) to include an investigation into the real juridical impact the challenged act has upon the condition of the recurrent.

However, it remains a question subordinate to the alleged violation of the law, and it has to be requested by the recurrent.

With increasing requests, there has been a growing jurisprudence that distinguishes between the reparation of financial damages and moral (non-patrimonial) damages.

One obligation imposed for repairing financial damages is for the administrative authority to pay the recurrent the expenses from the recourse. In one sentence (prot. n. 51677/16 CA), we read: «All the expenses incurred in the course of the cause and proven by documents are to be repaid».

One means for repairing moral damages has been the publication of the Apostolic Signatura's affirmative sentence in diocesan communications media. We read in one sentence involving the restriction of priestly ministry (prot. n. 55648/21 CA): «In regard to non-patrimonial damages, it is the understanding that within a month from when this sentence is duly published, the Archdiocese make the notice drafted by this Supreme Tribunal public in the Archdiocese's newspaper and on its website». The remedy required the authority to publicly recognize the illegitimacy of his own act and notify the faithful of the truth about his case.

There is also jurisprudential value in decrees of rejection of recourses that lack any foundation whatsoever. It is true that these impose no measures for repairing any damages. However, they do give an occasion for the Supreme Tribunal both to give consideration to the difficulties afflicting the recurrent and to identify their cause.

In one case (prot. n. 31547/00 CA), it emerged that the damages, rather than resulting from an illegitimate decree, were self-inflicted. The recurrent was a religious-presbyter who was dismissed from his institute because of his own disobedience. He was denied incardination because of his unsuitability for ministry in a particular place. And he was suffering from financial hardship because of debt that he himself had incurred. The Supreme Tribunal gave due consideration to his petition and declared the full truth about the claims.

Another case simply revealed that the supposed damages were irrelevant to the controversy (prot. n. 52094/16 CA).

The just judgment in these cases helps to specify what is and is not owed to the recurrent based on distributive and commutative justice in exercising the administrative function.

4.5 *Judgments «de merito»*

The 1971 authentic interpretations notwithstanding, there are cases in which it is possible for the Supreme Tribunal to judge the merits of an administrative controversy. It enjoys this faculty *a iure* when the Supreme Pontiff or a curial institution defer an administrative question to its judgment; or *ab homine* when the Supreme Pontiff grants it that faculty in a particular case of contentious-administrative recourse.

The initiative for seeking this faculty from the Pope would appear to rest with the parties. The classic case of this (prot. n. 10977/79 CA) involved the dismissal of a canon law professor from a pontifical university because of plagiarism; and the recurrent made the request of the Supreme Pontiff after the admission of the recourse to discussion by decree of the *Congresso*.

The concession communicated by the Secretary of State reads: «The juridical case, at present subject to the examination of your Tribunal regarding the illegitimacy of the challenged act, is also to be judged with respect to the merit of the case by a sovereign disposition of favor».

With that concession, the cause was treated in terms of whether the dicastery's confirmation of the dismissal from the teaching position violated the law, but also whether it was otherwise just or unjust, and, if unjust, whether damages were to be restored to the recurrent. In the affirmative sentence, it was declared that the dicastery committed a «*violatio... aequitatis et iustitiae*», not merely a violation of a legislative norm.

That was in 1984, and to my knowledge it has been rarely been granted (sought?) since then. But records show that that faculty was given to the Supreme Tribunal three times in recent years, resulting in two sentences issued in 2024 and one in 2021, which is partially summarized on this Faculty's webpage (prot. n. 55056/20 CA). In effect, the 2021 sentence declared the disproportionality of the bishop's disciplinary measure imposed on a priest and made a decision about the proper discipline to be applied to the priest. It also imposed upon the bishop the obligation to review the case annually and reconsider the priest's suitability for sacred ministry.

Conclusion

Archbishop Frans Daneels made this observation twenty years ago: «It is important for the protection of justice in the Church that there is an organ that can declare the illegitimacy of a singular administrative act issued or approved by a Dicastery of the Roman Curia when the act is indeed illegitimate». He proceeded to

cite indications that the Apostolic Signatura's decisions were having a positive effect in general ecclesiastical praxis. The constitutes one assurance of the continued growth and improvement of administrative justice: the enduring existence and operation of the supreme administrative tribunal places administrative activity throughout the Church in a state of potential judicial control. And this can be one motivation for authorities to govern better.

Another avenue for development will depend on how the parties pursue administrative justice.

In his article on the *agenda* for the evolution of administrative justice, Mons. Montini notes that the judgment of the merits of causes by the Supreme Tribunal could be encouraged and expanded, by advocates submitting requests that the Roman Pontiff or curial institutions defer administrative controversies to the Supreme Tribunal.

Mindful of the principle *nemo iudex sine actore*, the judicial function stands in a responsive position, resolving the claims actually made by the parties. The more relevant and specific the claims, the more sophisticated will be the resulting jurisprudence.

This could be broadened and applied to all of these areas of potential jurisprudential development. That is, parties and advocates should be shrewd about how they formulate their recourses to the Apostolic Signatura. Merely requesting a declaration that the law was violated may neglect the questions of real substantive justice that they themselves should be raising. Of course, they should not make frivolous petitions, but when justice demands it, they should take reasonable initiative in adding particular requests. Perhaps they should more regularly:

- challenge the illegitimate silence of a dicastery,
- request the suspension of execution of an act and the reparation of damages,
- articulate specific effects that they believe flow from the illegitimacy, and
- propose that the Supreme Tribunal be given the faculty to judge the merits of the administrative controversy.

If they do, I believe the Supreme Tribunal will be responsive to these pleas according to the norm of justice in the concrete case. Even if its response is displeasing to the recurrent, it will promote good governance in the Church and contribute to the enrichment of jurisprudence.