



# The Holy See

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**ADDRESS OF HIS HOLINESS POPE FRANCIS  
TO THE OFFICIALS OF THE TRIBUNAL OF THE ROMAN ROTA  
FOR THE INAUGURATION OF THE JUDICIAL YEAR**

*Clementine Hall*

*Thursday, 27 January 2022*

**[Multimedia]**

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*Your Excellency,  
Dear Prelate Auditors,*

I address my cordial greeting to each one of you, starting from the Dean, Msgr Alejandro Arellano Cedillo, whom I thank for his words. And thank you for the last two things you asked from the Pope: comfort and blessing. I like this. It is a pastoral request. Thank you.

I greet the officials, the attorneys and the other collaborators of the Apostolic Tribunal of the Roman Rota. I extend my best wishes for the Judicial Year that we are inaugurating today.

The Synodal path we are undertaking also challenges this meeting of ours, because it involves the judicial sphere and your mission at the service of families, especially those wounded and in need of the balm of mercy[ 1] . During this year dedicated to the family as an expression of the joy of love, today we have the opportunity to reflect on synodality in matrimonial nullity proceedings. Although synodal work is not strictly procedural in nature, it should be placed in dialogue with judicial activity, in order to foster a more general rethinking of the importance that the experience of the canonical process has for the lives of the faithful who have experienced a marriage failure and, at the same time, for the harmony of relationships within the ecclesial community. Let us then ask ourselves, in what sense does the administration of justice need a synodal spirit?

First and foremost, synodality implies *walking together* . Overcoming a distorted view of marriage

cases, as if they were concerned merely with subjective interests, one must rediscover that all the participants in the process are called to contribute towards the *same objective*, to make the truth shine on a concrete union between a man and a woman, reaching the conclusion regarding the existence or not of a true marriage between them. This view of walking together towards a common goal is not new in the ecclesial understanding of these cases. In this regard, the well-known address of Venerable Pius xii's to the Roman Rota, states: "the unity of purpose, which must give special form to the work and collaboration of all those who participate in the treatment of marriage cases in ecclesial tribunals of every degree and kind, and must encourage and join them in the same unity of purpose and action".[ 2] From this perspective, he outlined the task of every participant in the case with regard to the search for truth, while maintaining the fidelity of each to their role. If it is truly loved, this truth becomes liberating.[ 3]

Already in the pre-judicial phase, when the faithful find themselves in difficulty and seek for pastoral help, there can be no lack of effort to discover the truth about the union, an indispensable prerequisite for the healing of wounds. In this context, one can understand the importance of commitment to promoting forgiveness and reconciliation between spouses, and also, eventually, to confirming the nullity of marriage when this is possible and prudent. In this way, it is understood that the declaration of nullity should not be presented as if it were the sole objective to be reached when faced with a marriage crisis, or as if it constituted a right regardless of the facts. When presenting the possible nullity, it is necessary to make the faithful reflect on the reasons that lead them to ask for a declaration of nullity of their matrimonial consent, thus encouraging an attitude of acceptance of the definitive sentence, even if the latter does not correspond to their own convictions. Only in this way can processes of nullity be an expression of effective pastoral accompaniment of the faithful in their matrimonial crises, which means listening to the Holy Spirit who speaks in the individuals' concrete story. Two or three years ago we spoke of the matrimonial catechumenate.

The same objective of the *shared seeking of the truth* must characterize *every phase of the judicial process*. It is true that sometimes in a process, there is a dialectic between contrasting theses. However, the opposition between the parties should always take place in sincere adherence to what appears to be true for each party, without closing in on one's own vision, but being open to the contribution of the other participants in the process. The willingness to offer one's own subjective version of the facts becomes fruitful in the context of adequate communication with others, which can also reach self-criticism. Therefore, any deliberate alteration or manipulation of the facts in order to achieve a pragmatically desired result is inadmissible. Here I pause, and apologise for stating a very great danger. When one does not overcome this, even lawyers can do terrible damage. One month ago a bishop came to complain because he had a problem with a priest. A serious problem. It was not a matrimonial one, it was a serious problem of discipline that deserved to go to trial. The judge of the national court — I am not talking about this country or that country — called the bishop and said, "I have received this. I will do what you tell me to do. If you tell me to condemn him, I will condemn him; if you tell me to absolve him, I will absolve him". This

can happen. It can come to this if there is no unity in the processes even with conflicting sentences; walking together because the good of the Church, the good of the people is at stake. It is not engaging in negotiation. Excuse me, but this anecdote enlightened me a lot.

This “going together” in judgement applies to the parties and to their patrons, to the witnesses who are called upon to testify in accordance with the truth, to the experts who must place their knowledge at the service of the process, and in a special way to the judges. Indeed, the administration of justice in the Church is a manifestation of the care of souls, which requires pastoral solicitude in order to be servants of salvific truth and mercy. This ministerium veritatis takes on a particular significance in bishops, when they judge in the first person, especially in shorter trials, and when they exercise their responsibility towards their own courts, thus also showing their paternal solicitude towards the faithful. And I return to something that I have always said from the first moment: the original judge is the bishop. The dean greeted me by saying, “the Pope, Supreme Judge of all....” But this is because I am Bishop of Rome, and Rome presides over everything; not because I have another title. Thank you for that. If the Pope has that power, it is because he is bishop of the diocese that the Lord chose to be the Diocese of the pope. The true and first [judge] is the bishop, not the judicial vicar, no. The bishop.

Synodality in processes implies a *constant exercise of listening* . Here too, it is necessary to learn to *listen* , which is not simply *hearing* . It is necessary to understand the view and reasons of the other, almost to identify with the other. As in other areas of pastoral care, a culture of listening, which is a prerequisite for a culture of encounter, must also be fostered in judicial activities. This is why standard answers to the concrete problems of individual persons are harmful. Each person, with his or her experience, often marked by pain, constitutes for the ecclesiastical judge the real “existential periphery” from which every judicial pastoral action must set out.

The process also requires careful listening to what is argued and demonstrated by the parties. Of particular importance is the preliminary investigation aimed at establishing the facts, which requires those who lead it to know how to combine the right professionalism with closeness and listening. Does this take time? Yes, it takes time. Does it require patience? Yes, it requires patience. Does it require pastoral paternity? Yes, it requires pastoral paternity. Judges must be listeners par excellence of everything that has emerged in the process for and against the declaration of nullity. They are bound to do so by virtue of a duty of justice, animated and sustained by pastoral charity. In fact, “mercy is the fullness of justice and the most radiant manifestation of God’s truth” (Post-Synodal Apostolic Exhortation *Amoris Laetitia*, 311). Moreover, when — as is usually the case — there is a panel of judges, each judge must be open to the reasons presented by the other members in order to reach a pondered judgement. In this sense, in your action as ministers of the tribunal, a pastoral heart must never be lacking, a spirit of charity and of understanding of the persons suffering due to the failure of their married life. To acquire such a style, it is necessary to avoid the dead end of legalism — which is a kind of legal pelagianism. It is not Catholic. legalism is not Catholic — that is, a self-referential view of the law.

The law and judgement are always at the service of truth, justice and the evangelical virtue of charity.

Another aspect of the synodality of the processes is *discernment*, because the synod is not just asking for opinions, it is not an enquiry in which what each person says has the same value. No: what one says is part of discernment. There has to be discernment. And discernment is not easy. It is a discernment based on walking together and on listening, and which allows one to read the real matrimonial situation in the light of the Word of God and the Magisterium of the Church. The judges' decision thus appears as a way of entering into the reality of a vital event, in order to discover in it the existence or otherwise of that irrevocable event which is the valid consent on which marriage is founded. Only in this way can the laws relating to individual forms of matrimonial nullity be applied fruitfully, inasmuch as they are expressions of the doctrine and discipline of the Church on marriage. This is where the prudence of law operates, in its classic sense of *recta ratio agibilia*, that is, the virtue that judges according to reason, namely, with rectitude in the practical realm. Returning to that example: "What do you want? Do I condemn him or free him?"

The outcome of this journey is the *sentence*, the fruit of attentive discernment that leads to an authoritative word of truth on the personal experience, thus highlighting the paths that can open from there. The sentence must therefore be comprehensible to the persons involved: only in this way will it become a moment of special significance in their human and Christian journey.

Dear Prelate Auditors, from these considerations, which I wished to bring to your attention, emerges the dimension of how synodality consents to highlight the essential characteristics of the process. I encourage you, therefore, to continue with renewed fidelity and industriousness your ecclesial ministry at the service of justice, inseparable from the truth and, ultimately, from the *salus animarum*. A work that manifests the merciful face of the Church: the maternal face that bends down over each of the faithful to help them find the truth about themselves, lifting them up from their defeats and labours and inviting them to live to the full the beauty of the Gospel.

I reiterate my esteem and gratitude to each one of you. I ask the Holy Spirit to accompany you always in your activity and I bless you from my heart. And do not forget to pray. May prayer always accompany you. "I am busy, I have so many things to do ..." The first thing you must do is pray. Pray that the Lord may be close to you. And also to know the heart of the Lord: we know him in prayer. And judges should pray, and they must pray twice or three times as much. Please do not forget to also pray for me, of course. Thank you.

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[ 1] Bull *Misericordiae Vultus* 5: AAS 107 [2015], 402.

[ 2] Cf. address to the Roman Rota, 2 October 1944: AAS 36 [1944], 281.

[ 3] Cf. Jn 8:32.