



The Holy See

INAUGURATION OF THE JUDICIAL YEAR OF VATICAN CITY STATE TRIBUNAL

ADDRESS OF HIS HOLINESS POPE FRANCIS

*Hall of Benediction
Saturday, 12 March 2022*

[Multimedia]

I am pleased to meet you for the inauguration of the 93rd Judicial Year of the Tribunal of Vatican City State.

I greet Cardinal Mamberti, the President of the Court of Cassation, and the Cardinals who are judges of the said Court. I greet Mons. Arellano Cedillo and the judges of the Court of Appeal. In particular I thank the President of the Tribunal, Giuseppe Pignatone, and the Promotor of Justice, Gian Piero Milano, the magistrates of the respective offices and their collaborators for the dedication with which they engage in the delicate work of the administration of justice. I am also pleased and grateful for the presence of several representatives of the highest jurisdictional bodies of the Italian State. To all I extend my best wishes for the Judicial Year that we are inaugurating today.

Your qualified and numerous presence here emphasizes the importance that we recognize in this occasion, a moment of meeting and dialogue among people engaged in the world of institutions and, in particular, of justice. Indeed, at such a critical moment for humanity, in which the idea of the common good — which is much more than the sum of individuals' goods — is being put to the test, this is a serious commitment and carries great responsibility. This, in fact, concerns the fundamental values for our coexistence and it takes place in an area that represents a privileged ground for meeting and collaboration between believers and non-believers.

The first reflection I would like to share with you arises from the synodal journey we are undertaking. This journey, in fact, as I mentioned at a recent occasion (cf. [*Address for the Inauguration of the Judicial Year of the Roman Rota*](#)), also involves the judicial sphere.

First and foremost, synodality implies walking together. In judicial matters, this means that all participants in the process, while in the necessary diversity of roles and interests, are called to contribute to the ascertainment of the truth through cross-examination, the debate of arguments and the careful examination of evidence.

This walking together therefore requires an exercise in listening which, as we know, pertains to the very nature of a just process. In judicial activities, magistrates are called upon for the equable exercise of honest listening to what is argued and demonstrated by the parties, without prejudices or preconceptions in their regard. With the same openness to listening, which requires time and patience, each member of the judicial panel must be open to the reasons presented by the other members, in order to arrive at a prudent and shared judgement. Listening to everyone.

The serious and patient work of discernment is thus essential in order to reach the outcome of a just verdict, and thus achieve the very nature and purpose of the process, which must be the implementation of justice with respect to the persons involved, along with the restoration of social harmony which looks to the future and encourages a new start.

To this end, the demand for justice calls for a studied evaluation of positions and competing interests, and requires remedial action. Moreover, in criminal trials, justice must always be combined with appeals for mercy, which in the final analysis call for conversion and forgiveness. Between these two poles there is a complementarity, and balance must be sought, with the awareness that, if it is true that mercy without justice leads to the dissolution of social order, it is also true that “mercy is the fullness of justice and the most radiant manifestation of God’s truth” (Post-Synodal Apostolic Exhortation [*Amoris Laetitia*](#), 311).

In this perspective, precious is the exercise of equity, wisely defined as justice of the individual case. While the legislative precept remains steadfast, at the moment of the application of the general law, it induces one to take into account the demands of the actual case, of particular situations of fact that merit specific consideration. The exercise of equity does not constitute an exclusive prerogative of canon law, but undoubtedly finds particular recognition and appreciation in it, placing it in a close relationship with the precept of evangelical charity, the true principle that inspires all the actions of the Church.

Canon law, as is known, in consideration of the particular nature of Vatican City State, is recognized in the Vatican regulations as “the first regulatory source and the first criterion of interpretative reference” (cf. Art. 1 Law n. LXXI On the Sources of Law, of 1 October 2008).

However, we must also remember that in matters not provided for by the laws of the Church and the other “principle sources” of the law (indicated in article 1 of the *Laws on Sources*), in addition and without implementation by the competent Vatican authority, the laws and other regulations issued in the Italian State are observed, provided that they are not contrary to the precepts of law itself, nor to the general principles of canon law, as well as the norms of the Lateran Pacts and subsequent Accords (cf. Art. 3 *Laws on Sources* cit.).

With respect to a regulatory framework thus articulated, the principle of discipline regarding the appointment of magistrates, contained in the recently drafted law on the juridical regulation (Art. 8), becomes evident. It establishes that the magistrates of the Tribunal must be — I quote — “chosen preferably from among university professors [...] and in any case among distinguished jurists who have developed a demonstrated expertise in the legal or forensic, civil, criminal or administrative sphere”, and “in any case, the presence of at least one magistrate expert in canon and ecclesiastical law is assured” (cf. Art. 8). This provision conveniently aims to guarantee, in the heart of the Judicial College and at the Office of the Promotor of Justice, the presence of competence that will help to assure the best knowledge of a system of particular and complex sources such as that of the Vatican, and the likelihood of authoritative and reliable decisions.

In this perspective, the work that the magistrates carry out to guarantee the exercise of justice offers a necessary and wholly legitimate contribution for the solution of problems of civil and criminal character, in addition to and different from, those under the jurisdiction of the Apostolic and Canonical Tribunals. It is a work intended to increase in a season of reform such as the one launched some time ago, which has continued even in the course of the last year, with several significant novelties both in the economic and financial sphere, and in the justice sector. Reforms that intend to correspond, on the one hand, to the parameters developed by the international community in various spheres, such as economic, and, on the other, to the Church’s own need to adapt all her structures to an ever more evangelical style.

With regard to the first perspective, dispositions have been introduced to favour the process of containment of expenditures, [1] unfortunately rendered even more urgent by the difficulties caused by the pandemic, and to further reinforce transparency in the management of public finance, [2] which, in an entity such as the Church, must be exemplary and beyond reproach, especially on the part of individuals who hold important positions of responsibility.

Regarding the sector of justice, it is intended to respond, through focused modifications and integrations, to several needs for the updating of the regulatory framework that required the obsolescence of organizations by now inadequate. The quest for justice also demands structural reforms that allow its correct application. Among the most significant novelties I would like to highlight, for the purpose of an increasingly full and shared fulfilment, in particular those that, by modifying the law on juridical regulations, have established that the Office of the Promotor of Justice exercise its proper role in the three stages of proceedings. [3] In this way, it is intended to

respond to the primary need, in the current trial system, for equality among all members of the Church and their equal dignity and position, without privileges returning in time and no longer appropriate to the responsibilities charged to each one in the *aedificatio Ecclesiae*. [4]

Further needs for updating Vatican regulations, above all in the areas of criminal procedure and of international cooperation, will find answers in focused interventions of reform that are already under study, for the purpose of strengthening tools to prevent and hinder crimes and to respond to the growing demand for justice that is also observed in our State.

In this regard, we can recall that in the course of last year, decisions have been reached on several complex juridical matters relative to crimes in the financial sphere, that is, offences to public decency, that have given rise to both precisely sanctioned criminal behaviours, and inappropriate conduct that have demanded the intervention of the competent ecclesiastical authorities.

The course of the trial dynamic must allow the broken order to be re-established and the path of justice to be followed, a path that leads to an increasingly fuller and effective fraternity, in which all are protected, especially the weakest and most fragile. Indeed, laws and the judicial system must be ever at the service of truth and justice, beyond the evangelical virtue of charity. As Saint John Paul II stated in his address at the official presentation of the new Code of Canon Law, in serving the cause of justice, the law must always be inspired by the law/commandment of charity.

In this perspective, which excludes any self-referential view of the law, the justice proposed by Jesus Christ is not so much a collection of rules to be applied with technical expertise, but rather a disposition of the life that leads those who hold responsibility and that demands first and foremost a commitment to personal conversion. It calls for a disposition of the heart to be implored and nourished in prayer and thanks to which we can fulfil our duties by combining the correctness of the laws with mercy, which is not the suspension of justice, but its fulfilment (cf. Rom 13:8-10).

Dear friends, I hope you will always safeguard this awareness in the exercise of your important responsibilities to the service of justice. With heartfelt appreciation for your generous commitment, I bless you and I assure you of my prayers. And you too, please, do not forget to pray for me. Thank you!

[1] Cf. Apostolic Letter issued “Motu Proprio” regarding the containment of expenditures for employees of the Holy See, the Governorate of Vatican City State, and other connected Entities (23 March 2021).

[2] Cf. Apostolic Letter issued “Motu Proprio” regarding provisions on transparency in the management of public finances (26 April 2021).

[3] Cf. Apostolic Letter issued “Motu Proprio” amending the jurisdiction of the judicial bodies of Vatican City State (30 April 2021), Art. 3.

[4] Cf. Address for the Inauguration of the Judicial Year of Vatican City State Tribunal (27 March 2021).