



The Holy See

**ADDRESS OF HIS HOLINESS POPE FRANCIS
TO PARTICIPANTS IN THE COURSE PROMOTED BY THE
TRIBUNAL OF THE ROMAN ROTA***

*Clementine Hall
Saturday, 25 November 2017*

[Multimedia]

Dear brothers and sisters,

I am pleased to meet you at the end of the training course for clerics and laity promoted by the Apostolic Tribunal of the Roman Rota on the subject of the new matrimonial process and the *Super Rato* process. I thank the Dean, Msgr. Pinto, for his words. The course that has taken place here in Rome, and those held in other dioceses, are praiseworthy and encouraging initiatives, as they contribute to gaining a proper knowledge and an exchange of experiences at various ecclesial levels regarding major canonical procedures.

In particular, it is necessary to pay great attention and to adequately analyze the two recent *Motu proprio*, *Mitis Iudex Dominus Iesus* and *Mitis et misericors Iesus*, in order to apply the new procedures they establish. These two acts have arisen from a synodal context, they are the expression of a synodal method, and they are the arrival point of a serious synodal path. Faced with the most thorny questions concerning the evangelizing mission and the salvation of souls, it is important for the Church increasingly to recover the synodal practice of the first community in Jerusalem, where Peter together with the other Apostles and with the whole community under the action of the Holy Spirit endeavoured to act according to the commandment of the Lord Jesus.

This is what has been done in the synodal assemblies on the family, in which, in the spirit of communion and fraternity, representatives of the episcopate from all over the world gathered in assembly to listen to the voice of the communities to discuss, reflect and carry out the work of discernment. The Synod had the purpose of promoting and defending the Christian family and

marriage for the greater good of spouses faithful to the covenant celebrated in Christ. It also had to study the situation and development of the family in today's world, preparation for marriage, ways to help those who suffer as a result of the failure of their marriage, the education of children, and other issues.

As you return to your communities, strive to be missionaries and witnesses of the synodal spirit that is at their origin, as well as of the pastoral consolation that is the purpose of this new matrimonial provision, so as to strengthen the faith of the holy people of God through charity. May the synodal spirit and pastoral consolation become the form of your action in the Church, especially in field as delicate as that of the family in search of the truth about the conjugal state of spouses. With this attitude, each of you is a sincere collaborator of your bishop, to whom the new norms grant a decisive role, especially in the streamlined briefer process, as he is the natural judge of the particular Church.

In your service, you are called to be close to the solitude and suffering of the faithful who expect from ecclesial justice the competent and factual help to restore peace to their consciences and God's will on readmission to the Eucharist. Hence, the need and the value of the course you have attended – and I hope that others will be organized – to promote a just approach to the matter and an increasingly wide-ranging and serious study of the new matrimonial process. It is an expression of the Church that is able to welcome and care for those who are wounded in various ways by life and, at the same time, it is an appeal for the defence of the sacredness of the marriage bond.

To make the application of the new law for marriage process, two years after its promulgation, the cause and reason for salvation and peace for the great number of faithful who are wounded in their matrimonial situation, I have decided, in my office as bishop of Rome and Peter's Successor, to specify some fundamental aspects of the two Motu proprio, especially the figure of the diocesan bishop as personal and single judge in the streamlined process.

The diocesan bishop has always been *Iudex unum et idem cum Vicario iudiciali*; but since this principle is interpreted as *de facto* excluding the personal exercise of the diocesan bishop, delegating almost everything to the Tribunals, I establish as follows how I consider to be decisive and exclusive the personal exercise of the role of judge by the diocesan bishop:

1. The diocesan bishop, by virtue of his pastoral office, is the personal and sole judge in the briefer process.
2. Therefore, the figure of the diocesan-bishop-judge is the architrave, the constitutive principle and the discriminating element of the entire briefer process, established by the two Motu proprio.
3. In the briefer process, two indispensable conditions are required, *ad validitatem*: the episcopate, and the fact of being the head of a diocesan community of faithful (cf. canon 381 § 2). If one of the

two conditions is not met, the briefer process cannot be followed. The case must be judged via the ordinary process.

4. The exclusive and personal jurisdiction of the diocesan bishop, set out in the fundamental criteria of the briefer process, refers directly to the ecclesiology of Vatican Council II, which reminds us that the bishop *already* has by consecration the fullness of all the authority that is *ad actum expedita*, through the *missio canonica*.

5. The streamlined process is not an option that the diocesan bishop can choose, but rather an obligation that derives from his consecration and from the *missio* received. He holds exclusive competence in the three phases of the briefer process:

- the request must always be addressed to the diocesan bishop;
- the preliminary phase, as I have already affirmed in my address at the Course held by the Roman Rota on 12 March last year, will be conducted by the bishop «always assisted by the judicial vicar or other instructor, even a layperson, by the assessor, and always with the presence of the defender of the bond». Should the bishop not have the assistance of clerical or lay canonists, the charity, which distinguishes episcopal office, of a nearby bishop may come to his aid for the time necessary. Furthermore, I reiterate that the briefer process must typically be concluded in one session, requiring as an indispensable condition the absolute evidence of the facts proving the alleged nullity of the marriage, as well as the consent of both spouses.
- the decision to pronounce *coram Domino* is always and only taken by the diocesan bishop.

6. To entrust the entire briefer process to the interdiocesan court (either neighbouring or multiple dioceses) would lead to a distortion and reduction of the figure of the bishop, from father, head and judge of his faithful to a mere signatory of the judgement.

7. Mercy, one of the fundamental criteria ensuring the *salus*, requires that the diocesan bishop implement the briefer process as soon as possible; should he not consider himself ready at present to do so, the case must be addressed via the ordinary process, which must in any case be conducted with the proper solicitude.

8. Closeness and gratuitousness, as I have repeated several times, are the two pearls most needed by the poor, whom the Church must love more than anything else.

9. With regard to jurisdiction, in receiving the appeal against the affirmative judgement in the briefer process, on the part of the Metropolitan or of the bishop indicated in the new canon 1687, it is specified that the new law confers to the Dean of the Rota a new and therefore constitutive *potestas decidendi* regarding the rejection or admission of the appeal.

In conclusion, I would like to reiterate clearly that this is to occur without asking for permission or authorization from another Institution or from the [Apostolic Signatura](#).

Dear brothers and sisters, I wish you well for this study and for the ecclesial service of each one of you. May the Lord bless you and Our Lady protect you. And please, do not forget to pray for me. Thank you.

**[Bulletin of the Holy See Press Office, 25 November 2017](#)*

Copyright © Dicastero per la Comunicazione - Libreria Editrice Vaticana