

The Theological-Legal Dimension of the Process in Some Recent Addresses by Pope Leo XIV

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In His inaugural address for the judicial year of the Vatican City State Court on March 14, 2026,¹ Pope Leo XIV outlined several significant interpretive guidelines regarding the judicial function which, although developed within the specific context of the Vatican legal system, appear capable of extending their influence to the broader sphere of ecclesial justice as a whole. These guidelines, moreover, are in continuity with the reflections developed in the address delivered to the Tribunal of the Roman Rota on January 26, 2026², in which the Pontiff addressed the connection between the judicial ascertainment of truth, procedural architecture, and the institutional responsibility of the Church's legal officials. This logical consistency is fully in keeping with the unique nature of the Vatican City State³ – which serves to ensure the freedom and independence of the Holy See⁴ – and with the special relationship linking its legal system to the canonical one, where the latter constitutes the primary source of law and the primary interpretive criterion for Vatican law,⁵ as established in Article 1 of Law No. LXXI of 2008 on the sources of law⁶.

When read in parallel, these two issues outline a paradigm in which judicial activity cannot be reduced to a technical exercise of applying the law, but rather constitutes an institutional function aimed at determining legal truth in the specific case, within the teleological framework of the *salus animarum*. This gives rise to a conception of the process in which the cognitive-legal dimension of factual determination and the ecclesial purpose of justice are not presented as opposing poles, but are organically integrated into a procedure aimed at protecting personal dignity and safeguarding ecclesial communion⁷.

¹ LEO XIV, *Address for the Inauguration of the Judicial Year of the Tribunal of Vatican City State*, March 14, 2026, in www.vatican.va.

² LEO XIV, *Address to the Roman Rota Tribunal*, January 26, 2026, in www.vatican.va.

³ See MARIA D'ARIENZO, *The Lateran Treaty and the Hermeneutics of the Holy See Neutrality: The Final Defeat of the Papal State and the Roman Question*, in MARSHALL J. BREGER, HERBERT R. REGINBOGIN (edd.), *The Vatican and Permanent Neutrality*, Lexington Books, Lanham-Boulder-New York-London, 2022, pp. 39-59; EADEM, *Indipendenza e centralismo. La nuova Legge fondamentale*, in *Il Regno. Attualità e documenti*, 14, 2023, pp. 423-425.

⁴ On this topic see GIUSEPPE DALLA TORRE, *Lezioni di diritto vaticano*, 2° ed., Giappichelli, Torino, 2020; JUAN IGNACIO ARRIETA, *Corso di diritto vaticano*, 2° ed., Edusc, Roma, 2022; MATTEO CARNÌ, *Il diritto vaticano. Profili sistematici e percorsi evolutivi*. Vol. I. *Primordia civitatis e funzione legislativa*, Cacucci, Bari, 2024.

⁵ See GERALDINA BONI, *L'ordinamento canonico' come 'primo criterio di riferimento interpretativo' del diritto vaticano: una rilevanza crescente*, in *Jus-Online*, 6, 2022, pp. 99-170.

⁶ BENEDICT XVI, *Legge n. LXXI sulle fonti del diritto*, October 1, 2008, in *AAS (Supplemento)*, 79, 2008, pp. 65-70. See also JUAN IGNACIO ARRIETA, *La nuova legge vaticana sulle fonti del diritto*, in *Ius Ecclesiae*, 1, 2009, pp. 231-242.

⁷ At this regard, MANUEL JESÚS ARROBA CONDE, *Sviluppo in tema di tutela processuale dei diritti*, in *Il Diritto Ecclesiastico*, 1-2, 2017, p. 29, underlines that «the Church's adoption of procedural instruments forms part of the so-called "choice for Law," a concept that expresses the early use of law within the ecclesial community, understood as a tool certainly human in nature,

The theoretical cornerstone of this approach is the fundamental relationship between truth, justice, and charity, made explicit through the reference to the Pauline formula “*veritatem facientes in caritate*”. From this perspective, procedural truth is not reduced to the conventional outcome of a dialectic between conflicting interests, nor does it take on the characteristics of a merely formal or negotiated construct: rather, it translates into the result of a cognitive activity governed by the legal system, intrinsically oriented toward the objective reconstruction of legally relevant facts according to the criteria of evidentiary rationality specific to the process. By virtue of this epistemic function, the canonical process is not merely an instrument for managing intersubjective conflicts, but must be characterized as the institutional mechanism through which the legal system ascertains legal truth in the specific case⁸.

In his address to the magistrates of the Vatican City State, Leo XIV emphasizes the impartiality of the judicial body, the full exercise of the right to a defense, the dialectical exchange between the parties, and a duration of the proceedings commensurate with its complexity as the conditions that underpin the legitimacy of judicial activity. These are not mere technical formalities, but rather the principles that guide the formation of a decision, ensuring that it is reached through the critical examination of the parties’ arguments and the evaluation of the evidence presented during the adversarial proceedings⁹.

These parameters reflect what the Pope stated in his address to the Roman Rota, in which the adversarial process is described as the institutional method of judicial determination in the strict sense. The dialectical exchange during the evidentiary phase and the judge’s review of the findings of the preliminary investigation constitute indispensable elements of a cognitive proceeding that does not permit substitution through extrajudicial presumptions or evaluative anticipations based on elements not subject to judicial verification. In this context, the presumption of the validity of marriage¹⁰ and the presumption of innocence of the accused¹¹ serve as safeguards to ensure that judicial determination does not degenerate into the ratification of prejudicial beliefs and that the decision constitutes the outcome of an evidentiary review effectively carried out within the proceedings.

yet instrumental in the realization and proclamation of justice. This represents a lofty aspiration, itself expressive of human values which an authentic evangelical perspective does not alter, though it may enrich them».

⁸ The justice, according to Pope Leo XIV, «cannot be understood solely in the technical terms of positive law. In the light of the mission that guides the action of the Church, it also appears as the exercise of an ordered form of charity, capable of safeguarding and promoting communion»: così LEONE XIV, *Discorso di apertura dell’anno giudiziario del Tribunale dello Stato della Città del Vaticano*, cit.

⁹ See GERALDINA BONI, MANUEL GANARIN, ALBERTO TOMER, *L’importanza del principio iura novit curia nello Stato della Città del Vaticano*, in *Stato, Chiese e pluralismo confessionale*. Online Journal (www.statoecliese.it), 2, 2026, pp. 4-46.

¹⁰ See MASSIMO DEL POZZO, *I principi del processo di nullità matrimoniale*, in HECTOR FRANCESCHI, MIGUEL ÁNGEL ORTIZ (edd.), *Ius et matrimonium III. Temi di diritto matrimoniale e processuale canonico*, Edusc, Roma, 2020, pp. 293-296.

¹¹ See KENNETH PENNINGTON, *Innocent until Proven Guilty: The Origins of a Legal Maxim*, in *The Jurist*, LXIII (2003), 1, pp. 106-124.

Of particular significance is the clarification offered by Pope Leo XIV – within his address to the Roman Rota – regarding the canonical matrimonial process and, more specifically, the *processus brevior coram Episcopo*¹², introduced by Pope Francis through the *motu proprio* “*Mitis Iudex Dominus Iesus*”¹³. It is therein specified that the apparent evidence of the conditions legitimizing recourse to the abbreviated procedure does not amount to a substantive presumption of the nullity of the marital bond. The qualification of circumstances as “manifestly evident,” as provided for in can. 1683 CIC, operates exclusively at the procedural level as a condition for admissibility to the simplified procedural form, without entailing any derogation from the epistemic framework governing judicial fact-finding. Accordingly, even within the *processus brevior*, the declaration of nullity remains contingent upon proper judicial verification, it being further clarified that «it is the process itself, duly carried out, that must confirm the existence of nullity or determine the necessity of recourse to the ordinary process»¹⁴.

Such an argumentative passage appears crucial in neutralizing the risk – intrinsic to the nature of the *processus brevior* – of generating a kind of psychological anticipation of the judgment, whereby the parties’ shared conviction regarding the nullity of the marriage, together with the apparent evidentiary clarity of the factual circumstances, may lead to an implicit inversion of the probative paradigm, sacrificed to a misconceived understanding of procedural brevity. Indeed, the equation between the brevity of proceedings and the efficiency of the administration of justice risks producing a reductive interpretation of the principle of reasonable duration, reducing it to a merely chronological quality for assessing procedural activity¹⁵. The reasonableness of the duration of proceedings does not, in fact, consist merely in its quantitative reduction, but must be assessed in relation to the case’s complexity, the depth of the evidentiary inquiry, and the effective opportunity afforded to the parties to fully exercise their right of defense¹⁶.

In this manner, the opposing tendencies are brought into balance: on the one hand, the inclination to transform the process into a mere instrument for the canonical regularization of irregular situations; on the other, the misinterpretation of the presumption of the validity of marriage – treating indissolubility as an exclusively conservative parameter within a prematurely formed criterion of judgment – thereby risking the subordination of the ascertainment of truth to the structural preservation of the marital bond.

¹² See MASSIMO DEL POZZO, *Il processo matrimoniale più breve davanti al Vescovo*, 2° ed., Pusc, Roma, 2021.

¹³ FRANCIS, *Apostolic Letter Motu proprio “Mitis Iudex Dominus Iesus”*, August 15, 2015, in *AAS*, 107, 2015, pp. 958-970.

¹⁴ These words belong to LEO XIV, *Allocuzione al Tribunale della Rota Romana*, cit.

¹⁵ For some reflections on the relationship between brevity and the efficiency of justice, reference is made to MARIA D’ARIENZO, *Zuckerberg e i nuovi rapporti tra diritto e religioni. A proposito di libertà di coscienza nell’era digitale*, in *Diritto e Religioni*, 1, 2019, pp. 384-396.

¹⁶ On this topic see MANUEL JESÚS ARROBA CONDE, *Prova e difesa nel processo di nullità del matrimonio canonico. Temi controversi*, EuPress-FTL, Lugano, 2008.

The emphasis on the centrality of the evidentiary phase is, moreover, situated within a conception of the process as an institutional reality in which the various procedural actors cooperate, according to legally defined roles, in the reconstruction of the truth of the facts, culminating in a decision grounded in rational and reasoned adjudication¹⁷. The reference to the deontological responsibility of those engaged in the administration of ecclesiastical justice thus assumes clear systemic relevance. The pursuit of truth constitutes the ordering principle of the entire procedural activity and requires, on the part of all involved, adequate technical-legal expertise and moral integrity, so that the exercise of the defense of party interests – fully legitimate within the economy of the process – does not result in the manipulation of evidentiary material, distortions of the evidentiary phase, or, ultimately, forms of abuse of process¹⁸.

Within this collaborative dynamic, the position of the judge assumes primary importance, insofar as the requirements of independence and impartiality constitute the institutional conditions safeguarding the integrity of the fact-finding process and the credibility of the final decision. The judgment, therefore, does not embody an authoritative act detached from the proceedings that precede it, but rather the necessary outcome of a regulated cognitive process, in which the evaluation of evidence and the reconstruction of facts take place according to legally predetermined criteria¹⁹. The parallelism between the dialogical structure of the canonical judgment and the synodal nature of the Church is expressed not merely in an analogical sense, but as a bidirectional correspondence grounded in a shared theological substratum: the understanding of truth as the outcome of a communal process, rooted – at the ecclesiological level – in the Trinitarian structure of Christian revelation. The process thus represents its juridical translation²⁰, standing as a safeguard of the dignity of the faithful as person²¹.

The interventions of the Pontiff thus make clear that, in both the canonical and the Vatican legal systems, no ambiguity can any longer be tolerated with regard to the observance of procedural guarantees: any shortcut in this respect represents not a simplification, but a violation of legality itself²². The right of

¹⁷ See ROBERTO POLI, *Logica e razionalità nella ricostruzione giudiziale dei fatti*, in *Rivista di Diritto Processuale*, 2, 2020, pp. 515-547.

¹⁸ See MANUEL JESÚS ARROBA CONDE, *Corresponsabilità e diritto processuale canonico*, in *Apollinaris*, 1-2, 2009, pp. 201-225.

¹⁹ About this topic see MANUEL JESÚS ARROBA CONDE, *La sentenza nel nuovo processo matrimoniale*, in ARCISODALIZIO DELLA CURIA ROMANA (ed.), *Quaestiones selectae de re matrimoniali ac processuali*, LEV, Città del Vaticano, 2018, pp. 213-230.

²⁰ See MANUEL JESÚS ARROBA CONDE, *Diritto processuale canonico*, 7^o ed., Edurcla, Roma, 2020, p. 223, where the adversarial process is characterized as «the procedural expression of Christian discernment, endowing the judge's decision not only with legal authority (stemming from his power) but also with moral authority (deriving from the procedural guarantees through which the decision has been formed)».

²¹ On the dignity of human being see DICASTERY FOR THE DOCTRINE OF THE FAITH, *Declaration "Dignitas infinita" on Human Dignity*, April 2, 2024, in *AAS*, 116, 2024, pp. 589-590: «Every human person possesses an infinite dignity, inalienably grounded in his or her very being, which prevails in and beyond every circumstance, state, or situation the person may ever encounter. This principle, which is fully recognizable even by reason alone, underlies the primacy of the human person and the protection of human rights».

²² See GERALDINA BONI, MANUEL GANARIN, ALBERTO TOMER, *La lesione dei principi di legalità penale e del giusto processo nell'ordinamento canonico. Quali ripercussioni nel diritto italiano?*, Bologna University Press, Bologna, 2025.

defense is not a concession granted by authority, but an inalienable structural safeguard, binding upon the exercise of judicial power and conditioning its legitimacy. It is precisely in adherence to the requirements of “due process” that the credibility of the Church as an institution is at stake, both *ad intra*, in its commitment to remain consistent with its nature as *speculum iustitiae*, and *ad extra*, in its engagement with secular legal systems, *vis-à-vis* which canon law has traditionally stood as a luminous example of juridical civilization.

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